



# SENATE BILL No. 798

December 6, 1995, Introduced by Senators ROGERS and VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend section 6 of Act No. 232 of the Public Acts of 1953, entitled as amended

"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 prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; 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,"

as amended by Act No. 271 of the Public Acts of 1986, being section 791.206 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 232 of the Public Acts of  
2 1953, as amended by Act No. 271 of the Public Acts of 1986, being  
3 section 791.206 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 6. (1) The director may promulgate rules pursuant to  
6 ~~the~~ the administrative procedures act of 1969, Act No. 306 of the  
7 Public Acts of 1969, ~~as amended,~~ being sections 24.201 to  
8 24.328 of the Michigan Compiled Laws, ~~which~~ THAT may provide  
9 FOR ALL OF THE FOLLOWING:

10 (a) ~~For the~~ THE control, management, and operation of the  
11 general affairs of the department.

12 (b) ~~For supervision~~ SUPERVISION and control of probation-  
13 ers and probation officers throughout ~~the~~ THIS state.

14 (c) ~~For the~~ THE manner in which applications for pardon,  
15 reprieve, medical commutation, or commutation shall be made to  
16 the governor; ~~for~~ the procedures for handling applications and  
17 recommendations by the parole board; ~~for~~ the manner in which  
18 paroles shall be considered, the criteria to be used to reach  
19 release decisions, the procedures for medical and special  
20 paroles, and the duties of the parole board in those matters;  
21 ~~for~~ interviews on paroles and for the notice of intent to con-  
22 duct an interview; ~~for~~ the entering of appropriate orders  
23 granting or denying paroles; ~~for~~ the supervision and control of  
24 paroled prisoners; and ~~for~~ the revocation of parole.

25 (d) ~~For the~~ THE management and control of state penal  
26 institutions, correctional farms, probation recovery camps, and

1 programs for the care and supervision of youthful trainees  
2 separate and apart from persons convicted of crimes within the  
3 jurisdiction of the department. Except as provided for in  
4 section 62(3), this subdivision shall not apply to detention  
5 facilities operated by local units of government used to detain  
6 persons less than 72 hours. The rules may permit the use of por-  
7 tions of penal institutions in which persons convicted of crimes  
8 are detained. The rules shall provide that decisions as to the  
9 removal of a youth from the youthful trainee facility or the  
10 release of a youth from the supervision of the department shall  
11 be made by the department and shall assign responsibility for  
12 those decisions to a committee.

13 (e) ~~For the~~ THE management and control of prison labor and  
14 industry.

15 (2) The director may promulgate rules providing for a parole  
16 board structure consisting of 3-member panels.

17 (3) The director may promulgate further rules with respect  
18 to the affairs of the department as the director considers neces-  
19 sary or expedient for the proper administration of this act. The  
20 director may modify, amend, supplement, or rescind a rule.

21 (4) The director ~~and the corrections commission~~ shall not  
22 promulgate a rule or adopt a guideline ~~which~~ THAT prohibits a  
23 probation officer ~~—~~ or parole officer from carrying a firearm  
24 while on duty.

25 (5) THE DEPARTMENT SHALL NOT PERMIT A PRISONER TO CHANGE HIS  
26 OR HER NAME. THE DEPARTMENT SHALL RECOGNIZE A PRISONER BY THE

1 NAME USED BY THAT PRISONER AT THE TIME HE OR SHE CAME UNDER THE  
2 JURISDICTION OF THE DEPARTMENT.