

SENATE BILL NO. 972

July 30, 2024, Introduced by Senator SANTANA and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 31a, 33, 33b, and 34 (MCL 791.231a, 791.233,
791.233b, and 791.234), section 31a as added by 1992 PA 181,
sections 33 and 34 as amended by 2019 PA 14, and section 33b as
amended by 2019 PA 16, and by adding sections 35a and 83a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31a. (1) ~~Beginning October 1, 1992, there~~ **There** is
2 established in the department ~~7~~ a parole board consisting of ~~10~~ **13**
3 members who ~~shall be~~ **are** appointed by the director and who ~~shall~~

1 **are not be** within the state civil service. **Not later than January**
2 **1, 2024, the director shall appoint the 3 additional members**
3 **required by the amendatory act that added this sentence.**

4 (2) Members of the parole board shall be appointed to terms of
5 4 years each. ~~7, except that of the members first appointed, 4 shall~~
6 ~~serve for terms of 4 years each, 3 shall serve for terms of 3 years~~
7 ~~each, and 3 shall serve for terms of 2 year each. A member may be~~
8 ~~reappointed.~~ The director may remove a member of the parole board
9 for incompetency, dereliction of duty, malfeasance, misfeasance, or
10 nonfeasance in office. If a vacancy occurs on the parole board, the
11 director shall make an appointment for the unexpired term in the
12 same manner as an original appointment. At least 4 members of the
13 parole board ~~shall~~ **must** be ~~persons~~ **individuals** who, at the time of
14 their appointment, have never been employed by or appointed to a
15 position in the department. ~~of corrections.~~

16 (3) Each member of the parole board ~~shall~~ **must** receive an
17 annual salary as established by the legislature and ~~shall be~~ **is**
18 entitled to necessary traveling expenses incurred in the
19 performance of official duties subject to the standardized travel
20 regulations of the state.

21 (4) The chairperson of the parole board ~~shall~~ **must** be
22 designated by the director. The chairperson of the parole board is
23 responsible for the administration and operation of the parole
24 board. The chairperson may conduct interviews and participate in
25 the parole decision making process. The chairperson shall select
26 secretaries and other assistants as the chairperson considers to be
27 necessary.

28 (5) The parole board created in this section shall ~~exist for~~
29 ~~purposes of appointment and training on October 1, 1992, and as of~~

1 ~~November 15, 1992, shall~~ exercise and perform the powers and duties
2 prescribed and conferred by this act.

3 Sec. 33. (1) The grant of a parole is subject to all of the
4 following conditions:

5 (a) A prisoner must not be given liberty on parole until the
6 board has reasonable assurance, after consideration of all of the
7 facts and circumstances, including the prisoner's mental and social
8 attitude, that the prisoner will not become a menace to society or
9 to the public safety.

10 (b) Except as provided in ~~section 34a and section~~ **sections**
11 **34a, 35(10), and 35a,** a parole must not be granted to a prisoner
12 other than a prisoner subject to disciplinary time until the
13 prisoner has served the minimum term imposed by the court less
14 allowances for good time or special good time to which the prisoner
15 may be entitled by statute, except that a prisoner other than a
16 prisoner subject to disciplinary time is eligible for parole before
17 the expiration of ~~his or her~~ **the** minimum term of imprisonment if
18 the sentencing judge, or the judge's successor in office, gives
19 written approval of the parole of the prisoner before the
20 expiration of the minimum term of imprisonment.

21 (c) Except as provided in ~~section 34a and section~~ **sections**
22 **34a, 35(10), and 35a,** and notwithstanding the provisions of
23 subdivision (b), a parole must not be granted to a prisoner other
24 than a prisoner subject to disciplinary time sentenced for the
25 commission of a crime described in section 33b(a) to (cc) until the
26 prisoner has served the minimum term imposed by the court less an
27 allowance for disciplinary credits as provided in section 33(5) of
28 1893 PA 118, MCL 800.33. A prisoner described in this subdivision
29 is not eligible for special parole.

