

HOUSE BILL No. 4395

March 1, 2001, Introduced by Rep. Hart and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled

"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 allow for the operation of certain facilities by private entities; 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,"

by amending section 36 (MCL 791.236), as amended by 1999 PA 271, and by adding section 42a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36. (1) All paroles shall be ordered by the parole
2 board and shall be signed by the chairperson. Written notice of
3 the PAROLE order shall be given to the sheriff or other police
4 officer of the municipality or county in which the prisoner was
5 convicted, and to the sheriff or other local police officer of
6 the municipality or county to which the paroled prisoner is
7 sent.

8 (2) A parole order may be amended or rescinded at the dis-
9 cretion of the parole board for cause. If a paroled prisoner who
10 is required to register pursuant to the sex offenders registra-
11 tion act, 1994 PA 295, MCL 28.721 to 28.732, willfully violates
12 that act, the parole board shall rescind the parole. If a pris-
13 oner convicted of violating or conspiring to violate section
14 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public
15 health code, 1978 PA 368, MCL 333.7401 and 333.7403, is released
16 on parole and violates or conspires to violate article 7 of the
17 public health code, 1978 PA 368, MCL 333.7401 to 333.7545, and
18 that violation or conspiracy to violate is punishable by impris-
19 onment for 4 or more years, or commits a violent felony during
20 his or her release on parole, parole shall be revoked.

21 (3) A parole shall not be rescinded unless an interview is
22 conducted by 1 member of the parole board. The purpose of the
23 interview is to consider and act upon information received by the
24 board after the original parole release decision. A rescission
25 interview shall be conducted within 45 days after receiving the
26 new information. At least 10 days before the interview, the

1 parolee shall receive a copy or summary of the new evidence that
2 is the basis for the interview. An amendment to a parole order
3 shall be in writing and is not effective until notice of the
4 amendment is given to the parolee.

5 (4) When a parole order is issued, the order shall contain
6 the conditions of the parole and shall specifically provide
7 proper means of supervision of the paroled prisoner in accordance
8 with the rules of the bureau of field services.

9 (5) The parole order shall contain a condition to pay resti-
10 tution to the victim of the prisoner's crime or the victim's
11 estate if the prisoner was ordered to make restitution pursuant
12 to the crime victim's rights act, 1985 PA 87, MCL 780.751 to
13 780.834, or the code of criminal procedure, 1927 PA 175,
14 MCL 760.1 to ~~776.22~~ 777.69.

15 (6) The parole order shall contain a condition requiring the
16 parolee to pay a parole supervision fee as prescribed in
17 section 36a.

18 (7) The parole order shall contain a condition requiring the
19 parolee to pay any assessment the prisoner was ordered to pay
20 pursuant to section 5 of 1989 PA 196, MCL 780.905.

21 (8) If the parolee is required to be registered under the
22 sex offenders registration act, 1994 PA 295, MCL 28.721 to
23 28.732, the parole order shall contain a condition requiring the
24 parolee to comply with that act.

25 (9) If a prisoner convicted of violating or conspiring to
26 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of
27 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403,

1 is released on parole, the parole order shall contain a notice
2 that if the parolee violates or conspires to violate article 7 of
3 the public health code, 1978 PA 368, MCL 333.7401 to 333.7545,
4 and that violation or conspiracy to violate is punishable by
5 imprisonment for 4 or more years, or commits a violent felony
6 during his or her release on parole, parole shall be revoked.

7 (10) A parole order issued for a prisoner subject to disci-
8 plinary time may contain a condition requiring the parolee to be
9 housed in a community corrections center or a community residen-
10 tial home for not less than the first 30 days but not more than
11 the first 180 days of his or her term of parole. As used in this
12 subsection, "community corrections center" and "community resi-
13 dential home" mean those terms as defined in section 65a.

14 (11) The parole order shall contain a condition requiring
15 the parolee to pay the following amounts owed by the prisoner, if
16 applicable:

17 (a) The balance of filing fees and costs ordered to be paid
18 under section 2963 of the revised judicature act of 1961, 1961
19 PA 236, MCL 600.2963.

20 (b) The balance of any filing fee ordered to be paid by a
21 federal court under section 1915 of title 28 of the United States
22 Code, 28 U.S.C. 1915 and any unpaid order of costs assessed
23 against the prisoner.

24 (12) In each case in which payment of restitution is ordered
25 as a condition of parole, a parole officer assigned to a case
26 shall review the case not less than twice yearly to ensure that
27 restitution is being paid as ordered. The final review shall be

1 conducted not less than 60 days before the expiration of the
2 parole period. If the parole officer determines that restitution
3 is not being paid as ordered, the parole officer shall file a
4 written report of the violation with the parole board on a form
5 prescribed by the parole board. The report shall include a
6 statement of the amount of arrearage and any reasons for the
7 arrearage known by the parole officer. The parole board shall
8 immediately provide a copy of the report to the court, the prose-
9 cuting attorney, and the victim.

