

SENATE BILL No. 1315

September 25, 2012, Introduced by Senators PROOS, GREEN, JONES, ROBERTSON, NOFS and COLBECK 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 2011 PA 165.

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 sent by first-class mail or by electronic means to the
4 prosecuting attorney and the sheriff or other police officer of the
5 municipality or county in which the prisoner was convicted and to
6 the prosecuting attorney and the sheriff or other local police
7 officer of the municipality or county to which the paroled prisoner
8 is sent or is to be sent. The notice shall be provided within 10
9 days after the parole board issues its order to parole the

1 prisoner.

2 (2) A parole order may be rescinded at the discretion of the
3 parole board for cause before the prisoner is released on parole. A
4 parole shall not be revoked unless an interview with the prisoner
5 is conducted by 1 member of the parole board. The purpose of the
6 interview is to consider and act upon information received by the
7 board after the original parole release decision. A revocation
8 interview shall be conducted within 45 days after receiving the new
9 information. At least 10 days before the interview, the parolee
10 shall receive a copy or summary of the new evidence that is the
11 basis for the interview.

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

16 (4) When a parole order is issued, the order shall contain the
17 conditions of the parole and shall specifically provide proper
18 means of supervision of the paroled prisoner in accordance with the
19 rules of the bureau of field services.

20 (5) The parole order shall contain a condition to pay
21 restitution to the victim of the prisoner's crime or the victim's
22 estate if the prisoner was ordered to make restitution under the
23 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL
24 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175,
25 MCL 760.1 to 777.69.

26 (6) The parole order shall contain a condition requiring the
27 parolee to pay a parole supervision fee as prescribed in section

1 36a.

2 (7) The parole order shall contain a condition requiring the
3 parolee to pay any assessment the prisoner was ordered to pay under
4 section 5 of 1989 PA 196, MCL 780.905.

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

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

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

22 (11) A parole order issued for a prisoner subject to
23 disciplinary time may contain a condition requiring the parolee to
24 be housed in a community corrections center or a community
25 residential home for not less than the first 30 days but not more
26 than the first 180 days of his or her term of parole. As used in
27 this subsection, "community corrections center" and "community

1 residential home" mean those terms as defined in section 65a.

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

5 (a) The balance of filing fees and costs ordered to be paid
6 under section 2963 of the revised judicature act of 1961, 1961 PA
7 236, MCL 600.2963.

8 (b) The balance of any filing fee ordered to be paid by a
9 federal court under 28 USC 1915 and any unpaid order of costs
10 assessed against the prisoner.

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

24 (14) If a parolee is required to register under the sex
25 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
26 parole officer shall register the parolee as provided in that act.

27 (15) Beginning August 28, 2006, if a parolee convicted of

1 violating or conspiring to violate section 520b or 520c of the
2 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other
3 than a parolee who is subject to lifetime electronic monitoring
4 under section 85, is placed on parole, the parole board may require
5 that the parolee be subject to electronic monitoring. The
6 electronic monitoring required under this subsection shall be
7 conducted in the same manner, and shall be subject to the same
8 requirements, as is described in section 85 of this act and section
9 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,
10 except as follows:

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

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

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

24 (17) Each prisoner who is required to be registered under the
25 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
26 before being released on parole or being released upon completion
27 of his or her maximum sentence, shall provide to the department

1 notice of the location of his or her proposed place of residence or
2 domicile. The department then shall forward that notice of location
3 to the appropriate law enforcement agency as required under ~~section~~
4 ~~5(2) or, beginning July 1, 2011,~~ section 5(3) of the sex offenders
5 registration act, 1994 PA 295, MCL 28.725. A prisoner who refuses
6 to provide notice of the location of his or her proposed place of
7 residence or domicile or knowingly provides an incorrect notice of
8 the location of his or her proposed place of residence or domicile
9 under this subsection is guilty of a felony punishable by
10 imprisonment for not more than 4 years or a fine of not more than
11 \$2,000.00, or both.

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

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1 in this subsection, "global positioning monitoring system" means a
2 system that electronically determines and reports the location of
3 an individual by means of an ankle bracelet transmitter or similar
4 device worn by the individual, which transmits latitude and
5 longitude data to monitoring authorities through global positioning
6 satellite technology but does not include any radio frequency
7 identification technology, global positioning technology, or
8 similar technology that would be implanted in the parolee or would
9 otherwise violate the corporeal body of the parolee.

10 (19) THE PAROLE ORDER SHALL REQUIRE THE PAROLEE TO PROVIDE
11 WRITTEN CONSENT TO SUBMIT TO A SEARCH OF HIS OR HER PERSON OR
12 PROPERTY UPON DEMAND BY A PEACE OFFICER OR PAROLE OFFICER. THE
13 WRITTEN CONSENT SHALL INCLUDE THE PRISONER'S NAME AND DATE OF
14 BIRTH, HIS OR HER PHYSICAL DESCRIPTION, THE DATE FOR RELEASE ON
15 PAROLE, AND THE ENDING DATE FOR THAT PAROLE. THE PRISONER SHALL
16 SIGN THE WRITTEN CONSENT BEFORE BEING RELEASED ON PAROLE. THE
17 DEPARTMENT SHALL PROMPTLY ENTER THIS CONDITION OF PAROLE INTO THE
18 DEPARTMENT'S CORRECTIONS MANAGEMENT INFORMATION SYSTEM OR OFFENDER
19 MANAGEMENT NETWORK INFORMATION SYSTEM OR INTO A CORRESPONDING
20 RECORDS MANAGEMENT SYSTEM THAT IS ACCESSIBLE THROUGH THE LAW
21 ENFORCEMENT INFORMATION NETWORK. <<CONSENT TO A SEARCH AS PROVIDED
UNDER THIS SUBSECTION DOES NOT AUTHORIZE A SEARCH THAT IS CONDUCTED
WITH THE INTENT TO INTIMIDATE OR HARASS.>>

22 (20) ~~(19)~~As used in this section, "violent felony" means an
23 offense against a person in violation of section 82, 83, 84, 86,
24 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,
25 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA
26 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,
27 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,

- 1 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,
- 2 750.529a, and 750.530.