1 (d) Except as provided in section 34a and section 35(10), a
2 parole must not be granted to a prisoner subject to disciplinary
3 time until the prisoner has served the minimum term imposed by the
4 court.

5 (e) A prisoner must not be released on parole until the parole
6 board has satisfactory evidence that arrangements have been made
7 for such honorable and useful employment as the prisoner is capable
8 of performing, for the prisoner's education, or for the prisoner's
9 care if the prisoner is mentally or physically ill or
10 incapacitated.

11 (f) Except as provided in section 35(10), a prisoner whose
12 minimum term of imprisonment is 2 years or more must not be
13 released on parole unless ~~he or she~~ **the prisoner** has either earned
14 a high school diploma or a high school equivalency certificate. The
15 director of the department may waive the restriction imposed by
16 this subdivision as to any prisoner who is over the age of 65 or
17 who was gainfully employed immediately before committing the crime
18 for which ~~he or she~~ **the prisoner** was incarcerated. The department
19 may also waive the restriction imposed by this subdivision as to
20 any prisoner who has a learning disability, who does not have the
21 necessary proficiency in English, or who for some other reason that
22 is not the fault of the prisoner is unable to successfully complete
23 the requirements for a high school diploma or a high school
24 equivalency certificate. If the prisoner does not have the
25 necessary proficiency in English, the department shall provide
26 English language training for that prisoner necessary for the
27 prisoner to begin working toward the completion of the requirements
28 for a high school equivalency certificate. This subdivision applies
29 to prisoners sentenced for crimes committed after December 15,

1 1998. In providing an educational program leading to a high school
2 diploma or a high school equivalency certificate, the department
3 shall give priority to prisoners sentenced for crimes committed on
4 or before December 15, 1998.

5 (2) Paroles-in-custody to answer warrants filed by local or
6 out-of-state agencies, or immigration officials, are permissible if
7 an accredited agent of the agency filing the warrant calls for the
8 prisoner to be paroled in custody.

9 (3) The parole board may promulgate rules under the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
11 24.328, that are not inconsistent with this act with respect to
12 conditions imposed upon prisoners paroled under this act.

13 Sec. 33b. Except for a prisoner granted parole under ~~section~~
14 **sections** 35(10) **or 35a**, a person convicted and sentenced for the
15 commission of any of the following crimes other than a prisoner
16 subject to disciplinary time is not eligible for parole until the
17 person has served the minimum term imposed by the court less an
18 allowance for disciplinary credits as provided in section 33(5) of
19 1893 PA 118, MCL 800.33, and is not eligible for special parole:

20 (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL
21 750.13.

22 (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL
23 750.14.

24 (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA
25 328, MCL 750.72, 750.73, and 750.75.

26 (d) Section 82, 83, 84, 86, 87, 88, 89, or 90 of the Michigan
27 penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86,
28 750.87, 750.88, 750.89, and 750.90, or former section 80 of that
29 act.

1 (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328,
2 MCL 750.91 and 750.92.

3 (f) Section 110, 112, or 116 of the Michigan penal code, 1931
4 PA 328, MCL 750.110, 750.112, and 750.116.

5 (g) Section 135 or 136b(2) or (3) of the Michigan penal code,
6 1931 PA 328, MCL 750.135 and 750.136b, or former section 136a of
7 that act.

8 (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL
9 750.158.

10 (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL
11 750.160.

12 (j) Former section 171 of the Michigan penal code, 1931 PA
13 328.

14 (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL
15 750.196, or former section 194 of that act.

16 (l) Section 204, 207, 209, or 213 of the Michigan penal code,
17 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former
18 section 205, 206 or 208 of that act.

19 (m) Section 224, 226, or 227 of the Michigan penal code, 1931
20 PA 328, MCL 750.224, 750.226, and 750.227.

