

SENATE BILL No. 1367

May 29, 2002, Introduced by Senators MC COTTER and HOFFMAN and referred to the Committee on Judiciary.

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 1999 PA 271.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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7 (2) A parole order may be amended or rescinded at the dis-
8 cretion of the parole board for cause. If a paroled prisoner who
9 is required to register pursuant to the sex offenders registra-
10 tion act, 1994 PA 295, MCL 28.721 to 28.732, willfully violates
11 that act, the parole board shall rescind the parole. If a pris-
12 oner convicted of violating or conspiring to violate section
13 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public
14 health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released
15 on parole and violates or conspires to violate article 7 of the
16 public health code, 1978 PA 368, MCL 333.7401 to 333.7545, and
17 that violation or conspiracy to violate is punishable by impris-
18 onment for 4 or more years, or commits a violent felony during
19 his or her release on parole, parole shall be revoked.

20 (3) A parole shall not be rescinded unless an interview is
21 conducted by 1 member of the parole board. The purpose of the
22 interview is to consider and act upon information received by the
23 board after the original parole release decision. A rescission
24 interview shall be conducted within 45 days after receiving the
25 new information. At least 10 days before the interview, the
26 parolee shall receive a copy or summary of the new evidence that
27 is the basis for the interview. An amendment to a parole order

1 shall be in writing and is not effective until notice of the
2 amendment is given to the parolee.

3 (4) When a parole order is issued, the order shall contain
4 the conditions of the parole and shall specifically provide
5 proper means of supervision of the paroled prisoner in accordance
6 with the rules of the bureau of field services.

7 (5) The parole order shall contain a condition to pay resti-
8 tution to the victim of the prisoner's crime or the victim's
9 estate if the prisoner was ordered to make restitution pursuant
10 to the crime victim's rights act, 1985 PA 87, MCL 780.751 to
11 780.834, or the code of criminal procedure, 1927 PA 175,
12 MCL 760.1 to ~~776.22~~ 777.69.

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

16 (7) The parole order shall contain a condition requiring the
17 parolee to pay any assessment the prisoner was ordered to pay
18 pursuant to section 5 of 1989 PA 196, MCL 780.905.

19 (8) If the parolee is required to be registered under the
20 sex offenders registration act, 1994 PA 295, MCL 28.721 to
21 28.732, the parole order shall contain a condition requiring the
22 parolee to comply with that act.

23 (9) If a prisoner convicted of violating or conspiring to
24 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of
25 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403,
26 is released on parole, the parole order shall contain a notice
27 that if the parolee violates or conspires to violate article 7 of

1 the public health code, 1978 PA 368, MCL 333.7401 to 333.7545,
2 and that violation or conspiracy to violate is punishable by
3 imprisonment for 4 or more years, or commits a violent felony
4 during his or her release on parole, parole shall be revoked.

5 (10) A parole order issued for a prisoner subject to disci-
6 plinary time may contain a condition requiring the parolee to be
7 housed in a community corrections center or a community residen-
8 tial home for not less than the first 30 days but not more than
9 the first 180 days of his or her term of parole. As used in this
10 subsection, "community corrections center" and "community resi-
11 dential home" mean those terms as defined in section 65a.

12 (11) The parole order 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, 1961
17 PA 236, MCL 600.2963.

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

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

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

8 (13) If a parolee is required to register pursuant to the
9 sex offenders registration act, 1994 PA 295, MCL 28.721 to
10 28.732, the parole officer shall register the parolee as provided
11 in that act.

12 (14) If the parole order contains a condition intended to
13 protect 1 or more named persons, the department shall enter those
14 provisions of the parole order into the corrections management
15 information system, accessible by the law enforcement information
16 network. If the parole board revokes a parole order described in
17 this subsection, the department within 3 business days shall
18 remove from the corrections management information system the
19 provisions of that parole order.

20 (15) THE PAROLE ORDER SHALL CONTAIN A CONDITION REQUIRING
21 THE PAROLEE TO PAY ANY ASSESSMENT THE PRISONER WAS ORDERED TO PAY
22 PURSUANT TO SECTION 4C OF CHAPTER IV OF THE CODE OF CRIMINAL PRO-
23 CEDURE, 1927 PA 175, MCL 764.4C.

24 (16) ~~(15)~~ As used in this section, "violent felony" means
25 an offense against a person in violation of section 82, 83, 84,
26 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c,
27 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code,

1 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88,
2 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350,
3 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g,
4 750.529, 750.529a, and 750.530.

5 Enacting section 1. This amendatory act does not take
6 effect unless Senate Bill No. 1366
7 of the 91st Legislature is enacted into
8 law.