

# HOUSE BILL No. 5225

September 27, 2005, Introduced by Reps. Hoogendyk, Condino, Taub, Vander Veen, Bieda, Lipsey and Kolb and referred to the Committee on Judiciary.

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 IDENTIFICATION  
3 DOCUMENTS THAT, IN COMBINATION WITH THE PRISONER IDENTIFICATION  
4 CARD ISSUED UNDER SECTION 37(4), WOULD SATISFY THE APPLICATION  
5 REQUIREMENTS FOR OBTAINING A STATE PERSONAL IDENTIFICATION CARD OR  
6 OPERATOR'S LICENSE AS ESTABLISHED BY THE SECRETARY OF STATE UNDER

1 SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.307,  
2 OR SECTION 1 OF 1972 PA 222, MCL 28.291. A PRISONER'S COOPERATION  
3 UNDER THIS SUBSECTION IS A FACTOR THAT IS TO BE CONSIDERED AS PART  
4 OF THE PRISONER'S PAROLE ELIGIBILITY REPORT, AS PROVIDED IN SECTION  
5 35(7)(E). THIS SUBSECTION APPLIES TO ANY PRISONER WHO BEGINS  
6 SERVING A SENTENCE UNDER THE JURISDICTION OF THE DEPARTMENT AFTER  
7 THE EFFECTIVE DATE OF THIS SECTION AND ALSO APPLIES, BEGINNING  
8 JANUARY 1, 2006, TO ANY PRISONER WHO IS SERVING A SENTENCE OF  
9 IMPRISONMENT ON THE EFFECTIVE DATE OF THIS SECTION.

10 (2) EACH PRISONER SHALL BE GIVEN A FORM LISTING THE PERSONAL  
11 IDENTIFICATION DOCUMENTS REFERENCED IN SUBSECTION (1). THE FORM  
12 SHALL INCLUDE A STATEMENT THAT THE DEPARTMENT WILL ASSIST THE  
13 PRISONER IN OBTAINING THE REQUIRED DOCUMENTS. THE FORM SHALL ALSO  
14 INCLUDE ANY OTHER INFORMATION THE DEPARTMENT DETERMINES IS  
15 NECESSARY. FOR A PRISONER WHO BEGINS SERVING A SENTENCE UNDER THE  
16 JURISDICTION OF THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THIS  
17 SECTION, THE DEPARTMENT SHALL PROVIDE THE FORM NOT LATER THAN 10  
18 DAYS AFTER THE PRISONER ARRIVES AT A RECEPTION CENTER UNDER SECTION  
19 67(1). FOR ANY PRISONER WHO IS SERVING A SENTENCE UNDER THE  
20 JURISDICTION OF THE DEPARTMENT ON THE EFFECTIVE DATE OF THIS  
21 SECTION, THE DEPARTMENT SHALL PROVIDE THE FORM NOT LATER THAN  
22 OCTOBER 1, 2005.

23 (3) THE DIRECTOR OF THE DEPARTMENT MAY WAIVE THE REQUIREMENTS  
24 OF SUBSECTION (1) FOR ANY PRISONER WHO, FOR ANY REASON THAT IS NOT  
25 THE FAULT OF THE PRISONER, IS UNABLE TO COMPLY WITH SUBSECTION (1).

26 (4) THE DEPARTMENT SHALL ASSIST EACH PRISONER IN OBTAINING THE  
27 DOCUMENTS REFERENCED IN SUBSECTION (1). A PRISONER MAY EXPEND MONEY

1 FROM HIS OR HER INSTITUTIONAL ACCOUNT TO DEFRAY ANY EXPENSES  
2 INCURRED IN OBTAINING THE DOCUMENTS. UPON RELEASE ON PAROLE OR  
3 RELEASE WITHOUT PAROLE, THE DEPARTMENT SHALL PROVIDE THE DOCUMENTS  
4 OBTAINED TO THE PRISONER.

5 (5) THE DEPARTMENT SHALL ALLOW THE SECRETARY OF STATE TO HAVE  
6 ELECTRONIC ACCESS TO PRISONER BIOGRAPHY INFORMATION FOR THE PURPOSE  
7 OF VERIFYING THE IDENTITY OF PRISONERS WHO APPLY FOR DRIVER  
8 LICENSES OR STATE PERSONAL IDENTIFICATION CARDS.

9 (6) THE REENTRY SUCCESS FUND IS CREATED WITHIN THE STATE  
10 TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
11 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER  
12 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL  
13 CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.  
14 MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN  
15 THE FUND AND SHALL NOT LAPSE TO THE GENERAL 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 PRISONERS  
19 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 parole  
22 board may grant a parole without interviewing the prisoner.  
23 However, beginning ~~on the date on which the administrative rules~~  
24 ~~prescribing parole guidelines pursuant to section 33c(5) take~~  
25 ~~effect~~ **JANUARY 26, 1996**, the parole board may grant a parole  
26 without interviewing the prisoner only if, after evaluating the  
27 prisoner according to the parole guidelines, the parole board

