

SENATE BILL NO. 500

April 14, 1999, Introduced by Senators MC COTTER and
VAN REGENMORTER and referred to the Committee on
Judiciary.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state
prisons, to state houses of correction, and branches of state
prisons and reformatories, and the government and discipline
thereof and to repeal all acts inconsistent therewith,"

by amending section 33 (MCL 800.33), as amended by 1994 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) A record of all major misconduct charges for
2 which a prisoner has been found guilty shall be maintained and
3 given to the parole board as part of the parole eligibility
4 report prepared for each prisoner pursuant to section 35 of ~~Act~~
5 ~~No. 232 of the Public Acts of 1953, being section 791.235 of the~~
6 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.235.

7 (2) Except as otherwise provided in this section, a prisoner
8 who is serving a sentence for a crime committed before April 1,
9 1987, and who has not been found guilty of a major misconduct or

1 had a violation of the laws of this state recorded against him or
2 her shall receive a reduction from his or her sentence as
3 follows:

4 (a) During the first and second years of his or her sen-
5 tence, 5 days for each month.

6 (b) During the third and fourth years, 6 days for each
7 month.

8 (c) During the fifth and sixth years, 7 days for each
9 month.

10 (d) During the seventh, eighth, and ninth years, 9 days for
11 each month.

12 (e) During the tenth, eleventh, twelfth, thirteenth, and
13 fourteenth years, 10 days for each month.

14 (f) During the fifteenth, sixteenth, seventeenth, eigh-
15 teenth, and nineteenth years, 12 days for each month.

16 (g) From and including the twentieth year, up to and includ-
17 ing the period fixed for the expiration of the sentence, 15 days
18 for each month.

19 (3) Except as provided in section 34, all prisoners serving
20 a sentence for a crime that was committed on or after April 1,
21 1987 are eligible to earn disciplinary and special disciplinary
22 credits as provided in subsection (5). Disciplinary credits
23 shall be earned, forfeited, and restored as provided in this
24 section. Accumulated disciplinary credits shall be deducted from
25 a prisoner's minimum and maximum sentence in order to determine
26 his or her parole eligibility date and discharge date.

1 (4) This section shall not be construed to allow good time,
2 disciplinary credits, or special disciplinary credits in cases of
3 commuted sentences unless so stipulated in the executive order
4 commuting the sentence.

5 (5) Except as provided in section 34, all prisoners serving
6 a sentence on December 30, 1982, or incarcerated after
7 December 30, 1982, for the conviction of a crime enumerated in
8 section 33b(a) to (cc) of ~~Act No. 232 of the Public Acts of~~
9 ~~1953, being section 791.233b of the Michigan Compiled Laws~~ 1953
10 PA 232, MCL 791.233B, are eligible to earn a disciplinary credit
11 of 5 days per month for each month served after December 30,
12 1982. Accumulated disciplinary credits shall be deducted from a
13 prisoner's minimum and maximum sentence in order to determine his
14 or her parole eligibility dates.

15 A prisoner shall not earn disciplinary credits under this
16 subsection during any month in which the prisoner is found guilty
17 of having committed a major misconduct. The amount of disci-
18 plinary credits not earned as a result of being found guilty of a
19 major misconduct shall be limited to the disciplinary credits
20 that would have been earned for the month in which the major mis-
21 conduct occurred. Any disciplinary credits not earned as a
22 result of the prisoner being found guilty of a major misconduct
23 shall never be earned or restored. The warden may order that a
24 prisoner found guilty of a major misconduct, including but not
25 limited to charges of rioting, inciting to riot, escape, homi-
26 cide, or assault and battery, forfeit all or a portion of the
27 disciplinary credits accumulated prior to the month in which the

1 misconduct occurred. An order forfeiting accumulated
2 disciplinary credits shall be based upon a review of the
3 prisoner's institutional record.

4 The disciplinary credit committee, which is comprised of the
5 prisoner's resident unit manager, custody officers in the resi-
6 dent unit with direct supervisory responsibilities over the pris-
7 oner, and the appropriate work or school assignment supervisor,
8 shall be a part of the reclassification process and shall review,
9 at least annually, the status of each prisoner in the housing
10 unit who has forfeited disciplinary credits. The committee may
11 recommend to the warden whether any forfeited disciplinary cred-
12 its should be restored to the prisoner.