21 (n) Section 316, 317, 321, 322, 323, 327, 328, or 329 of the
22 Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.321,
23 750.322, 750.323, 750.327, 750.328, and 750.329, or former section
24 319 of that act.

25 (o) Former section 333 of the Michigan penal code, 1931 PA
26 328.

27 (p) Section 338, 338a, or 338b of the Michigan penal code,
28 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section
29 341 of that act.

1 (q) Section 349, 349a, or 350 of the Michigan penal code, 1931
2 PA 328, MCL 750.349, 750.349a, and 750.350.

3 (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL
4 750.357.

5 (s) Section 386 or 392 of the Michigan penal code, 1931 PA
6 328, MCL 750.386 and 750.392.

7 (t) Section 397 or 397a of the Michigan penal code, 1931 PA
8 328, MCL 750.397 and 750.397a.

9 (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL
10 750.436.

11 (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL
12 750.511, or former section 517 of that act.

13 (w) Section 520b, 520c, 520d, or 520g of the Michigan penal
14 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520g.

15 (x) Section 529, 529a, 530, or 531 of the Michigan penal code,
16 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.

17 (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL
18 750.544, or former section 545a of that act.

19 (z) Former section 2 of 1950 (Ex Sess) PA 38.

20 (aa) Former section 6 of 1952 PA 117.

21 (bb) Section 1, 2, or 3 of 1968 PA 302, MCL 752.541, 752.542,
22 and 752.543.

23 (cc) Section 7401(2)(a) or (b) or 7402(2)(a) or (b) of the
24 public health code, 1978 PA 368, MCL 333.7401 and 333.7402.

25 Sec. 34. (1) Except for a prisoner granted parole under
26 section 35(10) or as provided in section 34a, a prisoner sentenced
27 to an indeterminate sentence and confined in a state correctional
28 facility with a minimum in terms of years other than a prisoner
29 subject to disciplinary time is subject to the jurisdiction of the

1 parole board when the prisoner has served a period of time equal to
2 the minimum sentence imposed by the court for the crime of which ~~he~~
3 ~~or she~~ **the prisoner** was convicted, less good time and disciplinary
4 credits, if applicable.

5 (2) Except for a prisoner granted parole under section 35(10)
6 or as provided in section 34a, a prisoner subject to disciplinary
7 time sentenced to an indeterminate sentence and confined in a state
8 correctional facility with a minimum in terms of years is subject
9 to the jurisdiction of the parole board when the prisoner has
10 served a period of time equal to the minimum sentence imposed by
11 the court for the crime of which ~~he or she~~ **the prisoner** was
12 convicted.

13 (3) Except for a prisoner granted parole under section 35(10),
14 if a prisoner other than a prisoner subject to disciplinary time is
15 sentenced for consecutive terms, whether received at the same time
16 or at any time during the life of the original sentence, the parole
17 board has jurisdiction over the prisoner for purposes of parole
18 when the prisoner has served the total time of the added minimum
19 terms, less the good time and disciplinary credits allowed by
20 statute. The maximum terms of the sentences must be added to
21 compute the new maximum term under this subsection, and discharge
22 must be issued only after the total of the maximum sentences has
23 been served less good time and disciplinary credits, unless the
24 prisoner is paroled and discharged upon satisfactory completion of
25 the parole.

26 (4) Except for a prisoner granted parole under section 35(10),
27 if a prisoner subject to disciplinary time is sentenced for
28 consecutive terms, whether received at the same time or at any time
29 during the life of the original sentence, the parole board has

1 jurisdiction over the prisoner for purposes of parole when the
2 prisoner has served the total time of the added minimum terms. The
3 maximum terms of the sentences must be added to compute the new
4 maximum term under this subsection, and discharge must be issued
5 only after the total of the maximum sentences has been served,
6 unless the prisoner is paroled and discharged upon satisfactory
7 completion of the parole.

