

# HOUSE BILL No. 4262

February 13, 2007, Introduced by Rep. Cushingberry and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g, 33, 34, 34a, 35, 36, 51, 65, and 65a (MCL 791.220g, 791.233, 791.234, 791.234a, 791.235, 791.236, 791.251, 791.265, and 791.265a), section 20g as amended by 2000 PA 211, section 33 as amended by 1998 PA 320, section 34 as amended by 2006 PA 167, sections 34a, 35, and 65a as amended by 1998 PA 315, section 36 as amended by 2006 PA 403, section 51 as amended by 1998 PA 269, and section 65 as amended by 1998 PA 512; and to repeal acts and parts of acts.

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

1           Sec. 20g. (1) The department may establish a youth  
2       correctional facility which shall house only prisoners committed to

1 the jurisdiction of the department who are 19 years of age or less.  
2 If the department establishes or contracts with a private vendor  
3 for the operation of a youth correctional facility, following  
4 intake processing in a department operated facility, the department  
5 shall house all male prisoners who are 16 years of age or less at  
6 the youth correctional facility unless the department determines  
7 that the prisoner should be housed at a different facility for  
8 reasons of security, safety, or because of the prisoner's  
9 specialized physical or mental health care needs.

10 (2) Except as provided in subsection (3), a prisoner who is 16  
11 years of age or less and housed at a youth correctional facility  
12 shall only be placed in a general population housing unit with  
13 prisoners who are 16 years of age or less.

14 (3) A prisoner who becomes 17 years of age while being housed  
15 at a youth correctional facility and who has a satisfactory prison  
16 record may remain in a general population housing unit for no more  
17 than 1 year with prisoners who are 16 years of age or less.

18 (4) Except as provided in subsection (3), a prisoner who is 16  
19 years of age or less and housed at a youth correctional facility  
20 shall not be allowed to be in the proximity of a prisoner who is 17  
21 years of age or more without the presence and direct supervision of  
22 custody personnel in the immediate vicinity.

23 (5) The department may establish and operate the youth  
24 correctional facility or may contract on behalf of the state with a  
25 private vendor for the construction or operation, or both, of the  
26 youth correctional facility. If the department contracts with a  
27 private vendor to construct, rehabilitate, develop, renovate, or

1 operate any existing or anticipated facility pursuant to this  
2 section, the department shall require a written certification from  
3 the private vendor regarding all of the following:

4 (a) If practicable to efficiently and effectively complete the  
5 project, the private vendor shall follow a competitive bid process  
6 for the construction, rehabilitation, development, or renovation of  
7 the facility, and this process shall be open to all Michigan  
8 residents and firms. The private vendor shall not discriminate  
9 against any contractor on the basis of its affiliation or  
10 nonaffiliation with any collective bargaining organization.

11 (b) The private vendor shall make a good faith effort to  
12 employ, if qualified, Michigan residents at the facility.

13 (c) The private vendor shall make a good faith effort to  
14 employ or contract with Michigan residents and firms to construct,  
15 rehabilitate, develop, or renovate the facility.

16 (6) If the department contracts with a private vendor for the  
17 operation of the youth correctional facility, the department shall  
18 require by contract that the personnel employed by the private  
19 vendor in the operation of the facility be certified as  
20 correctional officers to the same extent as would be required if  
21 those personnel were employed in a correctional facility operated  
22 by the department. The department also shall require by contract  
23 that the private vendor meet requirements specified by the  
24 department regarding security, protection of the public,  
25 inspections by the department, programming, liability and  
26 insurance, conditions of confinement, educational services required  
27 under subsection (11), and any other issues the department

1 considers necessary for the operation of the youth correctional  
2 facility. The department shall also require that the contract  
3 include provisions to protect the public's interest if the private  
4 vendor defaults on the contract. Before finalizing a contract with  
5 a private vendor for the construction or operation of the youth  
6 correctional facility, the department shall submit the proposed  
7 contract to the standing committees of the senate and the house of  
8 representatives having jurisdiction of corrections issues, the  
9 corrections subcommittees of the standing committees on  
10 appropriations of the senate and the house of representatives, and,  
11 with regard to proposed construction contracts, the joint committee  
12 on capital outlay. A contract between the department and a private  
13 vendor for the construction or operation of the youth correctional  
14 facility shall be contingent upon appropriation of the required  
15 funding. If the department contracts with a private vendor under  
16 this section, the selection of that private vendor shall be by  
17 open, competitive bid.

18 (7) The department shall not site a youth correctional  
19 facility under this section in a city, village, or township unless  
20 the local legislative body of that city, village, or township  
21 adopts a resolution approving the location.

22 (8) A private vendor operating a youth correctional facility  
23 under a contract under this section shall not do any of the  
24 following, unless directed to do so by the department policy:

25 (a) Calculate inmate release and parole eligibility dates.

26 (b) Award good time or disciplinary credits. ~~, or impose~~  
27 ~~disciplinary time.~~

1 (c) Approve inmates for extensions of limits of confinement.

2 (9) The youth correctional facility shall be open to visits  
3 during all business hours, and during nonbusiness hours unless an  
4 emergency prevents it, by any elected state senator or state  
5 representative.

6 (10) Once each year, the department shall report on the  
7 operation of the facility. Copies of the report shall be submitted  
8 to the chairpersons of the house and senate committees responsible  
9 for legislation on corrections or judicial issues, and to the clerk  
10 of the house of representatives and the secretary of the senate.

11 (11) Regardless of whether the department itself operates the  
12 youth correctional facility or contracts with a private vendor to  
13 operate the youth correctional facility, all of the following  
14 educational services shall be provided for juvenile prisoners  
15 housed at the facility who have not earned a high school diploma or  
16 received a general education certificate (GED):

17 (a) The department or private vendor shall require that a  
18 prisoner whose academic achievement level is not sufficient to  
19 allow the prisoner to participate effectively in a program leading  
20 to the attainment of a GED certificate participate in classes that  
21 will prepare him or her to participate effectively in the GED  
22 program, and shall provide those classes in the facility.

23 (b) The department or private vendor shall require that a  
24 prisoner who successfully completes classes described in  
25 subdivision (a), or whose academic achievement level is otherwise  
26 sufficient, participate in classes leading to the attainment of a  
27 GED certificate, and shall provide those classes.

1           (12) Neither the department nor the private vendor shall seek  
2 to have the youth correctional facility authorized as a public  
3 school academy under the revised school code, 1976 PA 451, MCL  
4 380.1 to 380.1852.

