



HOUSE BILL No. 5434

March 23 1994 Introduced by Rep Nye 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 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 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~~ CREDITS allowed by
18 statute The maximum terms of the sentences shall be added to
19 compute the new maximum term under this subsection and discharge
20 shall be issued only after the total of the maximum sentences has
21 been served less good time and disciplinary credits unless the
22 prisoner is paroled and discharged upon satisfactory completion
23 of 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 for life or for a term of
4 years other than a prisoner sentenced for life for murder in the
5 first degree or sentenced for life or for a minimum term of
6 imprisonment for a major controlled substance offense who has
7 served 10 calendar years of the sentence in the case of a pris-
8 oner sentenced for a crime committed before October 1 1992 or
9 who has served 15 calendar years of the sentence in the case of a
10 prisoner sentenced for a crime committed on or after October 1,
11 1992 is subject to the jurisdiction of the parole board and may
12 be released on parole by the parole board, subject to the follow-
13 ing conditions

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

22 (b) A parole shall not be granted a prisoner so sentenced
23 until after a public hearing held in the manner prescribed for
24 pardons and commutations in sections ~~44(d) to (f)~~ 44(2) and
25 45 Notice of the public hearing shall be given to the sentenc-
26 ing judge or the judge s successor in office and parole shall
27 not be granted if the sentencing judge or the judge s successor

1 in office files written objections to the granting of the parole
2 within 30 days of receipt of the notice of hearing The written
3 objections shall be made part of the prisoner s file

4 (c) A parole granted under this subsection shall be for a
5 period of not less than 4 years and subject to the usual rules
6 pertaining to paroles granted by the parole board A parole
7 ordered under this subsection ~~shall~~ IS not ~~become~~ valid until
8 the transcript of the record is filed with the attorney general
9 whose certification of receipt of the transcript shall be return-
10 able to the office of the parole board within 5 days Except for
11 medical records protected under section 2157 of the revised judi-
12 cature act of 1961, Act No 236 of the Public Acts of 1961 being
13 section 600 2157 of the Michigan Compiled Laws the file of a
14 prisoner granted a parole under this subsection ~~shall be~~ IS a
15 public record

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

20 (5) Except as provided in section 34a a prisoner s release
21 on parole ~~shall be~~ IS discretionary with the parole board The
22 action of the parole board in granting or denying a parole ~~shall~~
23 ~~be~~ IS appealable by the prisoner the prosecutor of the county
24 from which the prisoner was committed, or the victim of the crime
25 for which the prisoner was convicted The appeal shall be to the
26 circuit court FOR THE COUNTY FROM WHICH THE PRISONER WAS
27 COMMITTED by leave of the court AND IF LEAVE TO APPEAL IS

1 GRANTED SHALL BE HEARD BY THE JUDGE WHO SENTENCED THE PRISONER
2 OR THAT JUDGE S SUCCESSOR IN OFFICE