8 (5) If a prisoner other than a prisoner subject to
9 disciplinary time has 1 or more consecutive terms remaining to
10 serve in addition to the term ~~he or she~~ **the prisoner** is serving,
11 the parole board may terminate the sentence the prisoner is
12 presently serving at any time after the minimum term of the
13 sentence has been served.

14 (6) A prisoner sentenced to imprisonment for life for any of
15 the following is not eligible for parole and is instead subject to
16 the provisions of section 44 or 44a:

17 (a) ~~First~~ **Except as provided in section 35a, first** degree
18 murder in violation of section 316 of the Michigan penal code, 1931
19 PA 328, MCL 750.316.

20 (b) A violation of section 16(5) or 18(7) of the Michigan
21 penal code, 1931 PA 328, MCL 750.16 and 750.18.

22 (c) A violation of chapter XXXIII of the Michigan penal code,
23 1931 PA 328, MCL 750.200 to 750.212a.

24 (d) A violation of section 17764(7) of the public health code,
25 1978 PA 368, MCL 333.17764.

26 (e) First degree criminal sexual conduct in violation of
27 section 520b(2)(c) of the Michigan penal code, 1931 PA 328, MCL
28 750.520b.

29 (f) Any other violation for which parole eligibility is

1 expressly denied under state law.

2 (7) Except for a prisoner granted parole under section 35(10),
3 a prisoner sentenced to imprisonment for life, other than a
4 prisoner described in subsection (6), is subject to the
5 jurisdiction of the parole board and may be placed on parole
6 according to the conditions prescribed in subsection (8) if ~~he or~~
7 ~~she~~**the prisoner** meets any of the following criteria:

8 (a) Except as provided in subdivision (b) or (c), the prisoner
9 has served 10 calendar years of the sentence for a crime committed
10 before October 1, 1992 or 15 calendar years of the sentence for a
11 crime committed on or after October 1, 1992.

12 (b) Except as provided in subsection (12), the prisoner has
13 served 20 calendar years of a sentence for violating, or attempting
14 or conspiring to violate, section 7401(2)(a)(i) of the public health
15 code, 1978 PA 368, MCL 333.7401, and has another conviction for a
16 serious crime.

17 (c) Except as provided in subsection (12), the prisoner has
18 served 17-1/2 calendar years of the sentence for violating, or
19 attempting or conspiring to violate, section 7401(2)(a)(i) of the
20 public health code, 1978 PA 368, MCL 333.7401, and does not have
21 another conviction for a serious crime.

22 (8) A parole granted to a prisoner under subsection (7) is
23 subject to the following conditions:

24 (a) At the conclusion of 10 calendar years of the prisoner's
25 sentence and thereafter as determined by the parole board until the
26 prisoner is paroled, discharged, or deceased, and in accordance
27 with the procedures described in subsection (9), 1 member of the
28 parole board shall interview the prisoner. The interview schedule
29 prescribed in this subdivision applies to all prisoners to whom

1 subsection (7) applies, regardless of the date on which they were
2 sentenced.

3 (b) In addition to the interview schedule prescribed in
4 subdivision (a), the parole board shall review the prisoner's file
5 at the conclusion of 15 calendar years of the prisoner's sentence
6 and every 5 years thereafter until the prisoner is paroled,
7 discharged, or deceased. A prisoner whose file is to be reviewed
8 under this subdivision must be notified of the upcoming file review
9 at least 30 days before the file review takes place and must be
10 allowed to submit written statements or documentary evidence for
11 the parole board's consideration in conducting the file review.

12 (c) A decision to grant or deny parole to the prisoner must
13 not be made until after a public hearing held in the manner
14 prescribed for pardons and commutations in sections 44 and 45.
15 Notice of the public hearing must be given to the sentencing judge,
16 or the judge's successor in office. Parole must not be granted if
17 the sentencing judge files written objections to the granting of
18 the parole within 30 days of receipt of the notice of hearing, but
19 the sentencing judge's written objections bar the granting of
20 parole only if the sentencing judge is still in office in the court
21 before which the prisoner was convicted and sentenced. A sentencing
22 judge's successor in office may file written objections to the
23 granting of parole, but a successor judge's objections must not bar
24 the granting of parole under subsection (7). If written objections
25 are filed by either the sentencing judge or the judge's successor
26 in office, the objections must be made part of the prisoner's file.

