

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 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:

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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.

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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. EXCEPT AS PRO-
5 VIDED IN SUBSECTION (4), IF THE JUDGMENT OF SENTENCE DOES NOT
6 SPECIFY WHETHER THE SENTENCE SHALL RUN CONSECUTIVELY TO OR CON-
7 CURRENTLY WITH ANY OTHER SENTENCE THAT THE PRISONER IS SERVING,
8 THE SENTENCE SHALL BE COMPUTED AS IF IT IS TO BE SERVED
9 CONCURRENTLY.

10 (4) IF THE CONVICTION IS FOR A VIOLATION OF SECTION 193,
11 195(2), 197(2), 227B, OR 349A OF THE MICHIGAN PENAL CODE, 1931 PA
12 328, MCL 750.193, 750.195, 750.197, 750.227B, AND 750.349A, THE
13 SENTENCE SHALL BE COMPUTED AS IF IT IS TO BE SERVED CONSECUTIVE-
14 LY, UNLESS THE JUDGMENT OF SENTENCE SPECIFIES THAT THE SENTENCE
15 SHALL RUN CONCURRENTLY.

16 (5) IF A SENTENCE THAT DID NOT SPECIFY WHETHER IT WAS TO BE
17 SERVED CONCURRENTLY OR CONSECUTIVELY IS COMPUTED UNDER SUBSECTION
18 (3) OR (4), OR IF THE CONVICTION IS FOR A VIOLATION OF SECTION
19 193, 195(2), 197(2), 227B, OR 349A OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.193, 750.195, 750.197, 750.227B, AND
21 750.349A, AND THE JUDGMENT OF SENTENCE SPECIFIES THAT THE SEN-
22 TENCE SHALL RUN CONCURRENTLY, THE DEPARTMENT SHALL NOTIFY THE
23 SENTENCING JUDGE, THE PROSECUTING ATTORNEY, AND THE AFFECTED
24 PRISONER OF THE COMPUTATION NOT LATER THAN 7 DAYS AFTER THE SEN-
25 TENCE IS COMPUTED.

26 (6) IF, AT ANY TIME AFTER RECEIVING THE ORIGINAL JUDGMENT OF
27 SENTENCE, THE DEPARTMENT RECEIVES AN AMENDED JUDGMENT OF SENTENCE

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House Bill No. 4239 as amended May 18, 2000

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1 SPECIFYING THAT THE SENTENCE SHOULD BE COMPUTED IN A DIFFERENT

2 MANNER. THE SENTENCE SHALL BE RECOMPUTED ACCORDINGLY.

Enacting section 1. This amendatory act takes effect October
1, 2000.

3 Enacting section 2. This amendatory act does not take

4 effect unless House Bill No. 4238 of the 90th Legislature is

5 enacted into law.