

# HOUSE BILL No. 5532

May 6, 2014, Introduced by Rep. Graves and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending section 36 (MCL 791.236), as amended by 2012 PA 623.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 36. (1) All paroles shall be ordered by the parole board  
2 and shall be signed by the chairperson. Written notice of the order  
3 shall be sent by first-class mail or by electronic means to the  
4 prosecuting attorney and the sheriff or other police officer of the  
5 municipality or county in which the prisoner was convicted and to  
6 the prosecuting attorney and the sheriff or other local police  
7 officer of the municipality or county to which the paroled prisoner  
8 is sent or is to be sent. The notice shall be provided within 10  
9 days after the parole board issues its order to parole the  
10 prisoner.

1           (2) A parole order may be rescinded at the discretion of the  
2 parole board for cause before the prisoner is released on parole. A  
3 parole shall not be revoked unless an interview with the prisoner  
4 is conducted by 1 member of the parole board. The purpose of the  
5 interview is to consider and act upon information received by the  
6 board after the original parole release decision. A revocation  
7 interview shall be conducted within 45 days after receiving the new  
8 information. At least 10 days before the interview, the parolee  
9 shall receive a copy or summary of the new evidence that is the  
10 basis for the interview.

11           (3) A parole order may be amended at the discretion of the  
12 parole board for cause. An amendment to a parole order shall be in  
13 writing and is not effective until notice of the amendment is given  
14 to the parolee.

15           (4) When a parole order is issued, the order shall contain the  
16 conditions of the parole and shall specifically provide proper  
17 means of supervision of the paroled prisoner in accordance with the  
18 rules of the bureau of field services.

19           (5) The parole order shall contain a condition to pay  
20 restitution to the victim of the prisoner's crime or the victim's  
21 estate if the prisoner was ordered to make restitution under the  
22 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL  
23 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175,  
24 MCL 760.1 to 777.69.

25           (6) The parole order shall contain a condition requiring the  
26 parolee to pay a parole supervision fee as prescribed in section  
27 36a.

1           (7) The parole order shall contain a condition requiring the  
2 parolee to pay any assessment the prisoner was ordered to pay under  
3 section 5 of 1989 PA 196, MCL 780.905.

4           (8) The parole order shall contain a condition requiring the  
5 parolee to pay the minimum state cost prescribed by section 1j of  
6 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
7 769.1j, if the minimum state cost has not been paid.

8           (9) If the parolee is required to be registered under the sex  
9 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the  
10 parole order shall contain a condition requiring the parolee to  
11 comply with that act.

12           (10) If a prisoner convicted of violating or conspiring to  
13 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the  
14 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is  
15 released on parole, the parole order shall contain a notice that if  
16 the parolee violates or conspires to violate article 7 of the  
17 public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that  
18 violation or conspiracy to violate is punishable by imprisonment  
19 for 4 or more years, or commits a violent felony during his or her  
20 release on parole, parole shall be revoked.

21           (11) A parole order issued for a prisoner subject to  
22 disciplinary time may contain a condition requiring the parolee to  
23 be housed in a community corrections center or a community  
24 residential home for not less than the first 30 days but not more  
25 than the first 180 days of his or her term of parole. As used in  
26 this subsection, "community corrections center" and "community  
27 residential home" mean those terms as defined in section 65a.

1           (12) The parole order shall contain a condition requiring the  
2 parolee to pay the following amounts owed by the prisoner, if  
3 applicable:

4           (a) The balance of filing fees and costs ordered to be paid  
5 under section 2963 of the revised judicature act of 1961, 1961 PA  
6 236, MCL 600.2963.

7           (b) The balance of any filing fee ordered to be paid by a  
8 federal court under 28 USC 1915 and any unpaid order of costs  
9 assessed against the prisoner.

10           (13) In each case in which payment of restitution is ordered  
11 as a condition of parole, a parole officer assigned to a case shall  
12 review the case not less than twice yearly to ensure that  
13 restitution is being paid as ordered. The final review shall be  
14 conducted not less than 60 days before the expiration of the parole  
15 period. If the parole officer determines that restitution is not  
16 being paid as ordered, the parole officer shall file a written  
17 report of the violation with the parole board on a form prescribed  
18 by the parole board. The report shall include a statement of the  
19 amount of arrearage and any reasons for the arrearage known by the  
20 parole officer. The parole board shall immediately provide a copy  
21 of the report to the court, the prosecuting attorney, and the  
22 victim.

23           (14) If a parolee is required to register under the sex  
24 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the  
25 parole officer shall register the parolee as provided in that act.