27 (d) A parole granted under subsection (7) must be for a period
28 of not less than 4 years and subject to the usual rules pertaining
29 to paroles granted by the parole board. A parole granted under

1 subsection (7) is not valid until the transcript of the record is
2 filed with the attorney general whose certification of receipt of
3 the transcript must be returned to the office of the parole board
4 within 5 days. Except for medical records protected under section
5 2157 of the revised judicature act of 1961, 1961 PA 236, MCL
6 600.2157, the file of a prisoner granted a parole under subsection
7 (7) is a public record.

8 (9) An interview conducted under subsection (8)(a) is subject
9 to both of the following requirements:

10 (a) The prisoner must be given written notice, not less than
11 30 days before the interview date, stating that the interview will
12 be conducted.

13 (b) The prisoner may be represented at the interview by an
14 individual of ~~his or her~~ **the prisoner's** choice. The representative
15 must not be another prisoner. A prisoner is not entitled to
16 appointed counsel at public expense. The prisoner or representative
17 may present relevant evidence in favor of holding a public hearing
18 as allowed in subsection (8)(c).

19 (10) In determining whether a prisoner convicted of violating,
20 or attempting or conspiring to violate, section 7401(2)(a)(i) of the
21 public health code, 1978 PA 368, MCL 333.7401, and sentenced to
22 imprisonment for life before October 1, 1998 is to be released on
23 parole, the parole board shall consider all of the following:

24 (a) Whether the violation was part of a continuing series of
25 violations of section 7401 or 7403 of the public health code, 1978
26 PA 368, MCL 333.7401 and 333.7403, by that individual.

27 (b) Whether the violation was committed by the individual in
28 concert with 5 or more other individuals.

29 (c) Any of the following:

1 (i) Whether the individual was a principal administrator,
2 organizer, or leader of an entity that the individual knew or had
3 reason to know was organized, in whole or in part, to commit
4 violations of section 7401 or 7403 of the public health code, 1978
5 PA 368, MCL 333.7401 and 333.7403, and whether the violation for
6 which the individual was convicted was committed to further the
7 interests of that entity.

8 (ii) Whether the individual was a principal administrator,
9 organizer, or leader of an entity that the individual knew or had
10 reason to know committed violations of section 7401 or 7403 of the
11 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and
12 whether the violation for which the individual was convicted was
13 committed to further the interests of that entity.

14 (iii) Whether the violation was committed in a drug-free school
15 zone.

16 (iv) Whether the violation involved the delivery of a
17 controlled substance to an individual less than 17 years of age or
18 possession with intent to deliver a controlled substance to an
19 individual less than 17 years of age.

20 (11) Except as provided in subsection (19) and section 34a, a
21 prisoner's release on parole is discretionary with the parole
22 board. The action of the parole board in granting a parole is
23 appealable by the prosecutor of the county from which the prisoner
24 was committed or the victim of the crime for which the prisoner was
25 convicted. The appeal must be to the circuit court in the county
26 from which the prisoner was committed, by leave of the court.

27 (12) If the sentencing judge, or ~~his or her~~ **the judge's**
28 successor in office, determines on the record that a prisoner
29 described in subsection (7) (b) or (c) sentenced to imprisonment for

1 life for violating, or attempting or conspiring to violate, section
2 7401(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7401,
3 has cooperated with law enforcement, the prisoner is subject to the
4 jurisdiction of the parole board and may be released on parole as
5 provided in subsection (7) (b) or (c) 2-1/2 years earlier than the
6 time otherwise indicated in subsection (7) (b) or (c). The prisoner
7 is considered to have cooperated with law enforcement if the court
8 determines on the record that the prisoner had no relevant or
9 useful information to provide. The court shall not make a
10 determination that the prisoner failed or refused to cooperate with
11 law enforcement on grounds that the defendant exercised ~~his or her~~
12 **the defendant's** constitutional right to trial by jury. If the court
13 determines at sentencing that the defendant cooperated with law
14 enforcement, the court shall include its determination in the
15 judgment of sentence.

