

# HOUSE BILL No. 5968

October 17, 2012, Introduced by Reps. Haines, LaFontaine, Denby, Foster, Opsommer, Zorn and Liss and referred to the Committee on Judiciary.

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.

1 (b) Working at his or her employment.

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

5 (d) Attendance at an educational institution.

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

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

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

20 (a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan  
21 penal code, ~~Act No. 328 of the Public Acts of 1931, being sections~~  
22 ~~750.145c, 750.520b, 750.520c, 750.520d, and 750.520g of the~~  
23 ~~Michigan Compiled Laws 1931 PA 328, MCL 750.145C, 750.520B,~~  
24 **750.520C, 750.520D, AND 750.520G.**

25 (b) Murder in connection with sexual misconduct.

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

1           (4) ~~(3)~~—As used in this act, "jail" means a facility that is  
2 operated by a county for the detention of persons charged with, or  
3 convicted of, criminal offenses or ordinance violations, or persons  
4 found guilty of civil or criminal contempt, for not more than 1  
5 year.

6           SEC. 1A. (1) BEFORE AN INDIVIDUAL CONVICTED OF A FELONY IS  
7 RELEASED FROM JAIL UNDER SECTION 1 TO ATTEND WORK OR SCHOOL, THE  
8 COURT SHALL ORDER THE DEPARTMENT OF CORRECTIONS TO VERIFY THAT THE  
9 INDIVIDUAL IS EMPLOYED OR IS ENROLLED IN SCHOOL, AS APPLICABLE. THE  
10 DEPARTMENT OF CORRECTIONS SHALL PROVIDE THIS VERIFICATION TO THE  
11 COURT WITHIN 7 DAYS AFTER THE ORDER IS ISSUED. THE COURT SHALL NOT  
12 ORDER AN INDIVIDUAL TO BE RELEASED TO ATTEND WORK OR SCHOOL UNLESS  
13 THE DEPARTMENT HAS DETERMINED THAT THE INDIVIDUAL IS EMPLOYED OR IS  
14 ENROLLED IN SCHOOL, AS APPLICABLE. THE ORDER OF RELEASE SHALL  
15 PROVIDE THAT RELEASE IS CONTINGENT AT ALL TIMES UPON THE APPROVAL  
16 OF THE COUNTY SHERIFF.

17           (2) AS USED IN THIS SECTION, "SCHOOL" MEANS ANY OF THE  
18 FOLLOWING:

19           (A) A SCHOOL OF SECONDARY EDUCATION.

20           (B) A COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

21           (C) A STATE-LICENSED TECHNICAL OR VOCATIONAL SCHOOL OR  
22 PROGRAM.

23           (D) A PROGRAM THAT PREPARES THE PERSON FOR THE GENERAL  
24 EDUCATION DEVELOPMENT (GED) TEST.