5           (13) A private vendor that operates the youth correctional  
6 facility under a contract with the department shall provide written  
7 notice of its intention to discontinue its operation of the  
8 facility. This subsection does not authorize or limit liability for  
9 a breach or default of contract. If the reason for the  
10 discontinuance is that the private vendor intends not to renew the  
11 contract, the notice shall be delivered to the director of the  
12 department at least 1 year before the contract expiration date. If  
13 the discontinuance is for any other reason, the notice shall be  
14 delivered to the director of the department at least 6 months  
15 before the date on which the private vendor will discontinue its  
16 operation of the facility. This subsection does not authorize or  
17 limit liability for a breach or default of contract.

18           Sec. 33. (1) The grant of a parole is subject to all of the  
19 following:

20           (a) A prisoner shall not be given liberty on parole until the  
21 board has reasonable assurance, after consideration of all of the  
22 facts and circumstances, including the prisoner's mental and social  
23 attitude, that the prisoner will not become a menace to society or  
24 to the public safety.

25           (b) Except as provided in section 34a, a parole shall not be  
26 granted to a prisoner ~~other than a prisoner subject to disciplinary~~  
27 ~~time~~ until the prisoner has served the minimum term imposed by the

1 court less allowances for good time or special good time to which  
2 the prisoner may be entitled by statute, except that a prisoner  
3 ~~other than a prisoner subject to disciplinary time~~ is eligible for  
4 parole before the expiration of his or her minimum term of  
5 imprisonment whenever the sentencing judge, or the judge's  
6 successor in office, gives written approval of the parole of the  
7 prisoner before the expiration of the minimum term of imprisonment.

8 (c) Except as provided in section 34a, and notwithstanding the  
9 provisions of subdivision (b), a parole shall not be granted to a  
10 prisoner ~~other than a prisoner subject to disciplinary time~~  
11 sentenced for the commission of a crime described in section 33b(a)  
12 to (cc) until the prisoner has served the minimum term imposed by  
13 the court less an allowance for disciplinary credits as provided in  
14 section 33(5) of 1893 PA 118, MCL 800.33. A prisoner described in  
15 this subdivision is not eligible for special parole.

16 ~~— (d) Except as provided in section 34a, a parole shall not be~~  
17 ~~granted to a prisoner subject to disciplinary time until the~~  
18 ~~prisoner has served the minimum term imposed by the court.~~

19 (D) ~~(e)~~ A prisoner shall not be released on parole until the  
20 parole board has satisfactory evidence that arrangements have been  
21 made for such honorable and useful employment as the prisoner is  
22 capable of performing, for the prisoner's education, or for the  
23 prisoner's care if the prisoner is mentally or physically ill or  
24 incapacitated.

25 (E) ~~(f)~~ A prisoner whose minimum term of imprisonment is 2  
26 years or more shall not be released on parole unless he or she has  
27 either earned a high school diploma or earned its equivalent in the

1 form of a general education development (GED) certificate. The  
2 director of the department may waive the restriction imposed by  
3 this subdivision as to any prisoner who is over the age of 65 or  
4 who was gainfully employed immediately before committing the crime  
5 for which he or she was incarcerated. The department of corrections  
6 may also waive the restriction imposed by this subdivision as to  
7 any prisoner who has a learning disability, who does not have the  
8 necessary proficiency in English, or who for some other reason that  
9 is not the fault of the prisoner is unable to successfully complete  
10 the requirements for a high school diploma or a general education  
11 development certificate. If the prisoner does not have the  
12 necessary proficiency in English, the department of corrections  
13 shall provide English language training for that prisoner necessary  
14 for the prisoner to begin working toward the completion of the  
15 requirements for a general education development certificate. This  
16 subdivision applies to prisoners sentenced for crimes committed  
17 after December 15, 1998. In providing an educational program  
18 leading to a high school degree or general education development  
19 certificate, the department shall give priority to prisoners  
20 sentenced for crimes committed on or before December 15, 1998.

21 (2) Paroles-in-custody to answer warrants filed by local or  
22 out-of-state agencies, or immigration officials, are permissible if  
23 an accredited agent of the agency filing the warrant calls for the  
24 prisoner to be paroled in custody.

25 (3) Pursuant to the administrative procedures act of 1969,  
26 1969 PA 306, MCL 24.201 to 24.328, the parole board may promulgate  
27 rules not inconsistent with this act with respect to conditions to



1 be imposed upon prisoners paroled under this act.

2       Sec. 34. (1) Except as provided in section 34a, a prisoner  
3 sentenced to an indeterminate sentence and confined in a state  
4 correctional facility with a minimum in terms of years other than a  
5 prisoner subject to disciplinary time is subject to the  
6 jurisdiction of the parole board when the prisoner has served a  
7 period of time equal to the minimum sentence imposed by the court  
8 for the crime of which he or she was convicted, less good time and  
9 disciplinary credits, if applicable.

10 ~~—— (2) Except as provided in section 34a, a prisoner subject to~~  
11 ~~disciplinary time sentenced to an indeterminate sentence and~~  
12 ~~confined in a state correctional facility with a minimum in terms~~  
13 ~~of years is subject to the jurisdiction of the parole board when~~  
14 ~~the prisoner has served a period of time equal to the minimum~~  
15 ~~sentence imposed by the court for the crime of which he or she was~~  
16 ~~convicted.~~

17       (2) ~~(3)~~—If a prisoner other than a prisoner subject to  
18 disciplinary time is sentenced for consecutive terms, whether  
19 received at the same time or at any time during the life of the  
20 original sentence, the parole board has jurisdiction over the  
21 prisoner for purposes of parole when the prisoner has served the  
22 total time of the added minimum terms, less the good time and  
23 disciplinary credits allowed by statute. The maximum terms of the  
24 sentences shall be added to compute the new maximum term under this  
25 subsection, and discharge shall be issued only after the total of  
26 the maximum sentences has been served less good time and  
27 disciplinary credits, unless the prisoner is paroled and discharged

1 upon satisfactory completion of the parole.

2 ~~—— (4) If a prisoner subject to disciplinary time is sentenced~~  
3 ~~for consecutive terms, whether received at the same time or at any~~  
4 ~~time during the life of the original sentence, the parole board has~~  
5 ~~jurisdiction over the prisoner for purposes of parole when the~~  
6 ~~prisoner has served the total time of the added minimum terms. The~~  
7 ~~maximum terms of the sentences shall be added to compute the new~~  
8 ~~maximum term under this subsection, and discharge shall be issued~~  
9 ~~only after the total of the maximum sentences has been served,~~  
10 ~~unless the prisoner is paroled and discharged upon satisfactory~~  
11 ~~completion of the parole.~~

12 (3) ~~(5)~~—If a prisoner other than a prisoner subject to  
13 disciplinary time has 1 or more consecutive terms remaining to  
14 serve in addition to the term he or she is serving, the parole  
15 board may terminate the sentence the prisoner is presently serving  
16 at any time after the minimum term of the sentence has been served.

17 (4) ~~(6)~~—A prisoner sentenced to imprisonment for life for any  
18 of the following is not eligible for parole and is instead subject  
19 to the provisions of section 44:

20 (a) First degree murder in violation of section 316 of the  
21 Michigan penal code, 1931 PA 328, MCL 750.316.