16 (13) Except for a prisoner granted parole under section 35(10)
17 and notwithstanding subsections (1) and (2), a prisoner convicted
18 of violating, or attempting or conspiring to violate, section
19 7401(2) (a) (i) or 7403(2) (a) (i) of the public health code, 1978 PA
20 368, MCL 333.7401 and 333.7403, whose offense occurred before March
21 1, 2003, and who was sentenced to a term of years, is eligible for
22 parole after serving 20 years of the sentence imposed for the
23 violation if the individual has another serious crime or 17-1/2
24 years of the sentence if the individual does not have another
25 conviction for a serious crime, or after serving the minimum
26 sentence imposed for that violation, whichever is less.

27 (14) Except for a prisoner granted parole under section 35(10)
28 and notwithstanding subsections (1) and (2), a prisoner who was
29 convicted of violating, or attempting or conspiring to violate,

1 section 7401(2)(a)(ii) or 7403(2)(a)(ii) of the public health code,
2 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred
3 before March 1, 2003, and who was sentenced according to those
4 sections as they existed before March 1, 2003, is eligible for
5 parole after serving the minimum of each sentence imposed for that
6 violation or 10 years of each sentence imposed for that violation,
7 whichever is less.

8 (15) Except for a prisoner granted parole under section 35(10)
9 and notwithstanding subsections (1) and (2), a prisoner who was
10 convicted of violating, or attempting or conspiring to violate,
11 section 7401(2)(a)(iii) or 7403(2)(a)(iii) of the public health code,
12 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred
13 before March 1, 2003, and who was sentenced according to those
14 sections as they existed before March 1, 2003, is eligible for
15 parole after serving the minimum of each sentence imposed for that
16 violation or 5 years of each sentence imposed for that violation,
17 whichever is less.

18 (16) Except for a prisoner granted parole under section 35(10)
19 and notwithstanding subsections (1) and (2), a prisoner who was
20 convicted of violating, or attempting or conspiring to violate,
21 section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public health code,
22 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred
23 before March 1, 2003, who was sentenced according to those sections
24 of law as they existed before March 1, 2003 to consecutive terms of
25 imprisonment for 2 or more violations of section 7401(2)(a) or
26 7403(2)(a) of the public health code, 1978 PA 368, MCL 333.7401 and
27 333.7403, is eligible for parole after serving 1/2 of the minimum
28 sentence imposed for each violation of section 7401(2)(a)(iv) or
29 7403(2)(a)(iv) of the public health code, 1978 PA 368, MCL 333.7401

1 and 333.7403. This subsection applies only to sentences imposed for
2 violations of section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public
3 health code, 1978 PA 368, MCL 333.7401 and 333.7403, and does not
4 apply if the sentence was imposed for a conviction for a new
5 offense committed while the individual was on probation or parole.

6 (17) Except for a prisoner granted parole under section 35(10)
7 and notwithstanding subsections (1) and (2), a prisoner who was
8 convicted of violating, or attempting or conspiring to violate,
9 section 7401(2)(a)(ii) or (iii) or 7403(2)(a)(ii) or (iii) of the public
10 health code, 1978 PA 368, MCL 333.7401 and 333.7403, who had a
11 prior conviction for a violation of section 7401(2)(a)(ii) or (iii) or
12 7403(2)(a)(ii) or (iii) of the public health code, 1978 PA 368, MCL
13 333.7401 and 333.7403, and who was sentenced to life without parole
14 under section 7413(1) of the public health code, 1978 PA 368, MCL
15 333.7413, according to that section as it existed before March 28,
16 2018 is eligible for parole after serving 5 years of each sentence
17 imposed for that violation.

