

# HOUSE BILL No. 5933

May 25, 2004, Introduced by Reps. Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Sheen, Ehardt, Wojno, O'Neil, Lipsey, Reeves, Gielegem and LaSata and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 35 and 37 (MCL 791.235 and 791.237), section  
35 as amended by 1998 PA 315 and section 37 as amended by 1994 PA  
217, and by adding section 34b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 34b. (1) Every prisoner shall make all reasonable  
2 efforts, while incarcerated, to obtain any 2 of the  
3 identification documents that, in combination with the prisoner  
4 identification card issued under section 37(4), would satisfy the  
5 application requirements for obtaining a state personal  
6 identification card or operator's license as established by the  
7 secretary of state under section 307 of the Michigan vehicle  
8 code, 1949 PA 300, MCL 257.307, or section 1 of 1972 PA 222, MCL  
9 28.291. A prisoner's cooperation under this subsection is a

1 factor that is to be considered as part of the prisoner's parole  
2 eligibility report, as provided in section 35(7)(e). This  
3 subsection applies to any prisoner who begins serving a sentence  
4 under the jurisdiction of the department after the effective date  
5 of this section and also applies, beginning January 1, 2005, to  
6 any prisoner who is serving a sentence of imprisonment on the  
7 effective date of this section.

8       (2) Each prisoner shall be given a form listing the personal  
9 identification documents referenced in subsection (1). The form  
10 shall include a statement that the department will assist the  
11 prisoner in obtaining the required documents. The form shall  
12 also include any other information the department determines is  
13 necessary. For a prisoner who begins serving a sentence under  
14 the jurisdiction of the department after the effective date of  
15 this section, the department shall provide the form not later  
16 than 10 days after the prisoner arrives at a reception center  
17 under section 67(1). For any prisoner who is serving a sentence  
18 under the jurisdiction of the department on the effective date of  
19 this section, the department shall provide the form not later  
20 than October 1, 2004.

21       (3) The director of the department may waive the requirements  
22 of subsection (1) for any prisoner who, for any reason that is  
23 not the fault of the prisoner, is unable to comply with  
24 subsection (1).

25       (4) The department shall assist each prisoner in obtaining  
26 the documents referenced in subsection (1). A prisoner may  
27 expend money from his or her institutional account to defray any

1 expenses incurred in obtaining the documents. Upon release on  
2 parole or release without parole, the department shall provide  
3 the documents obtained to the prisoner.

4 (5) The department shall allow the secretary of state to have  
5 electronic access to prisoner biography information for the  
6 purpose of verifying the identity of prisoners who apply for  
7 driver licenses or state personal identification cards.

8 (6) The reentry success fund is created within the state  
9 treasury. The state treasurer may receive money or other assets  
10 from any source for deposit into the fund. The state treasurer  
11 shall direct the investment of the fund. The state treasurer  
12 shall credit to the fund interest and earnings from fund  
13 investments. Money in the fund at the close of the fiscal year  
14 shall remain in the fund and shall not lapse to the general  
15 fund.

16 (7) The department of corrections shall expend money from the  
17 reentry success fund, upon appropriation, only for the expense of  
18 obtaining the documents referenced in subsection (1) for  
19 prisoners who are indigent.

20 Sec. 35. (1) The release of a prisoner on parole shall be  
21 granted solely upon the initiative of the parole board. The  
22 parole board may grant a parole without interviewing the  
23 prisoner. However, beginning ~~on the date on which the~~  
24 ~~administrative rules prescribing parole guidelines pursuant to~~  
25 ~~section 33e(5) take effect~~ **January 26, 1996**, the parole board  
26 may grant a parole without interviewing the prisoner only if,  
27 after evaluating the prisoner according to the parole guidelines,

1 the parole board determines that the prisoner has a high  
2 probability of being paroled and the parole board therefore  
3 intends to parole the prisoner. Except as provided in  
4 subsection (2), a prisoner shall not be denied parole without an  
5 interview before 1 member of the parole board. The interview  
6 shall be conducted at least 1 month before the expiration of the  
7 prisoner's minimum sentence less applicable good time and  
8 disciplinary credits for a prisoner eligible for good time and  
9 disciplinary credits, or at least 1 month before the expiration  
10 of the prisoner's minimum sentence for a prisoner subject to  
11 disciplinary time. The parole board shall consider any statement  
12 made to the parole board by a crime victim under the crime  
13 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or under  
14 any other provision of law. The parole board shall not consider  
15 any of the following factors in making a parole determination:

16 (a) A juvenile record that a court has ordered the department  
17 to expunge.