22 (b) A violation of section 16(5) or 18(7) of the Michigan  
23 penal code, 1931 PA 328, MCL 750.16 and 750.18.

24 (c) A violation of chapter XXXIII of the Michigan penal code,  
25 1931 PA 328, MCL 750.200 to 750.212a.

26 (d) A violation of section 17764(7) of the public health code,  
27 1978 PA 368, MCL 333.17764.

1 (e) First degree criminal sexual conduct in violation of  
2 section 520b(2)(c) of the Michigan penal code, 1931 PA 328, MCL  
3 750.520b.

4 (f) Any other violation for which parole eligibility is  
5 expressly denied under state law.

6 (5) ~~(7)~~—A prisoner sentenced to imprisonment for life, other  
7 than a prisoner described in subsection ~~(6)~~—(4), is subject to the  
8 jurisdiction of the parole board and may be placed on parole  
9 according to the conditions prescribed in subsection ~~(8)~~—(6) if he  
10 or she meets any of the following criteria:

11 (a) Except as provided in subdivision (b) or (c), the prisoner  
12 has served 10 calendar years of the sentence for a crime committed  
13 before October 1, 1992 or 15 calendar years of the sentence for a  
14 crime committed on or after October 1, 1992.

15 (b) Except as provided in subsection ~~(12)~~—(10), the prisoner  
16 has served 20 calendar years of a sentence for violating or  
17 conspiring to violate section 7401(2)(a)(i) of the public health  
18 code, 1978 PA 368, MCL 333.7401, and has another conviction for a  
19 serious crime.

20 (c) Except as provided in subsection ~~(12)~~—(10), the prisoner  
21 has served 17-1/2 calendar years of the sentence for violating or  
22 conspiring to violate section 7401(2)(a)(i) of the public health  
23 code, 1978 PA 368, MCL 333.7401, and does not have another  
24 conviction for a serious crime.

25 (6) ~~(8)~~—A parole granted to a prisoner under subsection ~~(7)~~  
26 (5) is subject to the following conditions:

27 (a) At the conclusion of 10 calendar years of the prisoner's

1 sentence and thereafter as determined by the parole board until the  
2 prisoner is paroled, discharged, or deceased, and in accordance  
3 with the procedures described in subsection ~~(9)~~-(7), 1 member of  
4 the parole board shall interview the prisoner. The interview  
5 schedule prescribed in this subdivision applies to all prisoners to  
6 whom subsection ~~(7)~~-(5) applies, regardless of the date on which  
7 they were sentenced.

8 (b) In addition to the interview schedule prescribed in  
9 subdivision (a), the parole board shall review the prisoner's file  
10 at the conclusion of 15 calendar years of the prisoner's sentence  
11 and every 5 years thereafter until the prisoner is paroled,  
12 discharged, or deceased. A prisoner whose file is to be reviewed  
13 under this subdivision shall be notified of the upcoming file  
14 review at least 30 days before the file review takes place and  
15 shall be allowed to submit written statements or documentary  
16 evidence for the parole board's consideration in conducting the  
17 file review.

18 (c) A decision to grant or deny parole to the prisoner shall  
19 not be made until after a public hearing held in the manner  
20 prescribed for pardons and commutations in sections 44 and 45.  
21 Notice of the public hearing shall be given to the sentencing  
22 judge, or the judge's successor in office, and parole shall not be  
23 granted if the sentencing judge, or the judge's successor in  
24 office, files written objections to the granting of the parole  
25 within 30 days of receipt of the notice of hearing. The written  
26 objections shall be made part of the prisoner's file.

27 (d) A parole granted under subsection ~~(7)~~-(5) shall be for a

1 period of not less than 4 years and subject to the usual rules  
2 pertaining to paroles granted by the parole board. A parole granted  
3 under subsection ~~(7)~~-(5) is not valid until the transcript of the  
4 record is filed with the attorney general whose certification of  
5 receipt of the transcript shall be returnable to the office of the  
6 parole board within 5 days. Except for medical records protected  
7 under section 2157 of the revised judicature act of 1961, 1961 PA  
8 236, MCL 600.2157, the file of a prisoner granted a parole under  
9 subsection ~~(7)~~-(5) is a public record.

10 (7) ~~(9)~~-An interview conducted under subsection ~~(8)(a)~~-(6) (A)  
11 is subject to both of the following requirements:

12 (a) The prisoner shall be given written notice, not less than  
13 30 days before the interview date, stating that the interview will  
14 be conducted.

15 (b) The prisoner may be represented at the interview by an  
16 individual of his or her choice. The representative shall not be  
17 another prisoner. A prisoner is not entitled to appointed counsel  
18 at public expense. The prisoner or representative may present  
19 relevant evidence in favor of holding a public hearing as allowed  
20 in subsection ~~(8)(b)~~-6 (B) .

21 (8) ~~(10)~~-In determining whether a prisoner convicted of  
22 violating or conspiring to violate section 7401(2)(a)(i) of the  
23 public health code, 1978 PA 368, MCL 333.7401, and sentenced to  
24 imprisonment for life before October 1, 1998 is to be released on  
25 parole, the parole board shall consider all of the following:

26 (a) Whether the violation was part of a continuing series of  
27 violations of section 7401 or 7403 of the public health code, 1978

1 PA 368, MCL 333.7401 and 333.7403, by that individual.

2 (b) Whether the violation was committed by the individual in  
3 concert with 5 or more other individuals.

4 (c) Any of the following:

5 (i) Whether the individual was a principal administrator,  
6 organizer, or leader of an entity that the individual knew or had  
7 reason to know was organized, in whole or in part, to commit  
8 violations of section 7401 or 7403 of the public health code, 1978  
9 PA 368, MCL 333.7401 and 333.7403, and whether the violation for  
10 which the individual was convicted was committed to further the  
11 interests of that entity.

12 (ii) Whether the individual was a principal administrator,  
13 organizer, or leader of an entity that the individual knew or had  
14 reason to know committed violations of section 7401 or 7403 of the  
15 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and  
16 whether the violation for which the individual was convicted was  
17 committed to further the interests of that entity.

18 (iii) Whether the violation was committed in a drug-free school  
19 zone.

20 (iv) Whether the violation involved the delivery of a  
21 controlled substance to an individual less than 17 years of age or  
22 possession with intent to deliver a controlled substance to an  
23 individual less than 17 years of age.

24 (9) ~~(11)~~—Except as provided in section 34a, a prisoner's  
25 release on parole is discretionary with the parole board. The  
26 action of the parole board in granting a parole is appealable by  
27 the prosecutor of the county from which the prisoner was committed

1 or the victim of the crime for which the prisoner was convicted.  
2 The appeal shall be to the circuit court in the county from which  
3 the prisoner was committed, by leave of the court.

