

# HOUSE BILL NO. 6457

October 11, 2022, Introduced by Reps. LaFave, Meerman, Berman, Carra and Marino and referred to the Committee on Judiciary.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

by amending section 34 (MCL 800.34), as amended by 1998 PA 316.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 34. (1) A prisoner subject to disciplinary time ~~shall~~  
2 **must** receive disciplinary time for each major misconduct for which  
3 ~~he or she~~ **the prisoner** is found guilty as prescribed by rule  
4 ~~pursuant to~~ **under** section 35.

1           (2) ~~Accumulated~~ **The accumulated** disciplinary time ~~shall~~ **must**  
 2 be submitted to the parole board for the parole board's  
 3 consideration at the prisoner's parole review or interview. A  
 4 prisoner's minimum sentence, plus disciplinary time, ~~shall~~ **must** not  
 5 exceed ~~his or her~~ **the prisoner's** maximum sentence.

6           (3) A prisoner who has been sentenced concurrently for  
 7 separate convictions ~~shall~~ **must** have ~~his or her~~ **the prisoner's**  
 8 disciplinary time considered by the parole board on each sentence  
 9 individually. If a prisoner is serving consecutive sentences for  
 10 separate convictions, ~~his or her~~ **the prisoner's** disciplinary time  
 11 ~~shall~~ **must** be considered by the parole board on each sentence  
 12 individually.

13           (4) A prisoner subject to disciplinary time may have any or  
 14 all of ~~his or her~~ **the prisoner's** accumulated disciplinary time  
 15 reduced by the department if ~~he or she~~ **the prisoner** has  
 16 demonstrated exemplary good conduct during the term of  
 17 imprisonment. ~~Disciplinary~~ **The disciplinary** time deducted pursuant  
 18 ~~to~~ **under** this section may be restored if the prisoner is found  
 19 guilty of a major misconduct.

20           (5) As used in this act, "prisoner subject to disciplinary  
 21 time" includes both of the following:

22           (a) A prisoner sentenced to an indeterminate term of  
 23 imprisonment for any of the following crimes committed on or after  
 24 December 15, 1998:

25           (i) A violation of section 625(4) or (5) of the Michigan  
 26 vehicle code, 1949 PA 300, MCL 257.625.

27           (ii) A violation of section 80176(4) or (5) of part 801 ~~(marine~~  
 28 ~~safety)~~ of the natural resources and environmental protection act,  
 29 1994 PA 451, MCL 324.80176.

(iii) A violation of section 72, 73, ~~80, 82~~, 83, 84, 86, 87, 88, 89, 90, 110a(2), 112, ~~136b(2)~~, **136b(1)**, 145c, 204, 204a, ~~205, 205a, 206, 207, 208, 210, 211, 211a~~, 213, 316, 317, ~~319, 321~~, 322, 327, 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, ~~750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b, 750.145c, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207, 750.208, 750.210, 750.211, 750.211a, 750.213, 750.316, 750.317, 750.319, 750.321, 750.322, 750.327, 750.328, 750.329, 750.349, 750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and 750.531, and former sections 80, 205, 205a, 206, 208, 211, and 319 of that act.~~

(iv) A violation of **former** section 1 of 1931 PA 214. ~~7-MCL 752.191.~~

(v) A violation of section 1, 2, or 2a of 1968 PA 302, MCL 752.541, 752.542, and 752.542a.

(vi) Any offense not listed in subparagraphs (i) to (v) that is punishable by life imprisonment.

(vii) An attempt, conspiracy, or solicitation to commit an offense described in subparagraphs (i) to (vi).

(b) A prisoner sentenced to an indeterminate term of imprisonment for any crime not listed in subdivision (a), if that crime was committed on or after December 15, 2000.

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 Senate Bill No. \_\_\_\_\_ or House Bill No. 6454 (request no.

**1** 06453'22 \*) of the 101st Legislature is enacted into law.