1 determines that the prisoner has a high probability of being  
2 paroled and the parole board therefore intends to parole the  
3 prisoner. Except as provided in subsection (2), a prisoner shall  
4 not be denied parole without an interview before 1 member of the  
5 parole board. The interview shall be conducted at least 1 month  
6 before the expiration of the prisoner's minimum sentence less  
7 applicable good time and disciplinary credits for a prisoner  
8 eligible for good time and disciplinary credits, or at least 1  
9 month before the expiration of the prisoner's minimum sentence for  
10 a prisoner subject to disciplinary time. The parole board shall  
11 consider any statement made to the parole board by a crime victim  
12 under the crime victim's rights act, 1985 PA 87, MCL 780.751 to  
13 780.834, or under any other provision of law. The parole board  
14 shall not consider any of the following factors in making a parole  
15 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 intent  
21 to conduct an interview as provided in subsection (4). This  
22 subdivision applies only to presentence investigation reports  
23 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 section~~  
26 ~~33e(5)~~ **JANUARY 26, 1996**, if, after evaluating a prisoner according  
27 to the parole guidelines, the parole board determines that the

1 prisoner has a low probability of being paroled and the parole  
2 board therefore does not intend to parole the prisoner, the parole  
3 board ~~shall~~ **IS** not ~~be~~ required to interview the prisoner before  
4 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 denial  
15 of parole shall not be based on reasons other than those stated in  
16 the notice of intent to conduct an interview except for good cause  
17 stated to the prisoner at or before the interview and in the  
18 written explanation required by subsection (12). This subsection  
19 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. Before  
23 the interview, the parole board member who is to conduct the  
24 interview shall review pertinent information relative to the notice  
25 of intent to conduct an interview.

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

1 shall be given not more than 30 days after the notice of intent to  
2 conduct an interview is issued and shall be made in writing. During  
3 the interview held pursuant to a notice of intent to conduct an  
4 interview, the prisoner may be represented by an individual of his  
5 or her choice. The representative shall not be another prisoner or  
6 an attorney. A prisoner is not entitled to appointed counsel at  
7 public expense. The prisoner or representative may present relevant  
8 evidence in support of release. This subsection does not apply  
9 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 credits  
12 for a prisoner eligible for good time or disciplinary credits, or  
13 at least 90 days before the expiration of the prisoner's minimum  
14 sentence for a prisoner subject to disciplinary time, or the  
15 expiration of a 12-month continuance for any prisoner, a parole  
16 eligibility report shall be prepared by appropriate institutional  
17 staff. The parole eligibility report shall be considered pertinent  
18 information for purposes of subsection (5). The report shall  
19 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 confined.

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

26 (d) Whether the prisoner fully cooperated with the state by  
27 providing complete financial information as required under section

1 3a of the state correctional facility reimbursement act, 1935 PA  
2 253, MCL 800.403a.

3 **(E) WHETHER THE PRISONER COMPLIED WITH THE REQUIREMENTS OF**  
4 **SECTION 34B FOR OBTAINING IDENTIFICATION DOCUMENTS.**

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

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

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

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

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

1 treatment whether or not the petition filed for that prisoner is  
2 granted by the court. As used in this subsection, "person requiring  
3 treatment" means that term as defined in section 401 of the mental  
4 health code, 1974 PA 258, MCL 330.1401.

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

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

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

24 (2) If a prisoner who is discharged without being paroled has  
25 less than \$75.00 in his or her immediate possession, has no visible  
26 means of support, and has conserved personal funds in a reasonable  
27 manner, the department shall furnish to that prisoner **ALL OF** the



1 following:

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

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

5 (c) Transportation to a place in this state where the prisoner  
6 will reside or work or to the place where the prisoner was  
7 convicted or sentenced.

8 (3) When providing for transportation, the department shall **DO**

9 **ALL OF THE FOLLOWING:**

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

11 (b) Arrange for and purchase the prisoner's transportation  
12 ticket.

13 (c) Assume responsibility for delivering that prisoner to the  
14 site of departure and confirming the prisoner's departure from the  
15 site.

16 (4) **THE DEPARTMENT SHALL PROVIDE AN IDENTIFICATION CARD TO**  
17 **EACH PRISONER WHEN HE OR SHE IS RELEASED ON PAROLE OR IS RELEASED**  
18 **UPON COMPLETION OF HIS OR HER MAXIMUM SENTENCE. THE IDENTIFICATION**  
19 **CARD SHALL INCLUDE ALL OF THE FOLLOWING:**

20 (A) **THE PRISONER'S PHOTOGRAPH, TAKEN NOT EARLIER THAN 6 MONTHS**  
21 **BEFORE THE PRISONER'S DATE OF RELEASE.**

22 (B) **THE PRISONER'S LEGAL NAME.**

23 (C) **THE PRISONER'S PLACE AND DATE OF BIRTH.**

24 (D) **THE DATE ON WHICH THE PRISONER BEGAN HIS OR HER TERM OF**  
25 **INCARCERATION AT A STATE CORRECTIONAL FACILITY.**

26 (E) **A STATEMENT AS TO WHETHER THE PRISONER WAS PLACED ON**  
27 **PAROLE.**

1 (F) A LIST OF THE PRISONER'S KNOWN ALIASES AND FORMER LEGAL  
2 NAMES, IF ANY.

3 (5) ~~-(4)-~~ The cost of implementing this section shall be paid  
4 out of the general fund of the state.

5 Enacting section 1. This amendatory act does not take effect  
6 unless all of the following bills of the 93rd Legislature are  
7 enacted into law:

8 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5226(request no.  
9 01936'05).

10 (b) Senate Bill No.\_\_\_\_ or House Bill No. 5227(request no.  
11 01937'05).

12 (c) Senate Bill No.\_\_\_\_ or House Bill No. (request no.  
13 01938'05).

14 (d) Senate Bill No.\_\_\_\_ or House Bill No. 5228(request no.  
15 01939'05).