4       (10) ~~(12)~~—If the sentencing judge, or his or her successor in  
5 office, determines on the record that a prisoner described in  
6 subsection ~~(7) (b) or (e)~~ **(5) (B) OR (C)** sentenced to imprisonment  
7 for life for violating or conspiring to violate section  
8 7401(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7401,  
9 has cooperated with law enforcement, the prisoner is subject to the  
10 jurisdiction of the parole board and may be released on parole as  
11 provided in subsection ~~(7) (b) or (e)~~ **(5) (B) OR (C)** 2-1/2 years  
12 earlier than the time otherwise indicated in subsection ~~(7) (b) or~~  
13 ~~(e)~~ **(5) (B) OR (C)**. The prisoner is considered to have cooperated  
14 with law enforcement if the court determines on the record that the  
15 prisoner had no relevant or useful information to provide. The  
16 court shall not make a determination that the prisoner failed or  
17 refused to cooperate with law enforcement on grounds that the  
18 defendant exercised his or her constitutional right to trial by  
19 jury. If the court determines at sentencing that the defendant  
20 cooperated with law enforcement, the court shall include its  
21 determination in the judgment of sentence.

22       (11) ~~(13)~~—An individual convicted of violating or conspiring  
23 to violate section 7401(2) (a) (ii) or 7403(2) (a) (ii) of the public  
24 health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March  
25 1, 2003 is eligible for parole after serving the minimum of each  
26 sentence imposed for that violation or 10 years of each sentence  
27 imposed for that violation, whichever is less.

1           (12) ~~(14)~~—An individual convicted of violating or conspiring  
2 to violate section 7401(2)(a)(iii) or 7403(2)(a)(iii) of the public  
3 health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March  
4 1, 2003 is eligible for parole after serving the minimum of each  
5 sentence imposed for that violation or 5 years of each sentence  
6 imposed for that violation, whichever is less.

7           (13) ~~(15)~~—An individual convicted of violating or conspiring  
8 to violate section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public  
9 health code, 1978 PA 368, MCL 333.7401 and 333.7403, before March  
10 1, 2003 who is sentenced to a term of imprisonment that is  
11 consecutive to a term of imprisonment imposed for any other  
12 violation of section 7401(2)(a)(i) to (iv) or section 7403(2)(a)(i)  
13 to (iv) is eligible for parole after serving 1/2 of the minimum  
14 sentence imposed for each violation of section 7401(2)(a)(iv) or  
15 7403(2)(a)(iv). This subsection does not apply if the sentence was  
16 imposed for a conviction for a new offense committed while the  
17 individual is on probation or parole.

18           (14) ~~(16)~~—The parole board shall provide notice to the  
19 prosecuting attorney of the county in which the individual was  
20 convicted before granting parole to the individual under subsection  
21 ~~(13), (14), or (15)~~—(11), (12), OR (13).

22           (15) ~~(17)~~—As used in this section:

23           (a) "Serious crime" means violating or conspiring to violate  
24 article 7 of the public health code, 1978 PA 368, MCL 333.7101 to  
25 333.7545, that is punishable by imprisonment for more than 4 years,  
26 or an offense against a person in violation of section 83, 84, 86,  
27 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,



1 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328,  
2 MCL 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316,  
3 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b,  
4 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

5 (b) "State correctional facility" means a facility that houses  
6 prisoners committed to the jurisdiction of the department. ~~and~~  
7 ~~includes a youth correctional facility operated under section 20g~~  
8 ~~by the department or a private vendor.~~

9 Sec. 34a. (1) A prisoner sentenced to an indeterminate term of  
10 imprisonment under the jurisdiction of the department, regardless  
11 of when he or she was sentenced, shall be considered by the  
12 department for placement in a special alternative incarceration  
13 unit established under section 3 of the special alternative  
14 incarceration act, 1988 PA 287, MCL 798.13, if the prisoner meets  
15 the eligibility requirements of subsections (2) and (3). For a  
16 prisoner committed to the jurisdiction of the department on or  
17 after March 19, 1992, the department shall determine before the  
18 prisoner leaves the reception center whether the prisoner is  
19 eligible for placement in a special alternative incarceration unit,  
20 although actual placement may take place at a later date. A  
21 determination of eligibility does not guarantee placement in a  
22 unit.

23 (2) To be eligible for placement in a special alternative  
24 incarceration unit, the prisoner shall meet all of the following  
25 requirements:

26 (a) The prisoner's minimum sentence does not exceed either of  
27 the following limits, as applicable:

1           (i) 24 months or less for a violation of section 110 of the  
2 Michigan penal code, 1931 PA 328, MCL 750.110, if the violation  
3 involved any occupied dwelling house.

4           (ii) 36 months or less for any other crime.

5           (b) The prisoner has never previously been placed in a special  
6 alternative incarceration unit as either a prisoner or a  
7 probationer, unless he or she was removed from a special  
8 alternative incarceration unit for medical reasons as specified in  
9 subsection (6).

10           (c) The prisoner is physically able to participate in the  
11 program.

12           (d) The prisoner does not appear to have any mental disability  
13 that would prevent participation in the program.

14           (e) The prisoner is serving his or her first prison sentence.

15           (f) At the time of sentencing, the judge did not prohibit  
16 participation in the program in the judgment of sentence.

17           (g) The prisoner is otherwise suitable for the program, as  
18 determined by the department.

19           (h) The prisoner is not serving a sentence for any of the  
20 following crimes:

21           (i) A violation of section 11, 49, 80, 83, 89, 91, 157b, 158,  
22 207, 260, 316, 317, 327, 328, 335a, 338, 338a, 338b, 349, 349a,  
23 350, 422, 436, 511, ~~516, 517,~~ 520b, 529, 529a, 531, or 544 of the  
24 Michigan penal code, 1931 PA 328, MCL 750.11, 750.49, 750.80,  
25 750.83, 750.89, 750.91, 750.157b, 750.158, 750.207, 750.260,  
26 750.316, 750.317, 750.327, 750.328, 750.335a, 750.338, 750.338a,  
27 750.338b, 750.349, 750.349a, 750.350, 750.422, 750.436, 750.511,

1 ~~750.516, 750.517, 750.520b, 750.529, 750.529a, 750.531, and~~  
2 ~~750.544, OR FORMER SECTION 516 OR 517 OF THE MICHIGAN PENAL CODE,~~  
3 ~~1931 PA 328.~~

4 (ii) A violation of section 145c, 520c, 520d, or 520g of the  
5 Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d,  
6 and 750.520g.

7 (iii) A violation of section 72, 73, or 75 of the Michigan penal  
8 code, 1931 PA 328, MCL 750.72, 750.73, and 750.75.

