

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

***** 791.205a.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 7, 2018 *****

791.205a.amended Employment or appointment by department of person convicted or charged with felony; prohibition; exception; policy.

Sec. 5a. (1) Except as otherwise provided in this section, an individual who has been convicted of a felony, or who is subject to any pending felony charges, shall not be employed by or appointed to a position in the department.

(2) If records available to the department show that an applicant for employment or appointment has been convicted of a felony or is subject to pending felony charges, the department shall inform the applicant of that fact and of his or her resulting ineligibility for employment or appointment. At the request of the applicant, the department shall permit the applicant to review the relevant portion of the records. If the applicant disputes the accuracy of the records, the department shall allow the applicant a reasonable period of time to contact the responsible agency or agencies in order to correct the alleged inaccuracies, and shall allow the applicant to reapply for employment or appointment if the records, as corrected, would remove the ineligibility imposed by this section.

(3) The department shall establish a policy allowing for the employment or appointment of an individual who has been convicted of a felony to a position within the department if the individual's employment or appointment will not negatively impact public safety or the operation of the department.

(4) The policy developed under subsection (3) shall require an extensive background investigation of the applicant and the written approval of the director before the department may employ or appoint an applicant to a position in the department under subsection (3).

(5) An individual who is employed by or appointed to a position in the department under subsection (3) shall not be dismissed from his or her employment by or appointment in the department solely due to a felony conviction that he or she disclosed to the department prior to his or her employment by or appointment to a position in the department.

(6) Subsection (1) does not apply to an individual employed by or appointed to a position in the department before March 25, 1996.

History: Add. 1996, Act 140, Imd. Eff. Mar. 25, 1996;—Am. 2017, Act 191, Eff. Mar. 7, 2018.

Popular name: Department of Corrections Act