

SENATE BILL No. 281

February 19, 2009, Introduced by Senators KAHN, JELINEK and HARDIMAN and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36. (1) All paroles shall be ordered by the parole board
2 and shall be signed by the chairperson. Written notice of the order
3 shall be given to the sheriff or other police officer of the
4 municipality or county in which the prisoner was convicted, and to
5 the sheriff or other local police officer of the municipality or
6 county to which the paroled prisoner is sent.

7 (2) A parole order may be rescinded at the discretion of the
8 parole board for cause before the prisoner is released on parole. A
9 parole shall not be revoked unless an interview with the prisoner

1 is conducted by 1 member of the parole board. The purpose of the
2 interview is to consider and act upon information received by the
3 board after the original parole release decision. A revocation
4 interview shall be conducted within 45 days after receiving the new
5 information. At least 10 days before the interview, the parolee
6 shall receive a copy or summary of the new evidence that is the
7 basis for the interview.

8 (3) A parole order may be amended at the discretion of the
9 parole board for cause. An amendment to a parole order shall be in
10 writing and is not effective until notice of the amendment is given
11 to the parolee.

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

16 (5) The parole order shall contain a condition to pay
17 restitution to the victim of the prisoner's crime or the victim's
18 estate if the prisoner was ordered to make restitution pursuant to
19 the William Van Regenmorter crime victim's rights act, 1985 PA 87,
20 MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA
21 175, MCL 760.1 to 777.69.

22 (6) The parole order shall contain a condition requiring the
23 parolee to pay a parole supervision fee as prescribed in section
24 36a.

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

1 (8) The parole order shall contain a condition requiring the
2 parolee to pay the minimum state cost prescribed by section 1j of
3 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
4 769.1j, if the minimum state cost has not been paid.

5 (9) If the parolee is required to be registered under the sex
6 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
7 parole order shall contain a condition requiring the parolee to
8 comply with that act.

9 (10) If a prisoner convicted of violating or conspiring to
10 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the
11 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is
12 released on parole, the parole order shall contain a notice that if
13 the parolee violates or conspires to violate article 7 of the
14 public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that
15 violation or conspiracy to violate is punishable by imprisonment
16 for 4 or more years, or commits a violent felony during his or her
17 release on parole, parole shall be revoked.

18 (11) A parole order issued for a prisoner subject to
19 disciplinary time may contain a condition requiring the parolee to
20 be housed in a community corrections center or a community
21 residential home for not less than the first 30 days but not more
22 than the first 180 days of his or her term of parole. As used in
23 this subsection, "community corrections center" and "community
24 residential home" mean those terms as defined in section 65a.

25 (12) The parole order shall contain a condition requiring the
26 parolee to pay the following amounts owed by the prisoner, if
27 applicable:

1 (a) The balance of filing fees and costs ordered to be paid
2 under section 2963 of the revised judicature act of 1961, 1961 PA
3 236, MCL 600.2963.

4 (b) The balance of any filing fee ordered to be paid by a
5 federal court under section 1915 of title 28 of the United States
6 Code, 28 USC 1915 and any unpaid order of costs assessed against
7 the prisoner.

8 (13) In each case in which payment of restitution is ordered
9 as a condition of parole, a parole officer assigned to a case shall
10 review the case not less than twice yearly to ensure that
11 restitution is being paid as ordered. The final review shall be
12 conducted not less than 60 days before the expiration of the parole
13 period. If the parole officer determines that restitution is not
14 being paid as ordered, the parole officer shall file a written
15 report of the violation with the parole board on a form prescribed
16 by the parole board. The report shall include a statement of the
17 amount of arrearage and any reasons for the arrearage known by the
18 parole officer. The parole board shall immediately provide a copy
19 of the report to the court, the prosecuting attorney, and the
20 victim.

21 (14) If a parolee is required to register pursuant to the sex
22 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
23 parole officer shall register the parolee as provided in that act.

24 (15) Beginning August 28, 2006, if a parolee convicted of
25 violating or conspiring to violate section 520b or 520c of the
26 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other
27 than a parolee who is subject to lifetime electronic monitoring

1 under section 85, is placed on parole, the parole board may require
2 that the parolee be subject to electronic monitoring. The
3 electronic monitoring required under this subsection shall be
4 conducted in the same manner, and shall be subject to the same
5 requirements, as is described in section 85 of this act and section
6 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,
7 except as follows:

8 (a) The electronic monitoring shall continue only for the
9 duration of the term of parole.

10 (b) A violation by the parolee of any requirement prescribed
11 in section 520n(2) (a) to (c) is a violation of a condition of
12 parole, not a felony violation.

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

21 (17) Each prisoner who is required to be registered under the
22 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
23 before being released on parole or being released upon completion
24 of his or her maximum sentence, shall provide to the department
25 notice of the location of his or her proposed place of residence or
26 domicile. The department then shall forward that notice of location
27 to the appropriate law enforcement agency as required under section

1 5(2) of the sex offenders registration act, 1994 PA 295, MCL
2 28.725. A prisoner who refuses to provide notice of the location of
3 his or her proposed place of residence or domicile or knowingly
4 provides an incorrect notice of the location of his or her proposed
5 place of residence or domicile under this subsection is guilty of a
6 felony punishable by imprisonment for not more than 4 years or a
7 fine of not more than \$2,000.00, or both.

8 (18) If a prisoner is serving a sentence for violating section
9 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i
10 (aggravated stalking), and if a victim of that crime has registered
11 to receive notices about that prisoner under the William Van
12 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
13 780.834, the parole order for that prisoner shall require that the
14 prisoner's location be monitored by a global positioning monitoring
15 system during the entire period of the prisoner's parole. If, at
16 the time a prisoner described in this subsection is paroled, no
17 victim of the crime has registered to receive notices about that
18 prisoner under the William Van Regenmorter crime victim's rights
19 act, 1985 PA 87, MCL 780.751 to 780.834, but a victim of the crime
20 subsequently registers to receive those notices, the prisoner's
21 order of parole shall immediately be modified to require that the
22 prisoner's location be monitored by a global positioning system
23 during the balance of the period of that prisoner's parole. As used
24 in this subsection, "global positioning monitoring system" means a
25 system that electronically determines and reports the location of
26 an individual by means of an ankle bracelet transmitter or similar
27 device worn by the individual, which transmits latitude and

1 longitude data to monitoring authorities through global positioning
2 satellite technology but does not include any radio frequency
3 identification technology, global positioning technology, or
4 similar technology that would be implanted in the parolee or would
5 otherwise violate the corporeal body of the parolee.

6 (19) As used in this section, "violent felony" means an
7 offense against a person in violation of section 82, 83, 84, **85**,
8 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, **462B, 462C**,
9 **462D, 462E, 462F, 462G, 462H, 462I**, 520b, 520c, 520d, 520e, 520g,
10 529, 529a, ~~or~~ **530, 543F, 543H, 543K, 543M, 543P, OR 543R** of the
11 Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84,
12 **750.85**, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321,
13 750.349, 750.349a, 750.350, 750.397, **750.462B, 750.462C, 750.462D**,
14 **750.462E, 750.462F, 750.462G, 750.462H, 750.462I**, 750.520b,
15 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, ~~and~~
16 750.530, **750.543F, 750.543H, 750.543K, 750.543M, 750.543P, AND**
17 **750.543R**.