9 (iv) A violation of section 86, 112, 136b, 193, 195, 213, 319,  
10 321, 329, or 397 of the Michigan penal code, 1931 PA 328, MCL  
11 750.86, 750.112, 750.136b, 750.193, 750.195, 750.213, 750.319,  
12 750.321, 750.329, and 750.397.

13 (v) A violation of section 2 of 1968 PA 302, MCL 752.542.

14 (vi) An attempt to commit a crime described in subparagraphs  
15 (i) to (v).

16 (vii) A violation occurring on or after January 1, 1992, of  
17 section 625(4) or (5) of the Michigan vehicle code, 1949 PA 300,  
18 MCL 257.625.

19 (viii) A crime for which the prisoner was punished pursuant to  
20 section 10, 11, or 12 of chapter IX of the code of criminal  
21 procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

22 (3) A prisoner who is serving a sentence for a violation of  
23 section 7401 or 7403 of the public health code, 1978 PA 368, MCL  
24 333.7401 and 333.7403, and who has previously been convicted for a  
25 violation of section 7401 or 7403(2)(a), (b), or (e) of the public  
26 health code, 1978 PA 368, MCL 333.7401 and 333.7403, is not  
27 eligible for placement in a special alternative incarceration unit

1 until after he or she has served the equivalent of the mandatory  
2 minimum sentence prescribed by statute for that violation.

3 (4) If the sentencing judge prohibited a prisoner's  
4 participation in the special alternative incarceration program in  
5 the judgment of sentence, that prisoner shall not be placed in a  
6 special alternative incarceration unit. If the sentencing judge  
7 permitted the prisoner's participation in the special alternative  
8 incarceration program in the judgment of sentence, that prisoner  
9 may be placed in a special alternative incarceration unit if the  
10 department determines that the prisoner also meets the requirements  
11 of subsections (2) and (3). If the sentencing judge neither  
12 prohibited nor permitted a prisoner's participation in the special  
13 alternative incarceration program in the judgment of sentence, and  
14 the department determines that the prisoner meets the eligibility  
15 requirements of subsections (2) and (3), the department shall  
16 notify the judge or the judge's successor, the prosecuting attorney  
17 for the county in which the prisoner was sentenced, and any victim  
18 of the crime for which the prisoner was committed if the victim has  
19 submitted to the department a written request for any notification  
20 pursuant to section 19(1) of the crime victim's rights act, 1985 PA  
21 87, MCL 780.769, of the proposed placement of the prisoner in the  
22 special alternative incarceration unit not later than 30 days  
23 before placement is intended to occur. The department shall not  
24 place the prisoner in a special alternative incarceration unit  
25 unless the sentencing judge, or the judge's successor, notifies the  
26 department, in writing, that he or she does not object to the  
27 proposed placement. In making the decision on whether or not to

1 object, the judge, or judge's successor, shall review any impact  
2 statement submitted pursuant to section 14 of the crime victim's  
3 rights act, 1985 PA 87, MCL 780.764, by the victim or victims of  
4 the crime of which the prisoner was convicted.

5 (5) Notwithstanding subsection (4), a prisoner shall not be  
6 placed in a special alternative incarceration unit unless the  
7 prisoner consents to that placement and agrees that the department  
8 may suspend or restrict privileges generally afforded other  
9 prisoners including, but not limited to, the areas of visitation,  
10 property, mail, publications, commissary, library, and telephone  
11 access. However, the department may not suspend or restrict the  
12 prisoner's access to the prisoner grievance system.

13 (6) A prisoner may be placed in a special alternative  
14 incarceration program for a period of not less than 90 days or more  
15 than 120 days. If, during that period, the prisoner misses more  
16 than 5 days of program participation due to medical excuse for  
17 illness or injury occurring after he or she was placed in the  
18 program, the period of placement shall be increased by the number  
19 of days missed, beginning with the sixth day of medical excuse, up  
20 to a maximum of 20 days. However, the total number of days a  
21 prisoner may be placed in this program, including days missed due  
22 to medical excuse, shall not exceed 120 days. A medical excuse  
23 shall be verified by a physician's statement. A prisoner who is  
24 medically unable to participate in the program for more than 25  
25 days shall be returned to a state correctional facility but may be  
26 reassigned to the program if the prisoner meets the eligibility  
27 requirements of subsections (2) and (3).

1           (7) Upon certification of completion of the special  
2 alternative incarceration program, the prisoner shall be placed on  
3 parole. A prisoner paroled under this section shall have conditions  
4 of parole as determined appropriate by the parole board and shall  
5 be placed on parole for not less than 18 months, or the balance of  
6 the prisoner's minimum sentence, whichever is greater, with at  
7 least the first 120 days under intensive supervision.

8           (8) The parole board may suspend or revoke parole for any  
9 prisoner paroled under this section subject to sections 39a and  
10 40a. ~~For a prisoner other than a prisoner subject to disciplinary~~  
11 ~~time, if~~ **IF** parole is revoked before the expiration of the  
12 prisoner's minimum sentence, less disciplinary credits, the parole  
13 board shall forfeit, pursuant to section 33(13) of 1893 PA 118, MCL  
14 800.33, all disciplinary credits that were accumulated during  
15 special alternative incarceration, and the prisoner shall be  
16 considered for parole pursuant to section 35.

17           (9) On March 19, 1993, and annually after that time, the  
18 department shall report to the legislature the impact of the  
19 operation of this section, including a report concerning  
20 recidivism.

21           Sec. 35. (1) The release of a prisoner on parole shall be  
22 granted solely upon the initiative of the parole board. The parole  
23 board may grant a parole without interviewing the prisoner.  
24 However, beginning ~~on the date on which the administrative rules~~  
25 ~~prescribing parole guidelines pursuant to section 33e(5) take~~  
26 ~~effect~~ **JANUARY 26, 1996**, the parole board may grant a parole  
27 without interviewing the prisoner only if, after evaluating the

1 prisoner according to the parole guidelines, the parole board  
2 determines that the prisoner has a high probability of being  
3 paroled and the parole board therefore intends to parole the  
4 prisoner. Except as provided in subsection (2), a prisoner shall  
5 not be denied parole without an interview before 1 member of the  
6 parole board. The interview shall be conducted at least 1 month  
7 before the expiration of the prisoner's minimum sentence less  
8 applicable good time and disciplinary credits. ~~for a prisoner~~  
9 ~~eligible for good time and disciplinary credits, or at least 1~~  
10 ~~month before the expiration of the prisoner's minimum sentence for~~  
11 ~~a prisoner subject to disciplinary time.~~ The parole board shall  
12 consider any statement made to the parole board by a crime victim  
13 under the crime victim's rights act, 1985 PA 87, MCL 780.751 to  
14 780.834, or under any other provision of law. The parole board  
15 shall not consider any of the following factors in making a parole  
16 determination:

17 (a) A juvenile record that a court has ordered the department  
18 to expunge.