18 (18) The parole board shall provide notice to the prosecuting
19 attorney of the county in which the prisoner was convicted before
20 granting parole to the prisoner under subsection (13), (14), (15),
21 (16), or (17) or under section 35(10). The parole board shall
22 provide the relevant medical records to the prosecuting attorney of
23 the county in which the prisoner was convicted for a prisoner being
24 considered for parole under section 35(10) at the same time the
25 parole board provides the notice required under this subsection.
26 The parole board shall also provide notice to any known victim or,
27 in the case of a homicide, the victim's immediate family, that it
28 is considering a prisoner for parole under section 35(10) at the
29 same time it provides notice to the prosecuting attorney under this

1 subsection.

2 (19) The prosecuting attorney or victim or, in the case of a
3 homicide, the victim's immediate family, may object to the parole
4 board's decision to recommend parole by filing a motion in the
5 circuit court in the county in which the prisoner was convicted
6 within 30 days of receiving notice under subsection (18). Upon
7 notification under subsection (18) and request by the victim, or,
8 in the case of a homicide, the victim's immediate family, the
9 prosecuting attorney must confer with the victim, or in the case of
10 a homicide, the victim's immediate family, before making a decision
11 regarding whether or not to object to the parole board's
12 determination. A motion filed under this subsection must be heard
13 by the sentencing judge or the judge's successor in office. The
14 prosecuting attorney shall inform the parole board if a motion was
15 filed under this subsection. A prosecutor who files a motion under
16 this subsection may seek an independent medical examination of the
17 prisoner being considered for parole under section 35(10). If an
18 appeal is initiated under this subsection, a subsequent appeal
19 under subsection (11) may not be initiated upon the granting of
20 parole.

21 (20) Both of the following apply to a hearing conducted on a
22 motion filed under subsection (19):

23 (a) The prosecutor and the parole board may present evidence
24 in support of or in opposition to the determination that a prisoner
25 is medically frail, including the results of any independent
26 medical examination.

27 (b) The sentencing judge or the judge's successor shall
28 determine whether the prisoner is eligible for parole as a result
29 of being medically frail.

1 (21) The decision of the sentencing judge or the judge's
2 successor on a motion filed under subsection (19) is binding on the
3 parole board with respect to whether a prisoner must be considered
4 medically frail or not. However, the decision of the sentencing
5 judge or the judge's successor is subject to appeal by leave to the
6 court of appeals granted to the department, the prosecuting
7 attorney, or the victim or victim's immediate family in the case of
8 a homicide.

9 (22) As used in this section:

10 (a) "Medically frail" means that term as defined in section
11 35(22).

12 (b) "Serious crime" means violating or conspiring to violate
13 article 7 of the public health code, 1978 PA 368, MCL 333.7101 to
14 333.7545, that is punishable by imprisonment for more than 4 years,
15 or an offense against a person in violation of section 83, 84, 86,
16 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,
17 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328,
18 MCL 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316,
19 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b,
20 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

21 (c) "State correctional facility" means a facility that houses
22 prisoners committed to the jurisdiction of the department.

23 **Sec. 35a. A prisoner who was convicted of first degree murder**
24 **in violation of section 316 of the Michigan penal code, 1931 PA**
25 **328, MCL 750.316, under a felony-murder theory of prosecution**
26 **before November 4, 1980, and who is serving a sentence of**
27 **imprisonment for life is subject to the jurisdiction of the parole**
28 **board after serving 40 years of the prisoner's sentence.**

29 **Sec. 83a. The department shall provide reentry housing to a**

1 **prisoner who is granted parole under section 35a and who does not**
2 **otherwise have housing available.**

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 971 of the 102nd Legislature is enacted into
5 law.