

SENATE BILL No. 20

January 18, 2017, Introduced by Senators ROBERTSON, O'BRIEN, PROOS, JONES, COLBECK, KNOLLENBERG, HORN, BOOHER, SCHUITMAKER, BRANDENBURG, HANSEN, KOWALL, GREGORY, JOHNSON and WARREN and referred to the Committee on Michigan Competitiveness.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33 and 34d (MCL 791.233 and 791.234d), section 33 as amended by 1998 PA 320 and section 34d as added by 2014 PA 359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) The grant of a parole is subject to all of the
2 following **CONDITIONS:**

3 (a) A prisoner ~~shall~~**MUST** not be given liberty on parole until
4 the board has reasonable assurance, after consideration of all of
5 the facts and circumstances, including the prisoner's mental and
6 social attitude, that the prisoner will not become a menace to
7 society or to the public safety.

1 (b) Except as provided in section 34a, a parole ~~shall~~**MUST** not
2 be granted to a prisoner other than a prisoner subject to
3 disciplinary time until the prisoner has served the minimum term
4 imposed by the court less allowances for good time or special good
5 time to which the prisoner may be entitled by statute, except that
6 a prisoner other than a prisoner subject to disciplinary time is
7 eligible for parole before the expiration of his or her minimum
8 term of imprisonment whenever the sentencing judge, or the judge's
9 successor in office, gives written approval of the parole of the
10 prisoner before the expiration of the minimum term of imprisonment.

11 (c) Except as provided in section 34a, and notwithstanding the
12 provisions of subdivision (b), a parole ~~shall~~**MUST** not be granted
13 to a prisoner other than a prisoner subject to disciplinary time
14 sentenced for the commission of a crime described in section 33b(a)
15 to (cc) until the prisoner has served the minimum term imposed by
16 the court less an allowance for disciplinary credits as provided in
17 section 33(5) of 1893 PA 118, MCL 800.33. A prisoner described in
18 this subdivision is not eligible for special parole.

19 (d) Except as provided in section 34a, a parole ~~shall~~**MUST** not
20 be granted to a prisoner subject to disciplinary time until the
21 prisoner has served the minimum term imposed by the court.

22 (e) A prisoner ~~shall~~**MUST** not be released on parole until the
23 parole board has satisfactory evidence that arrangements have been
24 made for such honorable and useful employment as the prisoner is
25 capable of performing, for the prisoner's education, or for the
26 prisoner's care if the prisoner is mentally or physically ill or
27 incapacitated.

1 (f) A prisoner whose minimum term of imprisonment is 2 years
2 or more ~~shall~~ **MUST** not be released on parole unless he or she has
3 either earned a high school diploma or ~~earned its equivalent in the~~
4 ~~form of a general education development (GED)~~ **A HIGH SCHOOL**
5 **EQUIVALENCY** certificate. The director of the department may waive
6 the restriction imposed by this subdivision as to any prisoner who
7 is over the age of 65 or who was gainfully employed immediately
8 before committing the crime for which he or she was incarcerated.
9 The department ~~of corrections~~ may also waive the restriction
10 imposed by this subdivision as to any prisoner who has a learning
11 disability, who does not have the necessary proficiency in English,
12 or who for some other reason that is not the fault of the prisoner
13 is unable to successfully complete the requirements for a high
14 school diploma or a ~~general education development~~ **HIGH SCHOOL**
15 **EQUIVALENCY** certificate. If the prisoner does not have the
16 necessary proficiency in English, the department ~~of corrections~~
17 shall provide English language training for that prisoner necessary
18 for the prisoner to begin working toward the completion of the
19 requirements for a ~~general education development~~ **HIGH SCHOOL**
20 **EQUIVALENCY** certificate. This subdivision applies to prisoners
21 sentenced for crimes committed after December 15, 1998. In
22 providing an educational program leading to a high school ~~degree~~
23 **DIPLOMA** or ~~general education development~~ **A HIGH SCHOOL EQUIVALENCY**
24 certificate, the department shall give priority to prisoners
25 sentenced for crimes committed on or before December 15, 1998.
26 (2) Paroles-in-custody to answer warrants filed by local or
27 out-of-state agencies, or immigration officials, are permissible if

1 an accredited agent of the agency filing the warrant calls for the
2 prisoner to be paroled in custody.