19 (b) Information that is determined by the parole board to be  
20 inaccurate or irrelevant after a challenge and presentation of  
21 relevant evidence by a prisoner who has received a notice of intent  
22 to conduct an interview as provided in subsection (4). This  
23 subdivision applies only to presentence investigation reports  
24 prepared before April 1, 1983.

25 (2) ~~Beginning on the date on which the administrative rules~~  
26 ~~prescribing the parole guidelines take effect pursuant to section~~  
27 ~~33e(5) JANUARY 26, 1996, if, after evaluating a prisoner according~~

1 to the parole guidelines, the parole board determines that the  
2 prisoner has a low probability of being paroled and the parole  
3 board therefore does not intend to parole the prisoner, the parole  
4 board shall not be required to interview the prisoner before  
5 denying parole to the prisoner.

6 (3) The parole board may consider but shall not base a  
7 determination to deny parole solely on either of the following:

8 (a) A prisoner's marital history.

9 (b) Prior arrests not resulting in conviction or adjudication  
10 of delinquency.

11 (4) If an interview is to be conducted, the prisoner shall be  
12 sent a notice of intent to conduct an interview at least 1 month  
13 before the date of the interview. The notice shall state the  
14 specific issues and concerns that shall be discussed at the  
15 interview and that may be a basis for a denial of parole. A denial  
16 of parole shall not be based on reasons other than those stated in  
17 the notice of intent to conduct an interview except for good cause  
18 stated to the prisoner at or before the interview and in the  
19 written explanation required by subsection (12). This subsection  
20 does not apply until April 1, 1983.

21 (5) Except for good cause, the parole board member conducting  
22 the interview shall not have cast a vote for or against the  
23 prisoner's release before conducting the current interview. Before  
24 the interview, the parole board member who is to conduct the  
25 interview shall review pertinent information relative to the notice  
26 of intent to conduct an interview.

27 (6) A prisoner may waive the right to an interview by 1 member



1 of the parole board. The waiver of the right to be interviewed  
2 shall be given not more than 30 days after the notice of intent to  
3 conduct an interview is issued and shall be made in writing. During  
4 the interview held pursuant to a notice of intent to conduct an  
5 interview, the prisoner may be represented by an individual of his  
6 or her choice. The representative shall not be another prisoner or  
7 an attorney. A prisoner is not entitled to appointed counsel at  
8 public expense. The prisoner or representative may present relevant  
9 evidence in support of release. This subsection does not apply  
10 until April 1, 1983.

11 (7) At least 90 days before the expiration of the prisoner's  
12 minimum sentence less applicable good time and disciplinary  
13 ~~credits, for a prisoner eligible for good time or disciplinary~~  
14 ~~credits, or at least 90 days before the expiration of the~~  
15 ~~prisoner's minimum sentence for a prisoner subject to disciplinary~~  
16 ~~time, or 90 DAYS BEFORE~~ the expiration of a 12-month continuance,  
17 ~~for any prisoner,~~ a parole eligibility report shall be prepared by  
18 appropriate institutional staff. The parole eligibility report  
19 shall be considered pertinent information for purposes of  
20 subsection (5). The report shall include all of the following:

21 (a) A statement of all major misconduct charges of which the  
22 prisoner was found guilty and the punishment served for the  
23 misconduct.

24 (b) The prisoner's work and educational record while confined.

25 (c) The results of any physical, mental, or psychiatric  
26 examinations of the prisoner that may have been performed.

27 (d) Whether the prisoner fully cooperated with the state by

1 providing complete financial information as required under section  
2 3a of the state correctional facility reimbursement act, 1935 PA  
3 253, MCL 800.403a.

4 ~~—— (c) For a prisoner subject to disciplinary time, a statement~~  
5 ~~of all disciplinary time submitted for the parole board's~~  
6 ~~consideration pursuant to section 34 of 1893 PA 118, MCL 800.34.~~

7 (8) The preparer of the report shall not include a  
8 recommendation as to release on parole.

9 (9) Psychological evaluations performed at the request of the  
10 parole board to assist it in reaching a decision on the release of  
11 a prisoner may be performed by the same person who provided the  
12 prisoner with therapeutic treatment, unless a different person is  
13 requested by the prisoner or parole board.

14 (10) The parole board may grant a medical parole for a  
15 prisoner determined to be physically or mentally incapacitated. A  
16 decision to grant a medical parole shall be initiated upon the  
17 recommendation of the bureau of health care services and shall be  
18 reached only after a review of the medical, institutional, and  
19 criminal records of the prisoner.

20 (11) The department shall submit a petition to the appropriate  
21 court under section 434 of the mental health code, 1974 PA 258, MCL  
22 330.1434, for any prisoner being paroled or being released after  
23 serving his or her maximum sentence whom the department considers  
24 to be a person requiring treatment. The parole board shall require  
25 mental health treatment as a special condition of parole for any  
26 parolee whom the department has determined to be a person requiring  
27 treatment whether or not the petition filed for that prisoner is

1 granted by the court. As used in this subsection, "person requiring  
2 treatment" means that term as defined in section 401 of the mental  
3 health code, 1974 PA 258, MCL 330.1401.

4 (12) When the parole board makes a final determination not to  
5 release a prisoner, the prisoner shall be provided with a written  
6 explanation of the reason for denial and, if appropriate, specific  
7 recommendations for corrective action the prisoner may take to  
8 facilitate release.

9 (13) This section does not apply to the placement on parole of  
10 a person in conjunction with special alternative incarceration  
11 under section 34a(7).

12 Sec. 36. (1) All paroles shall be ordered by the parole board  
13 and shall be signed by the chairperson. Written notice of the order  
14 shall be given to the sheriff or other police officer of the  
15 municipality or county in which the prisoner was convicted, and to  
16 the sheriff or other local police officer of the municipality or  
17 county to which the paroled prisoner is sent.

18 (2) A parole order may be rescinded at the discretion of the  
19 parole board for cause before the prisoner is released on parole. A  
20 parole shall not be revoked unless an interview with the prisoner  
21 is conducted by 1 member of the parole board. The purpose of the  
22 interview is to consider and act upon information received by the  
23 board after the original parole release decision. A revocation  
24 interview shall be conducted within 45 days after receiving the new  
25 information. At least 10 days before the interview, the parolee  
26 shall receive a copy or summary of the new evidence that is the  
27 basis for the interview.

1 (3) A parole order may be amended at the discretion of the  
2 parole board for cause. An amendment to a parole order shall be in  
3 writing and is not effective until notice of the amendment is given  
4 to the parolee.

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

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

15 (6) The parole order shall contain a condition requiring the  
16 parolee to pay a parole supervision fee as prescribed in section  
17 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) The parole order shall contain a condition requiring the  
22 parolee to pay the minimum state cost prescribed by section 1j of  
23 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
24 769.1j, if the minimum state cost has not been paid.