18 (b) Information that is determined by the parole board to be  
19 inaccurate or irrelevant after a challenge and presentation of  
20 relevant evidence by a prisoner who has received a notice of  
21 intent to conduct an interview as provided in subsection (4).  
22 This subdivision applies only to presentence investigation  
23 reports prepared before April 1, 1983.

24 (2) Beginning ~~on the date on which the administrative rules~~  
25 ~~prescribing the parole guidelines take effect pursuant to~~  
26 ~~section 33e(5) January 26, 1996~~, if, after evaluating a prisoner  
27 according to the parole guidelines, the parole board determines

1 that the prisoner has a low probability of being paroled and the  
2 parole board therefore does not intend to parole the prisoner,  
3 the parole board ~~shall~~ **is** not ~~be~~ required to interview the  
4 prisoner before denying parole to the prisoner.

5 (3) The parole board may consider but shall not base a  
6 determination to deny parole solely on either of the following:

7 (a) A prisoner's marital history.

8 (b) Prior arrests not resulting in conviction or adjudication  
9 of delinquency.

10 (4) If an interview is to be conducted, the prisoner shall be  
11 sent a notice of intent to conduct an interview at least 1 month  
12 before the date of the interview. The notice shall state the  
13 specific issues and concerns that shall be discussed at the  
14 interview and that may be a basis for a denial of parole. A  
15 denial of parole shall not be based on reasons other than those  
16 stated in the notice of intent to conduct an interview except for  
17 good cause stated to the prisoner at or before the interview and  
18 in the written explanation required by subsection (12). This  
19 subsection does not apply until April 1, 1983.

20 (5) Except for good cause, the parole board member conducting  
21 the interview shall not have cast a vote for or against the  
22 prisoner's release before conducting the current interview.  
23 Before the interview, the parole board member who is to conduct  
24 the interview shall review pertinent information relative to the  
25 notice of intent to conduct an interview.

26 (6) A prisoner may waive the right to an interview by 1  
27 member of the parole board. The waiver of the right to be

1 interviewed shall be given not more than 30 days after the notice  
2 of intent to conduct an interview is issued and shall be made in  
3 writing. During the interview held pursuant to a notice of  
4 intent to conduct an interview, the prisoner may be represented  
5 by an individual of his or her choice. The representative shall  
6 not be another prisoner or an attorney. A prisoner is not  
7 entitled to appointed counsel at public expense. The prisoner or  
8 representative may present relevant evidence in support of  
9 release. This subsection does not apply until April 1, 1983.

10 (7) At least 90 days before the expiration of the prisoner's  
11 minimum sentence less applicable good time and disciplinary  
12 credits for a prisoner eligible for good time or disciplinary  
13 credits, or at least 90 days before the expiration of the  
14 prisoner's minimum sentence for a prisoner subject to  
15 disciplinary time, or the expiration of a 12-month continuance  
16 for any prisoner, a parole eligibility report shall be prepared  
17 by appropriate institutional staff. The parole eligibility  
18 report shall be considered pertinent information for purposes of  
19 subsection (5). The report shall include all of the following:

20 (a) A statement of all major misconduct charges of which the  
21 prisoner was found guilty and the punishment served for the  
22 misconduct.

23 (b) The prisoner's work and educational record while  
24 confined.

25 (c) The results of any physical, mental, or psychiatric  
26 examinations of the prisoner that may have been performed.

27 (d) Whether the prisoner fully cooperated with the state by

1 providing complete financial information as required under  
2 section 3a of the state correctional facility reimbursement act,  
3 1935 PA 253, MCL 800.403a.

4 **(e) Whether the prisoner complied with the requirements of**  
5 **section 34b for obtaining identification documents.**

6 **(f) —(e)—** For a prisoner subject to disciplinary time, a  
7 statement of all disciplinary time submitted for the parole  
8 board's consideration pursuant to section 34 of 1893 PA 118,  
9 MCL 800.34.

