

Act No. 316
Public Acts of 1998
Approved by the Governor
July 28, 1998
Filed with the Secretary of State
July 30, 1998
EFFECTIVE DATE: December 15, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Van Regenmorter, Bouchard, Bennett, Gougeon, North, McManus, Peters, Steil, DeBeaussaert, Miller, Young, Byrum, Hart, Cherry, Shugars, Cisky, Stille, O'Brien, Dunaskiss, Schuette, Schwarz, A. Smith, Jaye and Vaughn

ENROLLED SENATE BILL No. 826

AN ACT to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending sections 34 and 35 (MCL 800.34 and 800.35), section 34 as amended by 1996 PA 83 and section 35 as added by 1994 PA 218; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 34. (1) A prisoner subject to disciplinary time shall receive disciplinary time for each major misconduct for which he or she is found guilty as prescribed by rule pursuant to section 35.

(2) Accumulated disciplinary time shall be submitted to the parole board for the parole board's consideration at the prisoner's parole review or interview. A prisoner's minimum sentence, plus disciplinary time, shall not exceed his or her maximum sentence.

(3) A prisoner who has been sentenced concurrently for separate convictions shall have his or her disciplinary time considered by the parole board on each sentence individually. If a prisoner is serving consecutive sentences for separate convictions, his or her disciplinary time shall be considered by the parole board on each sentence individually.

(4) A prisoner subject to disciplinary time may have any or all of his or her accumulated disciplinary time reduced by the department if he or she has demonstrated exemplary good conduct during the term of imprisonment. Disciplinary time deducted pursuant to this section may be restored if the prisoner is found guilty of a major misconduct.

(5) As used in this act, "prisoner subject to disciplinary time" includes both of the following:

(a) A prisoner sentenced to an indeterminate term of imprisonment for any of the following crimes committed on or after December 15, 1998:

(i) A violation of section 625(4) or (5) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) A violation of section 80176(4) or (5) of part 801 (marine safety) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176.

(iii) A violation of section 72, 73, 80, 82, 83, 84, 86, 87, 88, 89, 90, 110a(2), 112, 136b(2), 145c, 204, 204a, 205, 205a, 206, 207, 208, 210, 211, 211a, 213, 316, 317, 319, 321, 322, 327, 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, 750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b, 750.145c, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207, 750.208, 750.210, 750.211, 750.211a, 750.213, 750.316, 750.317, 750.319, 750.321, 750.322, 750.327, 750.328,

750.329, 750.349, 750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and 750.531.

(iv) A violation of section 1 of 1931 PA 214, MCL 752.191.

(v) A violation of section 1, 2, or 2a of 1968 PA 302, MCL 752.541, 752.542, and 752.542a.

(vi) Any offense not listed in subparagraphs (i) to (v) that is punishable by life imprisonment.

(vii) An attempt, conspiracy, or solicitation to commit an offense described in subparagraphs (i) to (vi).

(b) A prisoner sentenced to an indeterminate term of imprisonment for any crime not listed in subdivision (a), if that crime was committed on or after December 15, 2000.

Sec. 35. The department shall promulgate rules prescribing the amount of disciplinary time to be submitted to the parole board for the parole board's consideration for each type of major misconduct for which a prisoner subject to disciplinary time is found guilty. The rules shall be promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Enacting section 1. The following acts and parts of acts are repealed:

(a) Enacting section 2 of 1994 PA 217.

(b) Enacting section 2 of 1994 PA 218.

Enacting section 2. This amendatory act takes effect December 15, 1998.

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) House Bill No. 4065.

(b) House Bill No. 4444.

(c) House Bill No. 4445.

(d) House Bill No. 4446.

(e) House Bill No. 4515.

(f) House Bill No. 5398.

(g) House Bill No. 5419.

(h) House Bill No. 5876.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.