

HOUSE BILL No. 4619

April 14, 2005, Introduced by Reps. Sak, Plakas and Gaffney and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 42 (MCL 791.242) and by adding section 36b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 36B. (1) THE PAROLE BOARD MAY INCLUDE IN AN ORDER OF
2 PAROLE FOR A PRISONER DESCRIBED IN SUBSECTION (2) A CONDITION
3 PROHIBITING THE PAROLEE FROM DOING EITHER OF THE FOLLOWING:

4 (A) RESIDING IN HOUSING LOCATED WITHIN 1 MILE OF A SCHOOL OR A
5 CHILD CARE CENTER.

6 (B) ENTERING UPON SCHOOL PROPERTY OR CHILD CARE CENTER
7 PROPERTY.

1 (2) THIS SECTION APPLIES TO A PRISONER SERVING A SENTENCE FOR
2 A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING:

3 (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
4 750.158 (SODOMY), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

5 (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
6 750.335A (INDECENT EXPOSURE), IF THE VICTIM IS LESS THAN 18 YEARS
7 OF AGE.

8 (C) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
9 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTICING AWAY
10 CHILD UNDER 14 YEARS OF AGE).

11 (D) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
12 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
13 LESS THAN 18 YEARS OF AGE.

14 (E) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
15 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
16 LESS THAN 18 YEARS OF AGE.

17 (F) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
18 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
19 LESS THAN 18 YEARS OF AGE.

20 (G) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
21 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT),
22 IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

23 (H) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITICAL
24 SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY
25 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (G).

26 (3) AS USED IN THIS SECTION:

27 (A) "CHILD CARE CENTER" MEANS THAT TERM AS DEFINED IN SECTION

1 1 OF 1973 PA 116, MCL 722.111.

2 (B) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
3 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGARTEN,
4 OR ANY GRADE FROM 1 THROUGH 12.

5 (C) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
6 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHILDREN
7 OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL, EXCEPT A
8 BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE EXTENSION
9 COURSES.

10 Sec. 42. (1) When ~~any~~ A paroled prisoner has faithfully
11 performed all of the conditions and obligations of his OR HER
12 parole for the period of time fixed in ~~such~~ THE order OF PAROLE,
13 and has obeyed all of the rules and regulations adopted by the
14 parole board, he ~~shall be deemed~~ OR SHE IS CONSIDERED to have
15 served his OR HER full sentence, and the parole board shall enter a
16 final order of discharge and issue to the paroled prisoner a
17 certificate of discharge.

18 (2) ~~No~~ A parole shall NOT be granted for a period OF less
19 than 2 years ~~in all cases~~ FOR A PRISONER CONVICTED of murder,
20 ~~actual forcible rape,~~ CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE
21 INVOLVING FORCE OR COERCION, robbery armed, kidnapping, extortion,
22 or ~~breaking and entering an occupied dwelling in the night time~~
23 HOME INVASION except where the maximum time remaining to be served
24 on the sentence is less than 2 years.

25 (3) A PAROLE SHALL NOT BE GRANTED FOR A PERIOD OF LESS THAN 5
26 YEARS FOR A PRISONER CONVICTED OF A CRIME LISTED IN SECTION 36B.