

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1307

A bill to amend 1962 PA 60, entitled

"An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment,"

by amending section 1 (MCL 801.251), as amended by 1987 PA 146, and by adding section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as otherwise provided in subsection (2) **AND**
2 **SUBJECT TO SECTION 1A**, a sentence or commitment of a person to a
3 county jail for any reason may grant to the person the privilege of
4 leaving the jail during necessary and reasonable hours for any of
5 the following purposes:

6 (a) Seeking employment.

7 (b) Working at his or her employment.

1 (c) Conducting his or her own self-employed business or
2 occupation, including housekeeping and caring for the needs of his
3 or her family.

4 (d) Attendance at an educational institution.

5 (e) Medical treatment, substance abuse treatment, mental
6 health counseling, or psychological counseling.

7 (2) A person may petition the court for ~~such a~~ privilege
8 **DESCRIBED IN SUBSECTION (1)** at the time of sentence or commitment,
9 and in the discretion of the court may renew his or her petition.
10 The court may withdraw the privilege at any time by order entered
11 with or without notice.

12 (3) ~~(2)~~A person shall not be granted the privileges described
13 in subsection (1), except for the privilege of leaving the jail
14 during necessary and reasonable hours for the purpose of medical
15 treatment, substance abuse treatment, mental health counseling, or
16 psychological counseling, if the person is housed in the jail while
17 serving all or any part of a sentence of imprisonment for any of
18 the following crimes:

19 (a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan
20 penal code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
21 ~~750.145c, 750.520b, 750.520c, 750.520d, and 750.520g of the~~
22 ~~Michigan Compiled Laws 1931 PA 328, MCL 750.145C, 750.520B,~~
23 **750.520C, 750.520D, AND 750.520G.**

24 (b) Murder in connection with sexual misconduct.

25 (c) An attempt to commit a crime described in subdivision (a)
26 or (b).

27 (4) ~~(3)~~As used in this act, "jail" means a facility that is

1 operated by a county for the detention of persons charged with, or
2 convicted of, criminal offenses or ordinance violations, or persons
3 found guilty of civil or criminal contempt, for not more than 1
4 year.

5 SEC. 1A. (1) BEFORE AN INDIVIDUAL CONVICTED OF A FELONY IS
6 RELEASED FROM JAIL UNDER SECTION 1 TO ATTEND WORK OR SCHOOL, THE
7 COURT, AT THE TIME OF SENTENCING, SHALL ORDER THE DEPARTMENT OF
8 CORRECTIONS TO VERIFY THAT THE INDIVIDUAL IS CURRENTLY EMPLOYED OR
9 CURRENTLY ENROLLED IN SCHOOL, AS APPLICABLE. HOWEVER, THE
10 REQUIREMENT FOR VERIFICATION OF EMPLOYMENT OR SCHOOL ENROLLMENT BY
11 THE DEPARTMENT OF CORRECTIONS DOES NOT APPLY IF THE COUNTY SHERIFF
12 HAS PROVIDED OR WILL PROVIDE THAT VERIFICATION. IF REQUIRED, THE
13 DEPARTMENT OF CORRECTIONS SHALL PROVIDE THE VERIFICATION TO THE
14 COURT WITHIN 7 DAYS AFTER THE ORDER IS ISSUED. THE COURT SHALL NOT
15 ORDER AN INDIVIDUAL TO BE RELEASED TO ATTEND WORK OR SCHOOL UNLESS
16 THE COUNTY SHERIFF OR THE DEPARTMENT HAS DETERMINED THAT THE
17 INDIVIDUAL IS CURRENTLY EMPLOYED OR CURRENTLY ENROLLED IN SCHOOL,
18 AS APPLICABLE. THE ORDER OF RELEASE SHALL PROVIDE THAT RELEASE IS
19 CONTINGENT AT ALL TIMES UPON THE APPROVAL OF THE COUNTY SHERIFF.

20 (2) AS USED IN THIS SECTION:

21 (A) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
22 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
23 761.1.

24 (B) "SCHOOL" MEANS ANY OF THE FOLLOWING:

25 (i) A SCHOOL OF SECONDARY EDUCATION.

26 (ii) A COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

27 (iii) A STATE-LICENSED TECHNICAL OR VOCATIONAL SCHOOL OR

1 PROGRAM.

2 (iv) A PROGRAM THAT PREPARES THE PERSON FOR THE GENERAL
3 EDUCATION DEVELOPMENT (GED) TEST.

4 Enacting section 1. This amendatory act takes effect March 1,
5 2013.