25 (9) If the parolee is required to be registered under the sex  
26 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the  
27 parole order shall contain a condition requiring the parolee to

1 comply with that act.

2 (10) If a prisoner convicted of violating or conspiring to  
3 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the  
4 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is  
5 released on parole, the parole order shall contain a notice that if  
6 the parolee violates or conspires to violate article 7 of the  
7 public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that  
8 violation or conspiracy to violate is punishable by imprisonment  
9 for 4 or more years, or commits a violent felony during his or her  
10 release on parole, parole shall be revoked.

11 ~~——(11) A parole order issued for a prisoner subject to~~  
12 ~~disciplinary time may contain a condition requiring the parolee to~~  
13 ~~be housed in a community corrections center or a community~~  
14 ~~residential home for not less than the first 30 days but not more~~  
15 ~~than the first 180 days of his or her term of parole. As used in~~  
16 ~~this subsection, "community corrections center" and "community~~  
17 ~~residential home" mean those terms as defined in section 65a.~~

18 (11) ~~(12)~~The parole order shall contain a condition requiring  
19 the parolee to pay the following amounts owed by the prisoner, if  
20 applicable:

21 (a) The balance of filing fees and costs ordered to be paid  
22 under section 2963 of the revised judicature act of 1961, 1961 PA  
23 236, MCL 600.2963.

24 (b) The balance of any filing fee ordered to be paid by a  
25 federal court under section 1915 of title 28 of the United States  
26 Code, 28 USC 1915 and any unpaid order of costs assessed against  
27 the prisoner.

1           (12) ~~(13)~~—In each case in which payment of restitution is  
2 ordered as a condition of parole, a parole officer assigned to a  
3 case shall review the case not less than twice yearly to ensure  
4 that restitution is being paid as ordered. The final review shall  
5 be conducted not less than 60 days before the expiration of the  
6 parole period. If the parole officer determines that restitution is  
7 not being paid as ordered, the parole officer shall file a written  
8 report of the violation with the parole board on a form prescribed  
9 by the parole board. The report shall include a statement of the  
10 amount of arrearage and any reasons for the arrearage known by the  
11 parole officer. The parole board shall immediately provide a copy  
12 of the report to the court, the prosecuting attorney, and the  
13 victim.

14           (13) ~~(14)~~—If a parolee is required to register pursuant to the  
15 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,  
16 the parole officer shall register the parolee as provided in that  
17 act.

18           (14) ~~(15)~~—Beginning August 28, 2006, if a parolee convicted of  
19 violating or conspiring to violate section 520b or 520c of the  
20 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other  
21 than a parolee who is subject to lifetime electronic monitoring  
22 under section 85, is placed on parole, the parole board may require  
23 that the parolee be subject to electronic monitoring. The  
24 electronic monitoring required under this subsection shall be  
25 conducted in the same manner, and shall be subject to the same  
26 requirements, as is described in section 85 of this act and section  
27 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,

1 except as follows:

2 (a) The electronic monitoring shall continue only for the  
3 duration of the term of parole.

4 (b) A violation by the parolee of any requirement prescribed  
5 in section 520n(2) (a) to (c) is a violation of a condition of  
6 parole, not a felony violation.

7 (15) ~~(16)~~—If the parole order contains a condition intended to  
8 protect 1 or more named persons, the department shall enter those  
9 provisions of the parole order into the corrections management  
10 information system, accessible by the law enforcement information  
11 network. If the parole board rescinds a parole order described in  
12 this subsection, the department within 3 business days shall remove  
13 from the corrections management information system the provisions  
14 of that parole order.

15 (16) ~~(17)~~—Each prisoner who is required to be registered under  
16 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
17 28.736, before being released on parole or being released upon  
18 completion of his or her maximum sentence, shall provide to the  
19 department notice of the location of his or her proposed place of  
20 residence or domicile. The department then shall forward that  
21 notice of location to the appropriate law enforcement agency as  
22 required under section 5(2) of the sex offenders registration act,  
23 1994 PA 295, MCL 28.725. A prisoner who refuses to provide notice  
24 of the location of his or her proposed place of residence or  
25 domicile or knowingly provides an incorrect notice of the location  
26 of his or her proposed place of residence or domicile under this  
27 subsection is guilty of a felony punishable by imprisonment for not

1 more than 4 years or a fine of not more than \$2,000.00, or both.

2 (17) ~~(18)~~—As used in this section, "violent felony" means an  
3 offense against a person in violation of section 82, 83, 84, 86,  
4 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,  
5 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA  
6 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,  
7 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,  
8 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,  
9 750.529a, and 750.530.

10 Sec. 51. (1) There is created within the department a hearings  
11 division. The division is under the direction and supervision of  
12 the hearings administrator who is appointed by the director of the  
13 department.

14 (2) Except as otherwise provided in this section, the hearings  
15 division is responsible for each prisoner hearing the department  
16 conducts that may result in the loss by a prisoner of a right,  
17 including but not limited to any 1 or more of the following  
18 matters:

19 (a) An infraction of a prison rule that may result in punitive  
20 segregation, loss of disciplinary credits, or the loss of good  
21 time.

22 (b) A security classification that may result in the placement  
23 of a prisoner in administrative segregation.

24 (c) A special designation that permanently excludes, by  
25 department policy or rule, a person under the jurisdiction of the  
26 department from community placement.

27 (d) Visitor restrictions.



1 (e) High or very high assaultive risk classifications.

2 ~~—— (3) Except as otherwise provided in this section, the hearings~~  
3 ~~division is responsible for each prisoner hearing that may result~~  
4 ~~in the accumulation of disciplinary time.~~

5 (3) ~~(4)~~—The hearings division is not responsible for a  
6 prisoner hearing that is conducted for prisoners transferred under  
7 section 11a to an institution of another state pursuant to the  
8 interstate corrections compact.

9 (4) ~~(5)~~—The hearings division is not responsible for a  
10 prisoner hearing that is conducted as a result of a minor  
11 misconduct charge that would not cause a loss of good time or  
12 disciplinary credits, or result in placement in punitive  
13 segregation.

14 (5) ~~(6)~~—Each hearings officer of the department is under the  
15 direction and supervision of the hearings division. Each hearings  
16 officer hired by the department after October 1, 1979 ~~—~~shall be an  
17 attorney.

18 Sec. 65. (1) Under rules promulgated by the director of the  
19 department, the assistant director in charge of the bureau of  
20 correctional facilities, except as otherwise provided in this  
21 section, may cause the transfer or ~~re-transfer~~ **RETRANSFER** of a  
22 prisoner from a correctional facility to which committed to any  
23 other correctional facility, or temporarily to a state institution  
24 for medical or surgical treatment. In effecting a transfer, the  
25 assistant director of the bureau of correctional facilities may  
26 utilize the services of an executive or employee within the  
27 department and of a law enforcement officer of the state.

