

# SENATE BILL No. 193

February 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

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 42 (MCL 791.242) and by adding section 36b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 36B. (1) THE PAROLE BOARD SHALL INCLUDE IN AN ORDER OF  
2 PAROLE FOR A PRISONER DESCRIBED IN SUBSECTION (2) A CONDITION  
3 REQUIRING THAT THE PAROLEE NOT RESIDE IN HOUSING OWNED OR OPER-  
4 ATED BY A PUBLIC OR PRIVATE COMMUNITY COLLEGE, COLLEGE, OR  
5 UNIVERSITY.

6           (2) THIS SECTION APPLIES TO A PRISONER SERVING A SENTENCE  
7 FOR A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING:

8           (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
9 750.158 (SODOMY).

10          (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
11 MCL 750.335A (INDECENT EXPOSURE).

12          (C) SECTION 338 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
13 750.338 (GROSS INDECENCY BETWEEN MALES).

14          (D) SECTION 338A OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
15 MCL 750.338A (GROSS INDECENCY BETWEEN FEMALES).

16          (E) SECTION 338B OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
17 MCL 750.338B (GROSS INDECENCY BETWEEN MALES AND FEMALES).

18          (F) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
19 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTICING  
20 AWAY CHILD UNDER 14 YEARS OF AGE).

21          (G) SECTION 451 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
22 750.451 (SECOND OR SUBSEQUENT PROSTITUTION VIOLATION).

23          (H) SECTION 452 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
24 750.452 (MAINTAINING OR OPERATING HOUSE OF ILL FAME).

25          (I) SECTION 455 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
26 750.455 (PANDERING).

1 (J) SECTION 456 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
2 750.456 (PLACING WIFE IN HOUSE OF PROSTITUTION).

3 (K) SECTION 457 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
4 750.457 (ACCEPTING EARNINGS OF PROSTITUTE).

5 (L) SECTION 458 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
6 750.458 (DETAINING FEMALE IN HOUSE OF PROSTITUTION FOR DEBT).

7 (M) SECTION 459 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
8 750.459 (TRANSPORTING FEMALE FOR PROSTITUTION).

9 (N) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
10 MCL 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT).

11 (O) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
12 MCL 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT).

13 (P) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
14 MCL 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT).

15 (Q) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
16 MCL 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL  
17 CONDUCT).

18 (R) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITI-  
19 CAL SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY COR-  
20 RESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (Q).

21 Sec. 42. (1) When ~~any~~ A paroled prisoner has faithfully  
22 performed all of the conditions and obligations of his OR HER  
23 parole for the period of time fixed in ~~such~~ THE order OF  
24 PAROLE, and has obeyed all of the rules and regulations adopted  
25 by the parole board, he OR SHE shall be ~~deemed~~ CONSIDERED to  
26 have served his OR HER full sentence, and the parole board shall

1 enter a final order of discharge and issue to the paroled  
2 prisoner a certificate of discharge.

3 (2) ~~No~~ A parole shall NOT be granted for a period OF less  
4 than 2 years ~~in all cases~~ FOR A PRISONER CONVICTED of murder,  
5 ~~actual forcible rape,~~ robbery armed, kidnapping, extortion, or  
6 breaking and entering an occupied dwelling in the night time  
7 except where the maximum time remaining to be served on the sen-  
8 tence is less than 2 years.

9 (3) A PAROLE SHALL NOT BE GRANTED FOR A PERIOD OF LESS THAN  
10 5 YEARS FOR A PRISONER CONVICTED OF A CRIME LISTED IN SECTION  
11 36B.