



SENATE BILL No. 1214

November 12, 1996, Introduced by Senators MC MANUS, VAN REGENMORTER, NORTH, DINGELL, GAST, STEIL, GOUGEON, GEAKE, ROGERS, SCHUETTE, BULLARD, HOFFMAN, BENNETT, KOIVISTO, EMMONS, STILLE and SHUGARS and referred to the Committee on Judiciary.

A bill to amend section 36 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. 287 of the Public Acts of 1994, being section 791.236 of the Michigan Compiled Laws; and to add section 68.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 36 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 287 of the Public Acts of 1994, being
3 section 791.236 of the Michigan Compiled Laws, is amended and
4 section 68 is added to read as follows:

5 Sec. 36. (1) All paroles shall be ordered by the parole
6 board and shall be signed by the chairperson. Written notice of
7 the order shall be given to the sheriff or other police officer
8 of the municipality or county in which the prisoner was con-
9 victed, and to the sheriff or other local police officer of the
10 municipality or county to which the paroled prisoner is sent.

11 (2) An order of parole may be amended or rescinded at the
12 discretion of the parole board for cause. If a paroled prisoner
13 who is required to register pursuant to the sex offenders regis-
14 tration act, ACT NO. 295 OF THE PUBLIC ACTS OF 1994, BEING SEC-
15 TIONS 28.721 TO 28.732 OF THE MICHIGAN COMPILED LAWS, willfully
16 violates that act, the parole board shall rescind the parole. A
17 parole shall not be rescinded unless an interview is conducted by
18 1 member of the parole board. The purpose of the interview is to
19 consider and act upon information received by the board after the
20 original parole release decision. A rescission interview shall
21 be conducted within 45 days after receiving the new information.
22 At least 10 days before the interview, the parolee shall receive
23 a copy or summary of the new evidence that is the basis for the
24 interview. An amendment to a parole order shall be in writing
25 and is not effective until notice of the amendment is given to
26 the parolee.

1 (3) When an order for parole is issued, the order shall
2 contain the conditions of the parole and shall specifically pro-
3 vide proper means of supervision of the paroled prisoner in
4 accordance with the rules of the bureau of field services.

5 (4) The order of parole shall contain a condition to pay
6 restitution to the victim of the prisoner's crime or the victim's
7 estate if the prisoner was ordered to make restitution pursuant
8 to the crime victim's rights act, Act No. 87 of the Public Acts
9 of 1985, being sections 780.751 to 780.834 of the Michigan
10 Compiled Laws, or the code of criminal procedure, Act No. 175 of
11 the Public Acts of 1927, being sections 760.1 to 776.21 of the
12 Michigan Compiled Laws.

13 (5) The order of parole shall contain a condition requiring
14 the parolee to pay a parole supervision fee as prescribed in
15 section 36a.

16 (6) The order of parole shall contain a condition requiring
17 the parolee to pay any assessment the prisoner was ordered to pay
18 pursuant to section 5 of Act No. 196 of the Public Acts of 1989,
19 being section 780.905 of the Michigan Compiled Laws.

20 (7) If the parolee is required to be registered under ~~the~~
21 ~~sex offenders registration act~~ ACT NO. 295 OF THE PUBLIC ACTS OF
22 1994, the order of parole shall contain a condition requiring the
23 parolee to comply with that act.

24 (8) An order of parole issued for a prisoner subject to dis-
25 ciplinary time shall contain a condition requiring the parolee to
26 be housed in a community corrections center or a community
27 residential home for not less than the first 30 days but not more

1 than the first 180 days of his or her term of parole. As used in
2 this subsection, "community corrections center" and "community
3 residential home" mean those terms as defined in section 65a.
4 This subsection applies beginning on the date that sentencing
5 guidelines are enacted into law after the sentencing commission
6 submits ~~its report~~ RECOMMENDED SENTENCING GUIDELINES to the
7 secretary of the senate and the clerk of the house of representa-
8 tives pursuant to ~~sections 31 to 34~~ SECTION 33 of chapter IX of
9 the code of criminal procedure, Act No. 175 of the Public Acts of
10 1927, ~~as added by the amendatory act resulting from Enrolled~~
11 ~~House Bill No. 4782 of the 87th Legislature~~ BEING SECTION 769.33
12 OF THE MICHIGAN COMPILED LAWS.

13 (9) THE ORDER OF PAROLE SHALL CONTAIN A CONDITION REQUIRING
14 THE PAROLEE TO PAY THE FOLLOWING AMOUNTS OWED BY THE PRISONER, IF
15 APPLICABLE:

16 (A) THE BALANCE OF FILING FEES AND COSTS ORDERED TO BE PAID
17 UNDER SECTION 2963 OF THE REVISED JUDICATURE ACT OF 1961, ACT
18 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2963 OF THE
19 MICHIGAN COMPILED LAWS.

20 (B) THE BALANCE OF ANY FILING FEE ORDERED TO BE PAID BY A
21 FEDERAL COURT UNDER SECTION 1915 OF TITLE 28 OF THE UNITED STATES
22 CODE, 28 U.S.C. 1915 AND ANY UNPAID ORDER OF COSTS ASSESSED
23 AGAINST THE PRISONER.

24 (10) ~~(9)~~ In each case in which payment of restitution is
25 ordered as a condition of parole, a parole officer assigned to a
26 case shall review the case not less than twice yearly to ensure
27 that restitution is being paid as ordered. The final review

1 shall be conducted not less than 60 days before the expiration of
2 the parole period. If the parole officer determines that resti-
3 tution is not being paid as ordered, the parole officer shall
4 file a written report of the violation with the parole board on a
5 form prescribed by the parole board. The report shall include a
6 statement of the amount of arrearage and any reasons for the
7 arrearage known by the parole officer. The parole board shall
8 immediately provide a copy of the report to the court, the prose-
9 cuting attorney, and the victim.

10 (11) ~~(10)~~ If a parolee is required to register pursuant to
11 ~~the sex offenders registration act~~ ACT NO. 295 OF THE PUBLIC
12 ACTS OF 1994, the parole officer shall register the parolee as
13 provided in that act.

14 SEC. 68. IF A PRISONER IS ORDERED BY A COURT TO MAKE
15 MONTHLY PAYMENTS FOR THE PURPOSE OF PAYING THE BALANCE OF FILING
16 FEES OR COSTS UNDER SECTION 2963 OF THE REVISED JUDICATURE ACT OF
17 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
18 600.2963 OF THE MICHIGAN COMPILED LAWS, THE DEPARTMENT SHALL
19 REMOVE THOSE AMOUNTS FROM THE INSTITUTIONAL ACCOUNT OF THE PRIS-
20 ONER SUBJECT TO THE ORDER AND, WHEN AN AMOUNT EQUAL TO THE BAL-
21 ANCE OF THE FILING FEES OR COSTS DUE IS REMOVED, REMIT THAT
22 AMOUNT AS DIRECTED IN THE ORDER.

23 Section 2. This amendatory act shall not take effect unless
24 Senate Bill No. 1215

25 of the 88th Legislature is enacted into law.