

Act No. 191
Public Acts of 2017
Approved by the Governor
December 7, 2017
Filed with the Secretary of State
December 7, 2017
EFFECTIVE DATE: March 7, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Rep. Pagel

ENROLLED HOUSE BILL No. 4065

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 section 5a (MCL 791.205a), as added by 1996 PA 140.

The People of the State of Michigan enact:

Sec. 5a. (1) Except as otherwise provided in this section, an individual who has been convicted of a felony, or who is subject to any pending felony charges, shall not be employed by or appointed to a position in the department.

(2) If records available to the department show that an applicant for employment or appointment has been convicted of a felony or is subject to pending felony charges, the department shall inform the applicant of that fact and of his or her resulting ineligibility for employment or appointment. At the request of the applicant, the department shall permit the applicant to review the relevant portion of the records. If the applicant disputes the accuracy of the records, the department shall allow the applicant a reasonable period of time to contact the responsible agency or agencies in order to correct the alleged inaccuracies, and shall allow the applicant to reapply for employment or appointment if the records, as corrected, would remove the ineligibility imposed by this section.

(3) The department shall establish a policy allowing for the employment or appointment of an individual who has been convicted of a felony to a position within the department if the individual's employment or appointment will not negatively impact public safety or the operation of the department.

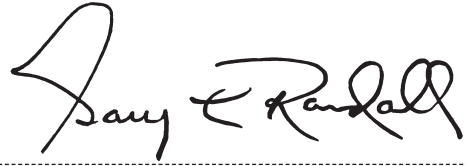
(4) The policy developed under subsection (3) shall require an extensive background investigation of the applicant and the written approval of the director before the department may employ or appoint an applicant to a position in the department under subsection (3).

(5) An individual who is employed by or appointed to a position in the department under subsection (3) shall not be dismissed from his or her employment by or appointment in the department solely due to a felony conviction that he or she disclosed to the department prior to his or her employment by or appointment to a position in the department.

(6) Subsection (1) does not apply to an individual employed by or appointed to a position in the department before March 25, 1996.

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.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor