

H.B. 5663

A bill to amend 1953 PA 232, entitled

"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 allow for the operation of certain facilities by private entities; 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,"

by amending section 36 (MCL 791.236), as amended by 1996 PA 554 [, and by adding section 1a].

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

[SEC. 1A. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
"MICHIGAN CORRECTIONS CODE".]

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

7       (2) An order of parole may be amended or rescinded at the  
8 discretion of the parole board for cause. If a paroled prisoner  
9 who is required to register pursuant to the sex offenders regis-  
10 tration act, ~~Act No. 295 of the Public Acts of 1994, being sec-~~  
11 ~~tions 28.721 to 28.732 of the Michigan Compiled Laws~~ 1994 PA  
12 295, MCL 28.721 TO 28.732, willfully violates that act, the  
13 parole board shall rescind the parole. A parole shall not be  
14 rescinded unless an interview is conducted by 1 member of the  
15 parole board. The purpose of the interview is to consider and  
16 act upon information received by the board after the original  
17 parole release decision. A rescission interview shall be con-  
18 ducted within 45 days after receiving the new information. At  
19 least 10 days before the interview, the parolee shall receive a  
20 copy or summary of the new evidence that is the basis for the  
21 interview. An amendment to a parole order shall be in writing  
22 and is not effective until notice of the amendment is given to  
23 the parolee.

24       (3) When an order for parole is issued, the order shall con-  
25 tain the conditions of the parole and shall specifically provide

1 proper means of supervision of the paroled prisoner in accordance  
2 with the rules of the bureau of field services.

3       (4) The order of parole shall contain a condition to pay  
4 restitution to the victim of the prisoner's crime or the victim's  
5 estate if the prisoner was ordered to make restitution pursuant  
6 to the crime victim's rights act, ~~Act No. 87 of the Public Acts~~  
7 ~~of 1985, being sections 780.751 to 780.834 of the Michigan~~  
8 ~~Compiled Laws~~ 1985 PA 87, MCL 780.751 TO 780.834, or the code of  
9 criminal procedure, ~~Act No. 175 of the Public Acts of 1927,~~  
10 ~~being sections 760.1 to 776.21 of the Michigan Compiled Laws~~  
11 1927 PA 175, MCL 760.1 TO 776.22.

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

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

20       (7) If the parolee is required to be registered under ~~Act~~  
21 ~~No. 295 of the Public Acts of 1994~~ THE SEX OFFENDERS REGISTRA-  
22 TION ACT, 1994 PA 295, MCL 28.721 TO 28.732, the order of parole  
23 shall contain a condition requiring the parolee to comply with  
24 that act.

25       (8) An order of parole issued for a prisoner subject to dis-  
26 ciplinary time shall contain a condition requiring the parolee to  
27 be housed in a community corrections center or a community

1 residential home for not less than the first 30 days but not more  
2 than the first 180 days of his or her term of parole. As used in  
3 this subsection, "community corrections center" and "community  
4 residential home" mean those terms as defined in section 65a.

5 This subsection applies beginning on the date that sentencing  
6 guidelines are enacted into law after the sentencing commission  
7 submits recommended sentencing guidelines to the secretary of the  
8 senate and the clerk of the house of representatives pursuant to  
9 section 33 of chapter IX of the code of criminal procedure, ~~Act~~  
10 ~~No. 175 of the Public Acts of 1927, being section 769.33 of the~~  
11 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 769.33.

12 (9) The order of parole shall contain a condition requiring  
13 the parolee to pay the following amounts owed by the prisoner, if  
14 applicable:

15 (a) The balance of filing fees and costs ordered to be paid  
16 under section 2963 of the revised judicature act of 1961, ~~Act~~  
17 ~~No. 236 of the Public Acts of 1961, being section 600.2963 of the~~  
18 ~~Michigan Compiled Laws~~ 1961 PA 236, MCL 600.2963.

19 (b) The balance of any filing fee ordered to be paid by a  
20 federal court under section 1915 of title 28 of the United States  
21 Code, 28 U.S.C. 1915, and any unpaid order of costs assessed  
22 against the prisoner.

23 (10) In each case in which payment of restitution is ordered  
24 as a condition of parole, a parole officer assigned to a case  
25 shall review the case not less than twice yearly to ensure that  
26 restitution is being paid as ordered. The final review shall be  
27 conducted not less than 60 days before the expiration of the

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

9 (11) If a parolee is required to register pursuant to ~~Act~~  
10 ~~No. 295 of the Public Acts of 1994~~ THE SEX OFFENDERS REGISTRA-  
11 TION ACT, 1994 PA 295, MCL 28.721 TO 28.732, the parole officer  
12 shall register the parolee as provided in that act.

13 (12) IF THE ORDER OF PAROLE CONTAINS A CONDITION INTENDED TO  
14 PROTECT 1 OR MORE NAMED PERSONS, THE DEPARTMENT SHALL ENTER THOSE  
15 PROVISIONS OF THE ORDER OF PAROLE INTO THE CORRECTIONS MANAGEMENT  
16 INFORMATION SYSTEM, ACCESSIBLE BY THE LAW ENFORCEMENT INFORMATION  
17 NETWORK. IF THE PAROLE BOARD REVOKES AN ORDER OF PAROLE  
18 DESCRIBED IN THIS SUBSECTION, THE DEPARTMENT IMMEDIATELY SHALL  
19 REMOVE FROM THE CORRECTIONS MANAGEMENT INFORMATION SYSTEM THE  
20 PROVISIONS OF THAT ORDER OF PAROLE.

21 Enacting section 1. [Section 36 of 1953 PA 232, MCL 791.236, as  
22 amended by this amendatory act,] takes effect September 1, 1998.