



# SENATE BILL No. 909

October 20, 1993, Introduced by Senator FAUST and referred  
to the Committee on Judiciary

A bill to amend section 34 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 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 hereby transferred 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 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 181 of the Public Acts of 1992, being  
section 791 234 of the Michigan Compiled Laws and to repeal  
certain parts of the act

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1       Section 1     Section 34 of Act No 232 of the Public Acts of  
2 1953, as amended by Act No 181 of the Public Acts of 1992, being  
3 section 791 234 of the Michigan Compiled Laws, is amended to read  
4 as follows

5       Sec 34     (1) Except as provided in section 34a, a prisoner  
6 sentenced to an indeterminate sentence and confined in a state  
7 correctional facility with a minimum in terms of years ~~shall be~~  
8 IS subject to the jurisdiction of the parole board when the pris-  
9 oner has served a period of time equal to the minimum sentence  
10 imposed by the court for the crime of which he or she was con-  
11 victed, less good time and disciplinary credits, if applicable

12       (2) If a prisoner is sentenced for consecutive terms  
13 whether received at the same time or at any time during the life  
14 of the original sentence, the parole board ~~shall have~~ HAS  
15 jurisdiction over the prisoner for purposes of parole when the  
16 prisoner has served the total time of the added minimum terms,  
17 less the good time and disciplinary ~~credit~~ CREDITS allowed by  
18 statute     The maximum terms of the sentences shall be added to  
19 compute the new maximum term under this subsection and discharge  
20 shall be issued only after the total of the maximum sentences has  
21 been served less good time and disciplinary credits unless the  
22 prisoner is paroled and discharged upon satisfactory completion  
23 of the parole

24       (3) If a prisoner has 1 or more consecutive terms remaining  
25 to serve in addition to the term he or she is serving the parole  
26 board may terminate the sentence the prisoner is presently

1 serving at any time after the minimum term of the sentence has  
2 been served

3 (4) A prisoner ~~under sentence~~ SENTENCED TO IMPRISONMENT  
4 for life or for a term of years, other than a prisoner sentenced  
5 for life for murder in the first degree or sentenced ~~for life or~~  
6 ~~for~~ TO a minimum term of imprisonment for a ~~major~~ SPECIFIED  
7 controlled substance offense, who has served 10 calendar years of  
8 the sentence in the case of a prisoner sentenced for a crime com-  
9 mitted before October 1, 1992, or who has served 15 calendar  
10 years of the sentence in the case of a prisoner sentenced for a  
11 crime committed on or after October 1, 1992, is subject to the  
12 jurisdiction of the parole board and may be released on parole by  
13 the parole board subject to the following conditions

14 (a) ~~One~~ SUBJECT TO SUBSECTION (6), 1 member of the parole  
15 board shall interview the prisoner at the conclusion of 10 calen-  
16 dar years of the sentence and every 5 years thereafter until such  
17 time as the prisoner is paroled, discharged, or deceased The  
18 interview schedule prescribed in this subdivision applies to all  
19 prisoners to whom this subsection is applicable, whether sen-  
20 tenced before, on, or after the effective date of the 1992 amen-  
21 datory act that amended this subdivision

22 (b) A parole shall not be granted a prisoner so sentenced  
23 until after a public hearing held in the manner prescribed for  
24 pardons and commutations in sections ~~44(d) to (f)~~ 44 and 45  
25 Notice of the public hearing shall be given to the sentencing  
26 judge, or the judge's successor in office, and parole shall not  
27 be granted if the sentencing judge or the judge's successor in

1 office files written objections to the granting of the parole  
2 within 30 days of receipt of the notice of hearing The written  
3 objections shall be made part of the prisoner's file

4 (c) A parole granted under this subsection shall be for a  
5 period of not less than 4 years and subject to the usual rules  
6 pertaining to paroles granted by the parole board A parole  
7 ordered under this subsection shall not become valid until the  
8 transcript of the record is filed with the attorney general whose  
9 certification of receipt of the transcript shall be returnable to  
10 the office of the parole board within 5 days Except for medical  
11 records protected under section 2157 of the revised judicature  
12 act of 1961, Act No 236 of the Public Acts of 1961, being sec-  
13 tion 600 2157 of the Michigan Compiled Laws, the file of a pris-  
14 oner granted a parole under this subsection shall be a public  
15 record

16 (d) A parole shall not be granted under this subsection in  
17 the case of a prisoner who is otherwise prohibited by law from  
18 parole consideration In such cases the interview procedures in  
19 section 44 shall be followed

20 (5) Except as provided in section 34a a prisoner's release  
21 on parole shall be discretionary with the parole board The  
22 action of the parole board in granting or denying a parole shall  
23 be appealable by the prisoner, the prosecutor of the county from  
24 which the prisoner was committed, or the victim of the crime for  
25 which the prisoner was convicted The appeal shall be to the  
26 circuit court by leave of the court

1 (6) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SUBSECTION, EACH PRISONER WHO  
3 MEETS THE FOLLOWING CONDITIONS SHALL BE CONSIDERED FOR PAROLE AT  
4 A PUBLIC HEARING HELD IN THE MANNER PRESCRIBED FOR PARDONS AND  
5 COMMUTATIONS IN SECTIONS 44 AND 45

6 (A) THE PRISONER IS SERVING A SENTENCE OF LIFE IMPRISONMENT  
7 FOR A VIOLATION OF SECTION 7401(2)(A)(1) OR 7403(2)(A)(1) OF ACT  
8 NO 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333 7401 AND  
9 333 7403 OF THE MICHIGAN COMPILED LAWS

10 (B) THE PRISONER HAS SERVED AT LEAST 10 YEARS OF THE LIFE  
11 SENTENCE FOR THAT VIOLATION AS OF THE EFFECTIVE DATE OF THE AMEN-  
12 DATORY ACT THAT ADDED THIS SUBSECTION

13 (7) AS USED IN THIS SECTION "SPECIFIED CONTROLLED SUBSTANCE  
14 OFFENSE" MEANS EITHER OF THE FOLLOWING

15 (A) A VIOLATION OF SECTION 7401(2)(A)(11) OF THE PUBLIC  
16 HEALTH CODE, ACT NO 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-  
17 TION 333 7401 OF THE MICHIGAN COMPILED LAWS

18 (B) A VIOLATION OF SECTION 7403(2)(A)(11) OF ACT NO 368 OF  
19 THE PUBLIC ACTS OF 1978, BEING SECTION 333 7403 OF THE MICHIGAN  
20 COMPILED LAWS

21 (C) CONSPIRACY TO COMMIT AN OFFENSE LISTED IN SUBDIVISION  
22 (A) OR (B)

23 Section 2 Section 33b of Act No 232 of the Public Acts of  
24 1953, as added by Act No 81 of the Public Acts of 1978, being  
25 section 791 233b[1] of the Michigan Compiled Laws is repealed