26           (15) Beginning August 28, 2006, if a parolee convicted of  
27 violating or conspiring to violate section 520b or 520c of the

1 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other  
2 than a parolee who is subject to lifetime electronic monitoring  
3 under section 85, is placed on parole, the parole board may require  
4 that the parolee be subject to electronic monitoring. The  
5 electronic monitoring required under this subsection shall be  
6 conducted in the same manner, and shall be subject to the same  
7 requirements, as is described in section 85 of this act and section  
8 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,  
9 except as follows:

10 (a) The electronic monitoring shall continue only for the  
11 duration of the term of parole.

12 (b) A violation by the parolee of any requirement prescribed  
13 in section 520n(2) (a) to (c) is a violation of a condition of  
14 parole, not a felony violation.

15 (16) If the parole order contains a condition intended to  
16 protect 1 or more named persons, the department shall enter those  
17 provisions of the parole order into the corrections management  
18 information system, accessible by the law enforcement information  
19 network. If the parole board rescinds a parole order described in  
20 this subsection, the department within 3 business days shall remove  
21 from the corrections management information system the provisions  
22 of that parole order.

23 (17) Each prisoner who is required to be registered under the  
24 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,  
25 before being released on parole or being released upon completion  
26 of his or her maximum sentence, shall provide to the department  
27 notice of the location of his or her proposed place of residence or

1 domicile. The department then shall forward that notice of location  
2 to the appropriate law enforcement agency as required under section  
3 5(3) of the sex offenders registration act, 1994 PA 295, MCL  
4 28.725. A prisoner who refuses to provide notice of the location of  
5 his or her proposed place of residence or domicile or knowingly  
6 provides an incorrect notice of the location of his or her proposed  
7 place of residence or domicile under this subsection is guilty of a  
8 felony punishable by imprisonment for not more than 4 years or a  
9 fine of not more than \$2,000.00, or both.

10 (18) If a prisoner is serving a sentence for violating section  
11 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i  
12 (aggravated stalking), and if a victim of that crime has registered  
13 to receive notices about that prisoner under the William Van  
14 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to  
15 780.834, the parole order for that prisoner shall require that the  
16 prisoner's location be monitored by a global positioning monitoring  
17 system during the entire period of the prisoner's parole. If, at  
18 the time a prisoner described in this subsection is paroled, no  
19 victim of the crime has registered to receive notices about that  
20 prisoner under the William Van Regenmorter crime victim's rights  
21 act, 1985 PA 87, MCL 780.751 to 780.834, but a victim of the crime  
22 subsequently registers to receive those notices, the prisoner's  
23 order of parole shall immediately be modified to require that the  
24 prisoner's location be monitored by a global positioning system  
25 during the balance of the period of that prisoner's parole. As used  
26 in this subsection, "global positioning monitoring system" means a  
27 system that electronically determines and reports the location of

1 an individual by means of an ankle bracelet transmitter or similar  
2 device worn by the individual, which transmits latitude and  
3 longitude data to monitoring authorities through global positioning  
4 satellite technology but does not include any radio frequency  
5 identification technology, global positioning technology, or  
6 similar technology that would be implanted in the parolee or would  
7 otherwise violate the corporeal body of the parolee.

8 (19) The parole order shall require the parolee to provide  
9 written consent to submit to a search of his or her person or  
10 property upon demand by a peace officer or parole officer. The  
11 written consent shall include the prisoner's name and date of  
12 birth, his or her physical description, the date for release on  
13 parole, and the ending date for that parole. The prisoner shall  
14 sign the written consent before being released on parole. The  
15 department shall promptly enter this condition of parole into the  
16 department's corrections management information system or offender  
17 management network information system or into a corresponding  
18 records management system that is accessible through the law  
19 enforcement information network. Consent to a search as provided  
20 under this subsection does not authorize a search that is conducted  
21 with the sole intent to intimidate or harass.

22 (20) **THE PAROLE ORDER ISSUED FOR A PRISONER WHO IS A VETERAN**  
23 **OF THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, OR COAST**  
24 **GUARD, INCLUDING THEIR RESERVE COMPONENTS, OR THE NATIONAL GUARD OR**  
25 **AIR NATIONAL GUARD OF THIS STATE OR OF ANOTHER STATE SHALL CONTAIN**  
26 **A CONDITION REQUIRING THE PRISONER TO MEET WITH A MEMBER OF A**  
27 **VETERAN SERVICE ORGANIZATION OR A COUNTY VETERAN COUNSELOR**

1 REGARDING AVAILABLE VETERANS BENEFIT PROGRAMS FOR WHICH THE  
2 PRISONER MAY QUALIFY.

3 (21) ~~(20)~~—As used in this section, "violent felony" means an  
4 offense against a person in violation of section 82, 83, 84, 86,  
5 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,  
6 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA  
7 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,  
8 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,  
9 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,  
10 750.529a, and 750.530.