13 In addition to disciplinary credits, a prisoner eligible for
14 disciplinary credits under this subsection may be awarded 2 days
15 per month special disciplinary credits for good institutional
16 conduct on the recommendation of the disciplinary credit commit-
17 tee and the concurrence of the warden based on an annual review
18 of the prisoner's institutional record. Special disciplinary
19 credits shall not be awarded for any month in which a prisoner
20 has been found guilty of a major misconduct.

21 The department of corrections shall promulgate rules pursu-
22 ant to the administrative procedures act of 1969, ~~Act No. 306 of~~
23 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
24 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, neces-
25 sary to implement this subsection not more than 180 days after
26 December 30, 1982.

1 (6) On and after April 1, 1987, a prisoner shall not earn
2 good time under this section during any month in which the
3 prisoner is found guilty of having committed a major misconduct.
4 The amount of good time not earned as a result of being found
5 guilty of a major misconduct shall be limited to the amount of
6 good time that would have been earned during the month in which
7 the major misconduct occurred. Any good time not earned as a
8 result of the prisoner being found guilty of a major misconduct
9 shall never be earned or restored.

10 (7) The department of corrections shall promulgate rules
11 pursuant to ~~Act No. 306 of the Public Acts of 1969~~ THE ADMINIS-
12 TRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
13 24.328, prescribing how much of his or her accumulated good time
14 or accumulated disciplinary credits the prisoner may forfeit if
15 found guilty of 1 or more major misconducts.

16 (8) The warden may order that a prisoner found guilty of a
17 major misconduct forfeit all or a portion of the good time accu-
18 mulated prior to the month in which the misconduct occurred.

19 (9) The good time committee, which is comprised of the
20 prisoner's resident unit manager, custody officer in the resident
21 unit with direct supervisory responsibility over the prisoner,
22 and the appropriate work or school assignment supervisor, shall
23 be part of the reclassification process. The good time committee
24 shall recommend to the warden the amount of special good time to
25 be awarded and the restoration of any accumulated good time that
26 has been forfeited.

1 (10) The warden, as a reward for good conduct, may restore
2 to a prisoner the whole or any portion of the good time or
3 disciplinary credits forfeited because of a finding of guilty for
4 a major misconduct. However, forfeited good time or disciplinary
5 credits shall not be restored without the recommendation of the
6 disciplinary credit committee or good time committee and the
7 prior written approval of the deputy director in charge of the
8 bureau of correctional facilities or the deputy director in
9 charge of the bureau of field services. Disciplinary credits or
10 good time allowances that have not been earned because of insti-
11 tutional misconduct shall not be restored.

12 (11) A prisoner who has been sentenced concurrently for sep-
13 arate convictions shall have his or her good time or disciplinary
14 credits computed on the basis of the longest of the concurrent
15 sentences. If a prisoner is serving consecutive sentences for
16 separate convictions, his or her good time or disciplinary cred-
17 its shall be computed and accumulated on each sentence individu-
18 ally and all good time or disciplinary credits that have been
19 earned on any of the sentences shall be subject to forfeiture
20 pursuant to subsections (5) and (8).

21 (12) The warden of an institution may grant special good
22 time allowances to eligible prisoners who are convicted of a
23 crime that is committed before April 1, 1987. Special good time
24 credit shall not exceed 50% of the good time allowances under the
25 schedule in subsection (2). Special good time shall be awarded
26 for good conduct only and shall not be awarded for any month in
27 which a prisoner has been found guilty of a major misconduct.

1 (13) The parole board shall be exclusively empowered to
2 cause the forfeiture of good time or disciplinary credits earned
3 by a prisoner at the time of a parole violation.

4 (14) A prisoner subject to disciplinary time is not eligible
5 for good time, special good time, disciplinary credits, or spe-
6 cial disciplinary credits.

7 (15) THE COURT MAY ORDER THE REDUCTION OR FORFEITURE OF 1 OR
8 MORE OF THE FOLLOWING CREDITS PURSUANT TO SECTION 5513 OF THE
9 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.5513:

10 (A) GOOD TIME.

11 (B) DISCIPLINARY.

12 (C) SPECIAL DISCIPLINARY.

13 Enacting section 1. This amendatory act does not take
14 effect unless all of the following bills of the 90th Legislature
15 are enacted into law:

16 (a) Senate Bill No. 406.

17 (b) Senate Bill No. 419.