

HOUSE BILL No. 4350

March 18, 2003, Introduced by Reps. Sak, Plakas, Anderson, Voorhees, Kooiman, Murphy, Vander Veen, Dennis, Bieda, Clack, O'Neil and Gleason and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
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 may include in an order of
2 parole for a prisoner described in subsection (2) a condition
3 prohibiting the parolee from doing either of the following:

4 (a) Residing in housing located within 1 mile of a school or
5 a child care center.

6 (b) Entering upon school property or child care center
7 property.

8 (2) This section applies to a prisoner serving a sentence for
9 a violation or attempted violation of any of the following:

10 (a) Section 158 of the Michigan penal code, 1931 PA 328,
11 MCL 750.158 (sodomy), if the victim is less than 18 years of

1 age.

2 (b) Section 335a of the Michigan penal code, 1931 PA 328, MCL
3 750.335a (indecent exposure), if the victim is less than 18 years
4 of age.

5 (c) Section 350 of the Michigan penal code, 1931 PA 328,
6 MCL 750.350 (leading, taking, carrying away, decoying, or
7 enticing away child under 14 years of age).

8 (d) Section 520b of the Michigan penal code, 1931 PA 328, MCL
9 750.520b (first degree criminal sexual conduct), if the victim is
10 less than 18 years of age.

11 (e) Section 520c of the Michigan penal code, 1931 PA 328, MCL
12 750.520c (second degree criminal sexual conduct), if the victim
13 is less than 18 years of age.

14 (f) Section 520d of the Michigan penal code, 1931 PA 328, MCL
15 750.520d (third degree criminal sexual conduct), if the victim is
16 less than 18 years of age.

17 (g) Section 520g of the Michigan penal code, 1931 PA 328, MCL
18 750.520g (assault with intent to commit criminal sexual conduct),
19 if the victim is less than 18 years of age.

20 (h) A law of the United States, another state, or a political
21 subdivision of this state or another state substantially
22 corresponding to a violation described in subdivisions (a) to
23 (g).

24 (3) As used in this section:

25 (a) "Child care center" means that term as defined in section
26 1 of 1973 PA 116, MCL 722.111.

27 (b) "School" means a public, private, denominational, or

1 parochial school offering developmental kindergarten,
2 kindergarten, or any grade from 1 through 12.

3 (c) "School property" means a building, playing field, or
4 property used for school purposes to impart instruction to
5 children or used for functions and events sponsored by a school,
6 except a building used primarily for adult education or college
7 extension courses.

8 Sec. 42. (1) When ~~any~~ a paroled prisoner has faithfully
9 performed all of the conditions and obligations of his **or her**
10 parole for the period of time fixed in ~~such~~ **the order of**
11 **parole**, and has obeyed all of the rules and regulations adopted
12 by the parole board, he ~~shall be deemed~~ **or she is considered** to
13 have served his **or her** full sentence, and the parole board shall
14 enter a final order of discharge and issue to the paroled
15 prisoner a certificate of discharge.

16 (2) ~~No~~ **A parole shall not** be granted for a period **of** less
17 than 2 years ~~in all cases~~ **for a prisoner convicted** of murder,
18 ~~actual forcible rape,~~ **criminal sexual conduct in the first**
19 **degree involving force or coercion**, robbery armed, kidnapping,
20 extortion, or ~~breaking and entering an occupied dwelling in the~~
21 ~~night time~~ **home invasion** except where the maximum time remaining
22 to be served on the sentence is less than 2 years.

23 (3) **A parole shall not be granted for a period of less than 5**
24 **years for a prisoner convicted of a crime listed in section 36b.**

25 Enacting section 1. This amendatory act does not take
26 effect unless Senate Bill No. _____ or House Bill No. 4349
27 (request no. 00886'03 *) of the 92nd Legislature is enacted into

1 law.