



# HOUSE BILL No. 5396

November 9, 1995, Introduced by Rep. McNutt and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 64 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,"

being section 791.264 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 64 of Act No. 232 of the Public Acts of  
 2 1953, being section 791.264 of the Michigan Compiled Laws, is  
 3 amended to read as follows:

4 Sec. 64. (1) The assistant director in charge of the bureau  
 5 of ~~penal institutions~~ CORRECTIONAL FACILITIES shall ~~have~~  
 6 ~~authority and it shall be his duty to~~ classify the prisoners in  
 7 ~~the several penal institutions.~~ He CORRECTIONAL FACILITIES.  
 8 ~~THE ASSISTANT DIRECTOR shall , subject to the approval of the~~  
 9 ~~director, promulgate regulations under which there shall be orga-~~  
 10 ~~nized in each penal institution,~~ APPOINT a classification com-  
 11 mittee from the staff of ~~such penal institution~~ EACH CORREC-  
 12 TIONAL FACILITY, which committee shall perform ~~such services and~~  
 13 ~~in such~~ SERVICES IN A manner as the assistant director in charge  
 14 of the bureau of ~~penal institutions shall require.~~ It shall be  
 15 ~~the duty of each such~~ CORRECTIONAL FACILITIES REQUIRES.

16 (2) EACH classification committee ~~to~~ SHALL obtain and file  
 17 complete information with regard to each prisoner ~~sentenced~~  
 18 ~~under an indeterminate sentence at the time such~~ WHEN THE pris-  
 19 oner is received in ~~any penal institution.~~ It shall be the duty  
 20 ~~of the~~ A CORRECTIONAL FACILITY. THE clerk of the court and ~~of~~  
 21 all probation officers and other officials ~~to send such informa-~~  
 22 ~~tion as may be~~ SHALL SEND INFORMATION in their possession or  
 23 under their control to each ~~such~~ classification committee when  
 24 ~~and in such~~ REQUESTED TO DO SO, IN THE manner as they ~~may be~~  
 25 ARE directed. When all such existing available records have been  
 26 assembled, each ~~such~~ classification committee shall determine

1 whether any further investigation is necessary, and, if so, ~~it~~  
2 shall make ~~such~~ THAT investigation. ~~All such~~ THE information  
3 shall be filed with the parole board so as to be readily avail-  
4 able when the parole of the prisoner is to be considered.

5 (3) THE LENGTH OF A PRISONER'S SENTENCE SHALL BE COMPUTED BY  
6 THE RECORD OFFICE OF THE CORRECTIONAL FACILITY, FOR USE BY THE  
7 CLASSIFICATION COMMITTEE, BASED UPON THE CERTIFIED COPY OF THE  
8 JUDGMENT OF SENTENCE DELIVERED WITH THE PRISONER. IF THE JUDG-  
9 MENT OF SENTENCE DOES NOT SPECIFY WHETHER THE SENTENCE SHALL RUN  
10 CONSECUTIVELY TO OR CONCURRENTLY WITH ANY OTHER SENTENCE THAT THE  
11 PRISONER IS SERVING, THE SENTENCE SHALL BE COMPUTED AS IF IT IS  
12 TO BE SERVED CONCURRENTLY. IF THE RECORD OFFICE OR THE CLASSIFI-  
13 CATION COMMITTEE BELIEVES THAT THE PRISONER'S SENTENCE IS  
14 REQUIRED TO BE SERVED CONSECUTIVELY TO ANOTHER SENTENCE, BUT THE  
15 JUDGMENT DOES NOT STATE THAT FACT, OR IF THERE APPEARS TO BE ANY  
16 OTHER ERROR ON THE JUDGMENT OF SENTENCE, THE CORRECTIONAL FACIL-  
17 ITY SHALL SEND WRITTEN NOTICE OF THE APPARENT ERROR TO THE COURT  
18 THAT IMPOSED THE SENTENCE AND TO THE PROSECUTING ATTORNEY FOR THE  
19 COUNTY FROM WHICH THE PRISONER WAS COMMITTED, BUT SHALL COMPUTE  
20 THE SENTENCE BASED UPON THE JUDGMENT OF SENTENCE DELIVERED WITH  
21 THE PRISONER UNLESS AN AMENDED JUDGMENT IS RECEIVED FROM THE  
22 COURT.