10 (13) If a parolee is required to register pursuant to the
11 sex offenders registration act, 1994 PA 295, MCL 28.721 to
12 28.732, the parole officer shall register the parolee as provided
13 in that act.

14 (14) If the parole order contains a condition intended to
15 protect 1 or more named persons, the department shall enter those
16 provisions of the parole order into the corrections management
17 information system, accessible by the law enforcement information
18 network. If the parole board revokes a parole order described in
19 this subsection, the department within 3 business days shall
20 remove from the corrections management information system the
21 provisions of that parole order.

22 (15) BEFORE A PRISONER WHO HAS SIGNIFICANT MENTAL HEALTH
23 NEEDS IS PLACED ON PAROLE, THE PRISONER SHALL BE REQUIRED TO MEET
24 WITH A MENTAL HEALTH PROFESSIONAL FROM THE AREA INTO WHICH THE
25 PRISONER IS EXPECTED TO RESIDE WHILE ON PAROLE. THE MENTAL
26 HEALTH PROFESSIONAL SHALL REVIEW WITH THE PRISONER THE COMMUNITY
27 MENTAL HEALTH PROGRAMS IN THAT AREA AND SHALL VERIFY THAT THE

1 PRISONER UNDERSTANDS THE COURSE OF MEDICATION, IF ANY, PRESCRIBED
2 FOR HIM OR HER. A 90-DAY SUPPLY OF EACH MEDICATION PRESCRIBED
3 FOR THE PRISONER SHALL BE PROVIDED TO THE PRISONER UPON RELEASE
4 ON PAROLE. AN ORDER OF PAROLE FOR A PRISONER WHO HAS SIGNIFICANT
5 MENTAL HEALTH NEEDS SHALL CONTAIN A CONDITION PROVIDING FOR ALL
6 OF THE FOLLOWING:

7 (A) THE PAROLEE SHALL COMPLY WITH ANY COURSE OF MEDICATION
8 PRESCRIBED FOR HIM OR HER.

9 (B) THE PAROLE OFFICER ASSIGNED TO THE CASE SHALL MEET WITH
10 THE PAROLEE 90 DAYS AFTER THE DATE OF THE PRISONER'S RELEASE ON
11 PAROLE TO VERIFY THAT THE PRISONER IS COMPLYING WITH ANY PRE-
12 SCRIBED COURSE OF MEDICATION.

13 (C) IF, AFTER THE MEETING WITH THE PRISONER, THE PAROLE
14 OFFICER DETERMINES THAT THE PRISONER IS NOT COMPLYING WITH HIS OR
15 HER PRESCRIBED COURSE OF MEDICATION, THE PAROLE OFFICER SHALL
16 REQUIRE THE PRISONER TO MEET WITH A MENTAL HEALTH CASEWORKER FROM
17 THE AREA IN WHICH THE PRISONER RESIDES. IF THE PAROLE OFFICER
18 DETERMINES AT A SUBSEQUENT PAROLE REVIEW THAT THE PRISONER AGAIN
19 HAS NOT COMPLIED WITH HIS OR HER PRESCRIBED COURSE OF MEDICATION,
20 THE PRISONER'S PAROLE SHALL BE REVOKED AS PROVIDED IN THIS ACT.

21 (16) ~~(15)~~ As used in this section: ~~—, "violent~~

22 (A) "MENTAL HEALTH PROFESSIONAL" MEANS THAT TERM AS DEFINED
23 IN SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL
24 330.1100B.

25 (B) "VIOLENT felony" means an offense against a person in
26 violation of section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321,
27 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or

1 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83,
2 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317,
3 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c,
4 750.520d, 750.520e, 750.520g, 750.529, 750.529a, and 750.530.

5 SEC. 42A. BEFORE A PRISONER WHO HAS SIGNIFICANT MENTAL
6 HEALTH NEEDS IS RELEASED UPON SERVING HIS OR HER MAXIMUM TERM,
7 THE PRISONER SHALL BE REQUIRED TO MEET WITH A MENTAL HEALTH PRO-
8 FESSIONAL FROM THE AREA IN WHICH THE PRISONER IS EXPECTED TO
9 RESIDE WHEN RELEASED. THE MENTAL HEALTH PROFESSIONAL SHALL
10 REVIEW WITH THE PRISONER THE COMMUNITY MENTAL HEALTH PROGRAMS IN
11 THAT AREA AND SHALL VERIFY THAT THE PRISONER UNDERSTANDS THE
12 COURSE OF MEDICATION, IF ANY, PRESCRIBED FOR HIM OR HER. A
13 90-DAY SUPPLY OF EACH MEDICATION PRESCRIBED FOR THE PRISONER
14 SHALL BE PROVIDED TO THE PRISONER UPON RELEASE.