3 ~~(3) Pursuant to the administrative procedures act of 1969,~~
4 ~~1969 PA 306, MCL 24.201 to 24.328, the~~ **THE** parole board may
5 promulgate rules **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,**
6 **1969 PA 306, MCL 24.201 TO 24.328, THAT ARE** not inconsistent with
7 this act with respect to conditions ~~to be~~ imposed upon prisoners
8 paroled under this act.

9 Sec. 34d. (1) When a prisoner is released, the department
10 shall issue to that prisoner documents regarding all of the
11 following:

12 (a) The prisoner's criminal convictions.

13 (b) The prisoner's institutional history including all of the
14 following:

15 (i) Any record of institutional misconduct.

16 (ii) Whether the prisoner successfully completed programming
17 provided by the department or a person or entity under contract
18 with the department.

19 (iii) Whether the prisoner obtained a ~~general education~~
20 ~~development certificate (GED)~~ **HIGH SCHOOL EQUIVALENCY CERTIFICATE**
21 or other educational degree.

22 (iv) The prisoner's institutional work record.

23 (c) Other information considered relevant by the department.

24 (2) In addition to the documents provided under subsection
25 (1), the department shall issue a certificate of employability
26 described in subsection (8) to a prisoner if all of the following
27 apply:

1 (a) The prisoner successfully completed a career and technical
2 education course.

3 (b) The prisoner received no major misconducts during the 2
4 years immediately preceding his or her release.

5 (c) The prisoner received no more than 3 minor misconducts
6 during the 2 years immediately preceding his or her release.

7 (d) The prisoner received a silver level or better on his or
8 her national work readiness certificate, or a similar score, as
9 determined by the department, on an alternative job skills
10 assessment test administered by the department.

11 (3) A certificate of employability ~~shall~~**MUST** only be issued
12 within 30 days before the prisoner is released from a correctional
13 facility under section 35 and is valid for 4 years after the date
14 it is issued unless otherwise revoked by the department. The
15 department shall revoke the certificate of employability if the
16 prisoner commits any criminal offense during the 30-day period
17 before release and may revoke the certificate of employability if
18 the prisoner has any institutional misconduct during that period.
19 The department shall revoke the certificate of employability of any
20 individual who commits a felony after receiving a certificate of
21 employability under this section and who is then placed under the
22 jurisdiction of the department for committing that felony.

23 (4) The department shall provide an individual with an
24 opportunity to file a grievance related to the revocation of a
25 certificate of employability under subsection (3) through the
26 department's prisoner grievance system. The revocation of a
27 certificate of employability is effective when the individual is

1 notified of the revocation.

2 (5) An individual shall not intentionally state or otherwise
3 represent that he or she has a valid certificate of employability
4 issued by the department knowing that the statement or
5 representation is false. An individual who violates this subsection
6 is guilty of a misdemeanor punishable by imprisonment for not more
7 than 93 days or a fine of not more than \$500.00, or both.

8 (6) The revocation of a certificate of employability is for
9 purposes of subsection (5) only and does not affect the right of an
10 employer to rely on the validity of the certificate of
11 employability unless the employer knew before the individual was
12 employed that the certificate of employability was fraudulent.

13 (7) Upon request, the department shall confirm whether a
14 certificate of employability has been issued to a named individual
15 and whether the certificate is valid at the time of the inquiry and
16 at the **TIME OF THE** department's response to that inquiry.

17 (8) A certificate of employability under this section ~~shall~~
18 **MUST** be on a form provided by the department.

19 (9) The department is not civilly liable for damages based
20 upon its decision to issue or to deny issuance of a certificate of
21 employability to any prisoner or for revoking or failing to revoke
22 a certificate of employability issued to any prisoner.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.