

Act No. 345
Public Acts of 1994
Approved by the Governor
December 15, 1994
Filed with the Secretary of State
December 15, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Rep Nye

ENROLLED HOUSE BILL No. 5434

AN ACT to amend section 34 of Act No 232 of the Public Acts of 1953 entitled as amended An act to revise consolidate and codify the laws relating to probationers and probation officers to pardons reprieves commutations and paroles to the administration of correctional institutions correctional farms and probation recovery camps to prisoner labor and correctional industries and to the supervision and inspection of local jails and houses of correction to provide for the siting of correctional facilities to create a state department of corrections and to prescribe its powers and duties to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards commissions and officers and to abolish certain boards commissions and offices the powers and duties of which are transferred by this act to prescribe the powers and duties of certain other state departments and agencies to provide for the creation of a local lockup advisory board to prescribe penalties for the violation of the provisions of this act to make certain appropriations to repeal certain parts of this act on specific dates and to repeal all acts and parts of acts inconsistent with the provisions of this act as amended by Act No 217 of the Public Acts of 1994 being section 791 234 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 34 of Act No 232 of the Public Acts of 1953 as amended by Act No 217 of the Public Acts of 1994 being section 791 234 of the Michigan Compiled Laws is amended to read as follows

Sec 34 (1) Except as provided in section 34a a prisoner sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years other than a prisoner subject to disciplinary time is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted less good time and disciplinary credits if applicable

(2) Except as provided in section 34a a prisoner subject to disciplinary time sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted plus any disciplinary time accumulated pursuant to section 34 of Act No 118 of the Public Acts of 1893 being section 800 34 of the Michigan Compiled Laws

(3) If a prisoner other than a prisoner subject to disciplinary time is sentenced for consecutive terms whether received at the same time or at any time during the life of the original sentence the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms less the good time and disciplinary credits allowed by statute. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection and discharge shall be issued only after the total of the maximum sentences has been served less good time and disciplinary credits unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

(4) If a prisoner subject to disciplinary time is sentenced for consecutive terms whether received at the same time or at any time during the life of the original sentence the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms plus any disciplinary time. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection and discharge shall be issued only after the total of the maximum sentences has been served unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

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

(6) A prisoner under sentence for life or for a term of years other than a prisoner sentenced for life for murder in the first degree or sentenced for life or for a minimum term of imprisonment for a major controlled substance offense who has served 10 calendar years of the sentence in the case of a prisoner sentenced for a crime committed before October 1, 1992 or who has served 15 calendar years of the sentence in the case of a prisoner sentenced for a crime committed on or after October 1, 1992 is subject to the jurisdiction of the parole board and may be released on parole by the parole board subject to the following conditions:

(a) One member of the parole board shall interview the prisoner at the conclusion of 10 calendar years of the sentence and every 5 years thereafter until such time as the prisoner is paroled, discharged, or deceased. The interview schedule prescribed in this subdivision applies to all prisoners to whom this subsection is applicable whether sentenced before, on, or after the effective date of the 1992 amendatory act that amended this subdivision.

(b) A parole shall not be granted a prisoner so sentenced until after a public hearing held in the manner prescribed for pardons and commutations in sections 44(2)(f) to (h) and 45. Notice of the public hearing shall be given to the sentencing judge or the judge's successor in office and parole shall not be granted if the sentencing judge or the judge's successor in office files written objections to the granting of the parole within 30 days of receipt of the notice of hearing. The written objections shall be made part of the prisoner's file.

(c) A parole granted under this subsection shall be for a period of not less than 4 years and subject to the usual rules pertaining to paroles granted by the parole board. A parole ordered under this subsection is not valid until the transcript of the record is filed with the attorney general whose certification of receipt of the transcript shall be returnable to the office of the parole board within 5 days. Except for medical records protected under section 2157 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2157 of the Michigan Compiled Laws, the file of a prisoner granted a parole under this subsection is a public record.

(d) A parole shall not be granted under this subsection in the case of a prisoner who is otherwise prohibited by law from parole consideration. In such cases the interview procedures in section 44 shall be followed.

(7) Except as provided in section 34a, a prisoner's release on parole is discretionary with the parole board. The action of the parole board in granting or denying a parole is appealable by the prisoner, the prosecutor of the county from which the prisoner was committed, or the victim of the crime for which the prisoner was convicted. The appeal shall be to the circuit court in the county from which the prisoner was committed by leave of the court.

(8) The provisions of this section regarding prisoners subject to disciplinary time take effect beginning on the effective date of Act No. 217 of the Public Acts of 1994 as prescribed in enacting section 2 of that amendatory act.

Section 2. This amendatory act shall take effect January 1, 1995.

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor