

# HOUSE BILL No. 5926

May 3, 2018, Introduced by Rep. Marino and referred to the Committee on Workforce and Talent Development.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34d (MCL 791.234d), as amended by 2017 PA 14.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 34d. (1) When a prisoner is released, the department  
2 shall issue to that prisoner documents regarding all of the  
3 following:

4           (a) The prisoner's criminal convictions.

5           (b) The prisoner's institutional history including all of the  
6 following:

7           (i) Any record of institutional misconduct.

8           (ii) Whether the prisoner successfully completed programming  
9 provided by the department or a person or entity under contract  
10 with the department.

1 (iii) Whether the prisoner obtained a high school equivalency  
2 certificate or other educational degree.

3 (iv) The prisoner's institutional work record.

4 (c) Other information considered relevant by the department.

5 (2) In addition to the documents provided under subsection  
6 (1), the department shall issue a certificate of employability  
7 described in subsection (8) to a prisoner if all of the following  
8 apply:

9 (a) The prisoner successfully completed a career and technical  
10 education course.

11 (b) The prisoner received no major misconducts during the 2  
12 years immediately preceding his or her release.

13 (c) The prisoner received no more than 3 minor misconducts  
14 during the 2 years immediately preceding his or her release.

15 (d) The prisoner received a silver level or better on his or  
16 her national work readiness certificate, or a similar score, as  
17 determined by the department, on an alternative job skills  
18 assessment test administered by the department.

19 (3) A certificate of employability must only be issued within  
20 30 days before the prisoner is released from a correctional  
21 facility under section 35 and is valid ~~for 4 years after the date~~  
22 ~~it is issued unless otherwise~~ revoked by the department. The  
23 department shall revoke the certificate of employability if the  
24 prisoner commits any criminal offense during the 30-day period  
25 before release and may revoke the certificate of employability if  
26 the prisoner has any institutional misconduct during that period.  
27 The department shall revoke the certificate of employability of any

1 individual who commits a felony after receiving a certificate of  
2 employability under this section and who is then placed under the  
3 jurisdiction of the department for committing that felony.

4 (4) The department shall provide an individual with an  
5 opportunity to file a grievance related to the revocation of a  
6 certificate of employability under subsection (3) through the  
7 department's prisoner grievance system. The revocation of a  
8 certificate of employability is effective when the individual is  
9 notified of the revocation.

10 (5) An individual shall not intentionally state or otherwise  
11 represent that he or she has a valid certificate of employability  
12 issued by the department knowing that the statement or  
13 representation is false. An individual who violates this subsection  
14 is guilty of a misdemeanor punishable by imprisonment for not more  
15 than 93 days or a fine of not more than \$500.00, or both.

16 (6) The revocation of a certificate of employability is for  
17 purposes of subsection (5) only and does not affect the right of an  
18 employer to rely on the validity of the certificate of  
19 employability unless the employer knew before the individual was  
20 employed that the certificate of employability was fraudulent.

21 (7) Upon request, the department shall confirm whether a  
22 certificate of employability has been issued to a named individual  
23 and whether the certificate is valid at the time of the inquiry and  
24 at the time of the department's response to that inquiry.

25 (8) A certificate of employability under this section must be  
26 on a form provided by the department.

27 (9) The department is not civilly liable for damages based

1 upon its decision to issue or to deny issuance of a certificate of  
2 employability to any prisoner or for revoking or failing to revoke  
3 a certificate of employability issued to any prisoner.

4 Enacting section 1. This amendatory act takes effect 90 days  
5 after the date it is enacted into law.