

HOUSE BILL 4239

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 64 (MCL 791.264).

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

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

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

**HB4239, As Passed House, March 3, 1999**

H.B. 4239 as amended March 3, 1999

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1           (3) THE LENGTH OF A PRISONER'S SENTENCE SHALL BE COMPUTED BY  
2 THE RECORD OFFICE OF THE CORRECTIONAL FACILITY, FOR USE BY THE  
3 CLASSIFICATION COMMITTEE, BASED UPON THE CERTIFIED COPY OF THE  
4 JUDGMENT OF SENTENCE DELIVERED WITH THE PRISONER. IF THE JUDG-  
5 MENT OF SENTENCE DOES NOT SPECIFY WHETHER THE SENTENCE SHALL RUN  
6 CONSECUTIVELY TO OR CONCURRENTLY WITH ANY OTHER SENTENCE THAT THE  
7 PRISONER IS SERVING, THE SENTENCE SHALL BE COMPUTED AS IF IT IS  
8 TO BE SERVED CONCURRENTLY UNLESS THE CONVICTION IS FOR A VIOLA-  
9 TION OF SECTION 193, 195(2), 197(2), 227B, OR 349A OF THE  
10 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.193, 750.195, 750.197,  
11 750.227B, AND 750.349A, IN WHICH CASE THE SENTENCE SHALL BE COM-  
12 PUTED AS IF IT IS TO BE SERVED CONSECUTIVELY.

13           (4) IF A SENTENCE THAT DID NOT SPECIFY WHETHER IT WAS TO BE  
14 SERVED CONCURRENTLY OR CONSECUTIVELY IS COMPUTED AS IF IT IS TO  
15 BE SERVED CONSECUTIVELY UNDER SUBSECTION (3), THE DEPARTMENT  
16 SHALL NOTIFY THE AFFECTED PRISONER OF THAT FACT NOT LATER THAN 3  
17 DAYS AFTER THE SENTENCE IS COMPUTED.

[Enacting section 1. This amendatory act does not take effect unless House Bill No. 4238 of the 90th Legislature is enacted into law.]