1 ~~—— (2) A prisoner who is subject to disciplinary time and is~~  
2 ~~committed to the jurisdiction of the department shall be confined~~  
3 ~~in a secure correctional facility for the duration of his or her~~  
4 ~~minimum sentence, except for periods when the prisoner is away from~~  
5 ~~the secure correctional facility while being supervised by an~~  
6 ~~employee of the department or by an employee of a private vendor~~  
7 ~~that operates a youth correctional facility under section 20g for 1~~  
8 ~~of the following purposes:~~

9 ~~—— (a) Visiting a critically ill relative.~~

10 ~~—— (b) Attending the funeral of a relative.~~

11 ~~—— (c) Obtaining medical services not otherwise available at the~~  
12 ~~secure correctional facility.~~

13 ~~—— (d) Participating in a work detail.~~

14 (2) ~~(3)~~As used in this section, "offender" means a citizen of  
15 the United States or a foreign country who has been convicted of a  
16 crime and been given a sentence in a country other than the country  
17 of which he or she is a citizen. If a treaty is in effect between  
18 the United States and a foreign country, which provides for the  
19 transfer of offenders from the jurisdiction of 1 of the countries  
20 to the jurisdiction of the country of which the offender is a  
21 citizen, and if the offender requests the transfer, the governor of  
22 this state or a person designated by the governor may give the  
23 approval of this state to a transfer of an offender, if the  
24 conditions of the treaty are satisfied.

25 (3) ~~(4)~~Not less than 45 days before approval of a transfer  
26 pursuant to subsection ~~(3)~~(2) from this state to another country,  
27 the governor, or the governor's designee, shall notify the

1 sentencing judge and the prosecuting attorney of the county having  
2 original jurisdiction, or their successors in office, of the  
3 request for transfer. The notification shall indicate any name  
4 changes of the offender subsequent to sentencing. Within 20 days  
5 after receiving such notification, the judge or prosecutor may send  
6 to the governor, or the governor's designee, information about the  
7 criminal action against the offender or objections to the transfer.  
8 Objections to the transfer shall not preclude approval of the  
9 transfer.

10 ~~—— (5) As used in this section, "secure correctional facility"~~  
11 ~~means a facility that houses prisoners under the jurisdiction of~~  
12 ~~the department according to the following requirements:~~

13 ~~—— (a) The facility is enclosed by a locked fence or wall that is~~  
14 ~~designed to prevent prisoners from leaving the enclosed premises~~  
15 ~~and that is patrolled by correctional officers.~~

16 ~~—— (b) Prisoners in the facility are restricted to the area~~  
17 ~~inside the fence or wall.~~

18 ~~—— (c) Prisoners are under guard by correctional officers 7 days~~  
19 ~~per week, 24 hours per day.~~

20       Sec. 65a. (1) Under prescribed conditions, the director may  
21 extend the limits of confinement of a prisoner when there is  
22 reasonable assurance, after consideration of all facts and  
23 circumstances, that the prisoner will not become a menace to  
24 society or to the public safety, by authorizing the prisoner to do  
25 any of the following:

26       (a) Visit a specifically designated place or places. An  
27 extension of limits may be granted only to a prisoner housed in a

1 state correctional facility to permit a visit to a critically ill  
2 relative, attendance at the funeral of a relative, or contacting  
3 prospective employers. The maximum amount of time a prisoner is  
4 eligible for an extension of the limits of confinement under this  
5 subdivision shall not exceed a cumulative total period of 30 days.

6 (b) Obtain medical services not otherwise available to a  
7 prisoner housed in a state correctional facility.

8 (c) Work at paid employment, participate in a training or  
9 educational program, or participate in a community residential drug  
10 treatment program while continuing as a prisoner housed on a  
11 voluntary basis at a community corrections center or in a community  
12 residential home.

13 (2) The director shall promulgate rules to implement this  
14 section.

15 (3) The willful failure of a prisoner to remain within the  
16 extended limits of his or her confinement or to return within the  
17 time prescribed to an institution or facility designated by the  
18 director shall be considered an escape from custody as provided in  
19 section 193 of the Michigan penal code, 1931 PA 328, MCL 750.193.

20 (4) Subject to subsection ~~(8)~~ (7), a prisoner ~~, other than a~~  
21 ~~prisoner subject to disciplinary time,~~ who is convicted of a crime  
22 of violence or any assaultive crime is not eligible for the  
23 extensions of the limits of confinement provided in subsection (1)  
24 until the minimum sentence imposed for the crime has less than 180  
25 days remaining.

26 ~~—— (5) Subject to subsection (8), a prisoner subject to~~  
27 ~~disciplinary time is not eligible for the extensions of the limits~~

1 ~~of confinement provided in subsection (1) until he or she has~~  
2 ~~served the minimum sentence imposed for the crime.~~

3 (5) ~~(6)~~ However, notwithstanding ~~subsections~~ **SUBSECTION** (4),  
4 ~~or (5)~~, if the reason for the extension is to visit a critically  
5 ill relative, attend the funeral of a relative, or obtain medical  
6 services not otherwise available, the director may allow the  
7 extension under escort as provided in subsection (1).

8 (6) ~~(7)~~ A prisoner serving a sentence for murder in the first  
9 degree is not eligible for the extensions of confinement under this  
10 section until a parole release date is established by the parole  
11 board and in no case before serving 15 calendar years with a good  
12 institutional adjustment.

13 (7) ~~(8)~~ A prisoner who is convicted of a crime of violence or  
14 any assaultive crime, and whose minimum sentence imposed for the  
15 crime is 10 years or more, shall not be placed in a community  
16 residential home during any portion of his or her sentence.

17 (8) ~~(9)~~ As used in this section:

18 (a) "Community corrections center" means a facility either  
19 contracted for or operated by the department in which a security  
20 staff is on duty 7 days per week, 24 hours per day.

21 (b) "Community residential home" means a location where  
22 electronic monitoring of prisoner presence is provided by the  
23 department 7 days per week, 24 hours per day, except that the  
24 department may waive the requirement that electronic monitoring be  
25 provided as to any prisoner who is within 3 months of his or her  
26 parole date.

27 (c) "State correctional facility" means a facility owned or

1 leased by the department. State correctional facility does not  
2 include a community corrections center or community residential  
3 home.

4 Enacting section 1. Sections 33b and 33c of the corrections  
5 code of 1953, 1953 PA 232, MCL 791.233b and 791.233c, are repealed.

6 Enacting section 2. This amendatory act does not take effect  
7 unless all of the following bills of the 94th Legislature are  
8 enacted into law:

9 (a) Senate Bill No.\_\_\_\_ or House Bill No. 4263 (request no.  
10 00896'07 a).

11 (b) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
12 00896'07 b).