



HOUSE BILL No. 4356

February 24, 1993, Introduced by Rep. Joe Young, Jr. and referred to the Committee on Judiciary.

A bill 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 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 hereby transferred; 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 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. 181 of the Public Acts of 1992, being section 791.234 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 34 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 181 of the Public Acts of 1992, being
3 section 791.234 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 34. (1) Except as provided in section 34a, a prisoner
6 sentenced to an indeterminate sentence and confined in a state
7 correctional facility with a minimum in terms of years ~~shall be~~
8 IS subject to the jurisdiction of the parole board when the pris-
9 oner has served a period of time equal to the minimum sentence
10 imposed by the court for the crime of which he or she was con-
11 victed, less good time and disciplinary credits, if applicable.

12 (2) If a prisoner is sentenced for consecutive terms,
13 whether received at the same time or at any time during the life
14 of the original sentence, the parole board ~~shall have~~ HAS
15 jurisdiction over the prisoner for purposes of parole when the
16 prisoner has served the total time of the added minimum terms,
17 less the good time and disciplinary credit allowed by statute.
18 The maximum terms of the sentences shall be added to compute the
19 new maximum term under this subsection, and discharge shall be
20 issued only after the total of the maximum sentences has been
21 served less good time and disciplinary credits, unless the pris-
22 oner is paroled and discharged upon satisfactory completion of
23 the parole.

24 (3) If a prisoner has 1 or more consecutive terms remaining
25 to serve in addition to the term he or she is serving, the parole
26 board may terminate the sentence the prisoner is ~~presently~~

1 serving at any time after the minimum term of the sentence has
2 been served.

3 (4) A prisoner ~~under sentence~~ SENTENCED TO IMPRISONMENT
4 for life or for a term of years, other than a prisoner sentenced
5 TO IMPRISONMENT for life for murder in the first degree, ~~or~~
6 ~~sentenced~~ TO IMPRISONMENT for life or for a minimum term of
7 imprisonment for a major controlled substance offense, OR TO
8 IMPRISONMENT FOR LIFE FOR A VIOLATION OF SECTION 73A OF THE
9 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
10 BEING SECTION 750.73A OF THE MICHIGAN COMPILED LAWS, who has
11 served 10 calendar years of the sentence in the case of a pris-
12 oner sentenced for a crime committed before October 1, 1992, or
13 who has served 15 calendar years of the sentence in the case of a
14 prisoner sentenced for a crime committed on or after October 1,
15 1992, is subject to the jurisdiction of the parole board and may
16 be released on parole by the parole board, subject to the follow-
17 ing conditions:

18 (a) One member of the parole board shall interview the pris-
19 oner at the conclusion of 10 calendar years of the sentence and
20 every 5 years thereafter until ~~such time as~~ the prisoner is
21 paroled, discharged, or deceased. The interview schedule pre-
22 scribed in this subdivision applies to all prisoners to whom this
23 subsection is applicable, whether sentenced before, on, or after
24 ~~the effective date of the 1992 amendatory act that amended this~~
25 ~~subdivision~~ SEPTEMBER 22, 1992.

26 (b) A parole shall not be granted a prisoner ~~so~~ sentenced
27 AS DESCRIBED UNDER THIS SUBSECTION until after a public hearing

1 held in the manner prescribed for pardons and commutations in
2 ~~sections~~ SECTION 44(d) to (f) and SECTION 45. Notice of the
3 public hearing shall be given to the sentencing judge, or the
4 judge's successor in office, and parole shall not be granted if
5 the sentencing judge, or the judge's successor in office, files
6 written objections to the granting of the parole within 30 days
7 of receipt of the notice of hearing. The written objections
8 shall be made part of the prisoner's file.

9 (c) A parole granted under this subsection shall be for ~~a~~
10 ~~period of~~ not less than 4 years and subject to the usual rules
11 pertaining to paroles granted by the parole board. A parole
12 ordered under this subsection ~~shall~~ IS not ~~become~~ valid until
13 the transcript of the record is filed with the attorney general
14 whose certification of receipt of the transcript shall be return-
15 able to the office of the parole board within 5 days. Except for
16 medical records ~~protected~~ EXEMPT FROM DISCLOSURE under section
17 2157 of the revised judicature act of 1961, Act No. 236 of the
18 Public Acts of 1961, being section 600.2157 of the Michigan
19 Compiled Laws, the file of a prisoner granted a parole under this
20 subsection shall be a public record.

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

25 (5) Except as provided in section 34a, a prisoner's release
26 on parole shall be discretionary with the parole board. The
27 action of the parole board in granting or denying a parole shall

1 be appealable by the prisoner, the prosecutor of the county from
2 which the prisoner was committed, or the victim of the crime for
3 which the prisoner was convicted. The appeal shall be to the
4 circuit court by leave of the court.

5 Section 2. This amendatory act shall not take effect unless
6 House Bill No. 4043 of the 87th Legislature is enacted into law.