

Act No. 16
Public Acts of 2019
Approved by the Governor
May 22, 2019
Filed with the Secretary of State
May 23, 2019
EFFECTIVE DATE: August 21, 2019

**STATE OF MICHIGAN 100TH
LEGISLATURE REGULAR
SESSION OF 2019**

Introduced by Reps. Bolden, Tyrone Carter and Filler

ENROLLED HOUSE BILL No. 4132

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 33b and 65 (MCL 791.233b and 791.265), section 33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA 599.

The People of the State of Michigan enact:

Sec. 33b. Except for a prisoner granted parole under section 35(10), a person convicted and sentenced for the commission of any of the following crimes other than a prisoner subject to disciplinary time is not eligible for parole until the person 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, and is not eligible for special parole:

- (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL 750.13.
- (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL 750.14.
- (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, and 750.75.
- (d) Section 82, 83, 84, 86, 87, 88, 89, or 90 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, and 750.90, or former section 80 of that act.
- (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328, MCL 750.91 and 750.92.
- (f) Section 110, 112, or 116 of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.112, and 750.116.
- (g) Section 135 or 136b(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.135 and 750.136b, or former section 136a of that act.
- (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158.

- (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL 750.160.
- (j) Former section 171 of the Michigan penal code, 1931 PA 328.
- (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL 750.196, or former section 194 of that act.
- (l) Section 204, 207, 209, or 213 of the Michigan penal code, 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former section 205, 206 or 208 of that act.
- (m) Section 224, 226, or 227 of the Michigan penal code, 1931 PA 328, MCL 750.224, 750.226, and 750.227.
- (n) Section 316, 317, 321, 322, 323, 327, 328, or 329 of the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.321, 750.322, 750.323, 750.327, 750.328, and 750.329, or former section 319 of that act.
- (o) Former section 333 of the Michigan penal code, 1931 PA 328.
- (p) Section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section 341 of that act.
- (q) Section 349, 349a, or 350 of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.349a, and 750.350.
- (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL 750.357.
- (s) Section 386 or 392 of the Michigan penal code, 1931 PA 328, MCL 750.386 and 750.392.
- (t) Section 397 or 397a of the Michigan penal code, 1931 PA 328, MCL 750.397 and 750.397a.
- (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL 750.436.
- (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL 750.511, or former section 517 of that act.
- (w) Section 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520g.
- (x) Section 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.
- (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL 750.544, or former section 545a of that act.
- (z) Former section 2 of 1950 (Ex Sess) PA 38.
- (aa) Former section 6 of 1952 PA 117.
- (bb) Section 1, 2, or 3 of 1968 PA 302, MCL 752.541, 752.542, and 752.543.
- (cc) Section 7401(2)(a) or (b) or 7402(2)(a) or (b) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7402.

Sec. 65. (1) Under rules promulgated by the director of the department, the assistant director in charge of the bureau of correctional facilities, except as otherwise provided in this section, may cause the transfer or re-transfer of a prisoner from a correctional facility to which he or she was committed to any other correctional facility, or temporarily to a state institution for medical or surgical treatment. In effecting a transfer, the assistant director of the bureau of correctional facilities may utilize the services of an executive or employee within the department and of a law enforcement officer of the state.

(2) A prisoner who is subject to disciplinary time and is committed to the jurisdiction of the department must be confined in a secure correctional facility for the duration of his or her minimum sentence, except for periods when the prisoner is away from the secure correctional facility while being supervised by an employee of the department or by an employee of a private contractor that operates a facility or institution that houses prisoners under the jurisdiction of the department for 1 of the following purposes:

- (a) Visiting a critically ill relative.
- (b) Attending the funeral of a relative.
- (c) Obtaining medical services not otherwise available at the secure correctional facility.
- (d) Participating in a work detail.

(3) As used in this section, "offender" means a citizen of the United States or a foreign country who has been convicted of a crime and been given a sentence in a country other than the country of which he or she is a citizen. If a treaty is in effect between the United States and a foreign country, which provides for the transfer of offenders from the jurisdiction of 1 of the countries to the jurisdiction of the country of which the offender is a citizen, and if the offender requests the transfer, the governor of this state or a person designated by the governor may give the approval of this state to a transfer of an offender, if the conditions of the treaty are satisfied.

(4) Not less than 45 days before approval of a transfer under subsection (3) from this state to another country, the governor, or the governor's designee, shall notify the sentencing judge and the prosecuting attorney of the county having original jurisdiction, or their successors in office, of the request for transfer. The notification must indicate any name changes of the offender subsequent to sentencing. Within 20 days after receiving notification under this subsection, the judge or prosecutor may send to the governor, or the governor's designee, information about the criminal action against the offender or objections to the transfer. Objections to the transfer must not preclude approval of the transfer.

(5) As used in this section, "secure correctional facility" means a facility that houses prisoners under the jurisdiction of the department according to the following requirements:

(a) The facility is enclosed by a locked fence or wall that is designed to prevent prisoners from leaving the enclosed premises and that is patrolled by correctional officers.

(b) Prisoners in the facility are restricted to the area inside the fence or wall.

(c) Prisoners are under guard by correctional officers 7 days per week, 24 hours per day.

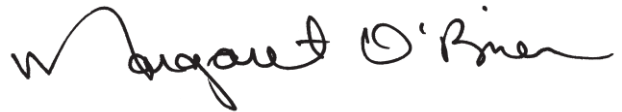
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4129 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 4129, referred to in enacting section 2, was filed with the Secretary of State May 23, 2019, and became 2019 PA 13, Eff. Aug. 21, 2019.