10 (8) The preparer of the report shall not include a  
11 recommendation as to release on parole.

12 (9) Psychological evaluations performed at the request of the  
13 parole board to assist it in reaching a decision on the release  
14 of a prisoner may be performed by the same person who provided  
15 the prisoner with therapeutic treatment, unless a different  
16 person is requested by the prisoner or parole board.

17 (10) The parole board may grant a medical parole for a  
18 prisoner determined to be physically or mentally incapacitated.  
19 A decision to grant a medical parole shall be initiated upon the  
20 recommendation of the bureau of health care services and shall be  
21 reached only after a review of the medical, institutional, and  
22 criminal records of the prisoner.

23 (11) The department shall submit a petition to the  
24 appropriate court under section 434 of the mental health code,  
25 1974 PA 258, MCL 330.1434, for any prisoner being paroled or  
26 being released after serving his or her maximum sentence whom the  
27 department considers to be a person requiring treatment. The

1 parole board shall require mental health treatment as a special  
2 condition of parole for any parolee whom the department has  
3 determined to be a person requiring treatment whether or not the  
4 petition filed for that prisoner is granted by the court. As  
5 used in this subsection, "person requiring treatment" means that  
6 term as defined in section 401 of the mental health code, 1974  
7 PA 258, MCL 330.1401.

8 (12) When the parole board makes a final determination not to  
9 release a prisoner, the prisoner shall be provided with a written  
10 explanation of the reason for denial and, if appropriate,  
11 specific recommendations for corrective action the prisoner may  
12 take to facilitate release.

13 (13) This section does not apply to the placement on parole  
14 of a person in conjunction with special alternative incarceration  
15 under section 34a(7).

16 Sec. 37. (1) When a prisoner is released upon parole, the  
17 department shall provide the prisoner with clothing and a  
18 nontransferable ticket to the place in which the paroled prisoner  
19 is to reside. At the discretion of the deputy director in charge  
20 of the ~~bureau of~~ field ~~services~~ **operations administration**,  
21 the paroled prisoner may be advanced the expense of the  
22 transportation to the place of residence and a sum of money  
23 necessary for reasonable maintenance and subsistence for a 2-week  
24 period, as determined by the deputy director. A sum of money  
25 given under this section shall be repaid to the state by the  
26 paroled prisoner within 180 days after the money is received by  
27 the paroled prisoner.



1       (2) If a prisoner who is discharged without being paroled has  
2 less than \$75.00 in his or her immediate possession, has no  
3 visible means of support, and has conserved personal funds in a  
4 reasonable manner, the department shall furnish to that prisoner  
5 **all of** the following:

6       (a) Clothing that is appropriate for the season.

7       (b) A sum of \$75.00 including that amount already in the  
8 prisoner's possession.

9       (c) Transportation to a place in this state where the  
10 prisoner will reside or work or to the place where the prisoner  
11 was convicted or sentenced.

12       (3) When providing for transportation, the department shall  
13 **do all of the following:**

14       (a) Use the most economical available public transportation.

15       (b) Arrange for and purchase the prisoner's transportation  
16 ticket.

17       (c) Assume responsibility for delivering that prisoner to the  
18 site of departure and confirming the prisoner's departure from  
19 the site.

20       (4) The department shall provide an identification card to  
21 each prisoner when he or she is released on parole or is released  
22 upon completion of his or her maximum sentence. The  
23 identification card shall include all of the following:

24       (a) The prisoner's photograph, taken not earlier than 6  
25 months before the prisoner's date of release.

26       (b) The prisoner's legal name.

27       (c) The prisoner's place and date of birth.

1 (d) The date on which the prisoner began his or her term of  
2 incarceration at a state correctional facility.

3 (e) A statement as to whether the prisoner was placed on  
4 parole.

5 (f) A list of the prisoner's known aliases and former legal  
6 names, if any.

7 (5) ~~—(4)—~~ The cost of implementing this section shall be paid  
8 out of the general fund of the state.

9 Enacting section 1. This amendatory act does not take  
10 effect unless all of the following bills of the 92nd Legislature  
11 are enacted into law:

12 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5934  
13 (request no. 04594'03).

14 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5935  
15 (request no. 04596'03).

16 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5936  
17 (request no. 04597'03).

18 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 5937  
19 (request no. 04630'03).