

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

***** 791.234d.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

791.234d.amended Documents to be issued prisoner upon release; certificate of employability; issuance; revocation; false statement or representation as misdemeanor; confirmation of validity; form; liability of department for certain actions.

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

- (a) The prisoner's criminal convictions.
- (b) The prisoner's institutional history including all of the following:
 - (i) Any record of institutional misconduct.

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

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

(iv) The prisoner's institutional work record.

(c) Other information considered relevant by the department.

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

(a) The prisoner, while incarcerated, successfully completed or earned 1 or more of the following:

(i) A career and technical education course.

(ii) At least 36 credit hours at an accredited postsecondary educational institution.

(iii) An associate or bachelor's degree from an accredited postsecondary educational institution if at least 50% of the credit hours for that degree were completed while the prisoner was incarcerated.

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

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

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

(3) A certificate of employability must only be issued within 30 days before the prisoner is released from a correctional facility under section 35 and is valid unless revoked by the department. The department shall revoke the certificate of employability if the prisoner commits any criminal offense during the 30-day period before release and may revoke the certificate of employability if the prisoner has any institutional misconduct during that period. The department shall revoke the certificate of employability of any individual who commits a felony after receiving a certificate of employability under this section and who is then placed under the jurisdiction of the department for committing that felony.

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

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

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

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

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

(9) The department is not civilly liable for damages based upon its decision to issue or to deny issuance of a certificate of employability to any prisoner or for revoking or failing to revoke a certificate of employability issued to any prisoner.

History: Add. 2014, Act 359, Eff. Jan. 1, 2015;—Am. 2017, Act 14, Eff. June 29, 2017;—Am. 2018, Act 531, Eff. Mar. 28, 2019.

Rendered Tuesday, April 30, 2019

Page 1

Michigan Compiled Laws Complete Through PA 2 of 2019