

Act No. 14
Public Acts of 2017
Approved by the Governor
March 30, 2017
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March 31, 2017
EFFECTIVE DATE: June 29, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Senators Robertson, O'Brien, Proos, Jones, Colbeck, Knollenberg, Horn, Booher, Schuitmaker, Brandenburg, Hansen, Kowall, Gregory, Johnson and Warren

ENROLLED SENATE BILL No. 20

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," 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:

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

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

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

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

(d) Except as provided in section 34a, a parole must not be granted to a prisoner subject to disciplinary time until the prisoner has served the minimum term imposed by the court.

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

(f) A prisoner whose minimum term of imprisonment is 2 years or more must not be released on parole unless he or she has either earned a high school diploma or a high school equivalency certificate. The director of the department may waive the restriction imposed by this subdivision as to any prisoner who is over the age of 65 or who was gainfully employed immediately before committing the crime for which he or she was incarcerated. The department may also waive the restriction imposed by this subdivision as to any prisoner who has a learning disability, who does not have the necessary proficiency in English, or who for some other reason that is not the fault of the prisoner is unable to successfully complete the requirements for a high school diploma or a high school equivalency certificate. If the prisoner does not have the necessary proficiency in English, the department shall provide English language training for that prisoner necessary for the prisoner to begin working toward the completion of the requirements for a high school equivalency certificate. This subdivision applies to prisoners sentenced for crimes committed after December 15, 1998. In providing an educational program leading to a high school diploma or a high school equivalency certificate, the department shall give priority to prisoners sentenced for crimes committed on or before December 15, 1998.

(2) Paroles-in-custody to answer warrants filed by local or out-of-state agencies, or immigration officials, are permissible if an accredited agent of the agency filing the warrant calls for the prisoner to be paroled in custody.

(3) The parole board may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that are not inconsistent with this act with respect to conditions imposed upon prisoners paroled under this act.

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

(a) The prisoner's criminal convictions.

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

(i) Any record of institutional misconduct.

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

(iii) Whether the prisoner obtained a high school equivalency certificate or other educational degree.

(iv) The prisoner's institutional work record.

(c) Other information considered relevant by the department.

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

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

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

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

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

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

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

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

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

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

(8) A certificate of employability under this section must be on a form provided by the department.

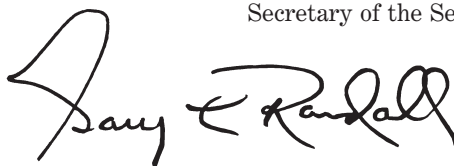
(9) The department is not civilly liable for damages based upon its decision to issue or to deny issuance of a certificate of employability to any prisoner or for revoking or failing to revoke a certificate of employability issued to any prisoner.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor