

Act No. 221  
Public Acts of 2000  
Approved by the Governor  
June 26, 2000  
Filed with the Secretary of State  
June 27, 2000  
EFFECTIVE DATE: October 1, 2000

**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

Introduced by Reps. Stamas, Birkholz, Bovin, Kukuk, Julian, Jelinek, Richner and Hart

**ENROLLED HOUSE BILL No. 4239**

AN ACT 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:*

Sec. 64. (1) The assistant director in charge of the bureau of correctional facilities shall classify the prisoners in correctional facilities. The assistant director shall appoint a classification committee from the staff of each correctional facility, which committee shall perform services in a manner as the assistant director in charge of the bureau of correctional facilities requires.

(2) Each classification committee shall obtain and file complete information with regard to each prisoner when the prisoner is received in a correctional facility. The clerk of the court and all probation officers and other officials shall send information in their possession or under their control to each classification committee when requested to do so, in the manner as they are directed. When all such existing available records have been assembled, each classification committee shall determine whether any further investigation is necessary, and, if so, shall make that investigation. The information shall be filed with the parole board so as to be readily available when the parole of the prisoner is to be considered.

(3) The length of a prisoner's sentence shall be computed by the record office of the correctional facility, for use by the classification committee, based upon the certified copy of the judgment of sentence delivered with the prisoner. Except as provided in subsection (4), if the judgment of sentence does not specify whether the sentence shall run consecutively to or concurrently with any other sentence that the prisoner is serving, the sentence shall be computed as if it is to be served concurrently.

(4) If the conviction is for a violation of section 193, 195(2), 197(2), 227b, or 349a of the Michigan penal code, 1931 PA 328, MCL 750.193, 750.195, 750.197, 750.227b, and 750.349a, the sentence shall be computed as if it is to be served consecutively, unless the judgment of sentence specifies that the sentence shall run concurrently.

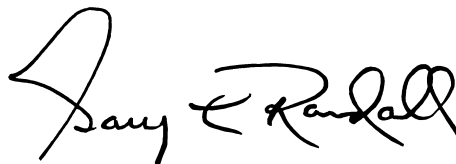
(5) If a sentence that did not specify whether it was to be served concurrently or consecutively is computed under subsection (3) or (4), or if the conviction is for a violation of section 193, 195(2), 197(2), 227b, or 349a of the Michigan penal code, 1931 PA 328, MCL 750.193, 750.195, 750.197, 750.227b, and 750.349a, and the judgment of sentence specifies that the sentence shall run concurrently, the department shall notify the sentencing judge, the prosecuting attorney, and the affected prisoner of the computation not later than 7 days after the sentence is computed.

(6) If, at any time after receiving the original judgment of sentence, the department receives an amended judgment of sentence specifying that the sentence should be computed in a different manner, the sentence shall be recomputed accordingly.

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4238 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.