

SENATE BILL NO. 835

April 18, 2024, Introduced by Senators CHANG, MOSS, BAYER, SANTANA, GEISS, SHINK and CAVANAGH and referred to the Committee on Elections and Ethics.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 34c and 35 (MCL 791.234c and 791.235), section
34c as added by 2012 PA 24 and section 35 as amended by 2019 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 34c. (1) The department, by contract or otherwise, shall
2 assist prisoners with reentry into the community, including, but
3 not limited to, doing ~~both~~**all** of the following:
4 (a) Assisting prisoners in obtaining the identification

1 documents described in this section.

2 (b) Subject to the department's security needs, reasonably
3 allowing prisoners to obtain the following identification documents
4 before those prisoners are released on parole or discharged upon
5 completion of their maximum sentences:

6 (i) Any of the identification documents that, in combination
7 with the prisoner identification card issued under section 37(4),
8 would satisfy the application requirements for obtaining an
9 operator's license or **an official** state personal identification
10 card as established by the secretary of state under section 307 of
11 the Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 1
12 of 1972 PA 222, MCL 28.291.

13 (ii) A ~~social security~~ **Social Security** card or ~~social security~~
14 **Social Security** number verification, if possible to obtain.

15 ~~(2) A prisoner's refusal to obtain or attempt to obtain the~~
16 ~~documents identified in subsection (1)(b) may be included as part~~
17 ~~of the prisoner's parole eligibility report, as provided in section~~
18 ~~35(7)(e).~~

19 (c) **Providing prisoners with a written document that contains**
20 **all of the following information regarding voter registration and**
21 **election processes:**

22 (i) **That section 758b of the Michigan election law, 1954 PA**
23 **116, MCL 168.758b, does not prohibit an individual from voting at**
24 **an election once that individual is no longer confined.**

25 (ii) **Specific information on how to register to vote and how to**
26 **vote in person on election day, in person during the early voting**
27 **period, or by absentee ballot.**

28 (iii) **The regular election dates as provided under section 641**
29 **of the Michigan election law, 1954 PA 116, MCL 168.641.**

1 (2) ~~(3)~~—This section applies to all prisoners who are serving
 2 a sentence under the jurisdiction of the department after ~~the~~
 3 ~~effective date of the amendatory act that added this section~~
 4 **February 23, 2012** who are eligible to obtain an operator's license
 5 under section 307 of the Michigan vehicle code, 1949 PA 300, MCL
 6 257.307, or ~~a~~**an official** state personal identification card under
 7 section 1 of 1972 PA 222, MCL 28.291.

8 (3) ~~(4)~~—The department shall include in writing to each
 9 prisoner the information described in section 14(9)(b) of chapter
 10 XI of the code of criminal procedure, 1927 PA 175, MCL 771.14,
 11 listing the identification documents referenced in subsection (1).
 12 For a prisoner who begins serving a sentence under the jurisdiction
 13 of the department after ~~the effective date of the amendatory act~~
 14 ~~that added this section,~~ **February 23, 2012**, the department shall
 15 provide that written information during reception center
 16 processing. For any prisoner who is under the jurisdiction of the
 17 department on ~~the effective date of the amendatory act that added~~
 18 ~~this section,~~ **February 23, 2012**, the department shall provide that
 19 written information as follows:

20 ~~(a) For a prisoner with less than 1 year remaining before~~
 21 ~~parole eligibility, within 90 days after that effective date.~~

22 ~~(b) For any other prisoner, the information shall be given at~~
 23 ~~the time the parole eligibility report is prepared.~~

24 (4) ~~(5)~~—The department shall allow the secretary of state to
 25 have electronic access to prisoner information for the purpose of
 26 verifying the identity of prisoners who apply for ~~driver licenses~~
 27 **an operator's license** or **an official** state personal identification
 28 ~~cards.~~**card.**

29 (5) ~~(6)~~—The reentry success fund is created within the state

1 treasury. The state treasurer may receive money or other assets
2 from any source for deposit into the fund. The state treasurer
3 shall direct the investment of the fund. The state treasurer shall
4 credit to the fund interest and earnings from fund investments.
5 Money in the fund at the close of the fiscal year ~~shall~~**must** remain
6 in the fund and ~~shall~~**must** not lapse to the general fund. The
7 department ~~of corrections~~ shall expend money from the reentry
8 success fund, upon appropriation, only for the expenses of
9 performing the activities required by this section.

10 **(6) The secretary of state shall create a written document**
11 **that includes all of the information described in subsection**
12 **(1) (c) .**

13 Sec. 35. (1) The release of a prisoner on parole must be
14 granted solely upon the initiative of the parole board. There is no
15 entitlement to parole. The parole board may grant a parole without
16 interviewing the prisoner if, after evaluating the prisoner
17 according to the parole guidelines, the parole board determines
18 that the prisoner has a high probability of being paroled and the
19 parole board therefore intends to parole the prisoner. Except as
20 provided in subsection (2), a prisoner must not be denied parole
21 without an interview before 1 member of the parole board. The
22 interview must be conducted at least 1 month before the expiration
23 of the prisoner's minimum sentence less applicable good time and
24 disciplinary credits for a prisoner eligible for good time and
25 disciplinary credits, or at least 1 month before the expiration of
26 the prisoner's minimum sentence for a prisoner subject to
27 disciplinary time. The parole board shall consider any statement
28 made to the parole board by a crime victim under the William Van
29 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to

1 780.834, or under any other provision of law. The parole board
2 shall not consider any of the following factors in making a parole
3 determination:

4 (a) A juvenile record that a court has ordered the department
5 to expunge.

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

12 (2) If, after evaluating a prisoner according to the parole
13 guidelines, the parole board determines that the prisoner has a low
14 probability of being paroled and the parole board therefore does
15 not intend to parole the prisoner, the parole board is not required
16 to interview the prisoner before denying parole to the prisoner.

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

19 (a) A prisoner's marital history.

20 (b) Prior arrests not resulting in conviction or adjudication
21 of delinquency.

22 (4) If an interview is to be conducted, the prisoner must be
23 sent a notice of intent to conduct an interview not less than 1
24 month before the date of the interview. The notice must state the
25 specific issues and concerns that will be discussed at the
26 interview and that may be a basis for a denial of parole. The
27 parole board shall not deny parole based on reasons other than
28 those stated in the notice of intent to conduct an interview except
29 for good cause stated to the prisoner at or before the interview

1 and in the written explanation required by subsection (20).

2 (5) Except for good cause, the parole board member conducting
3 the interview shall not have cast a vote for or against the
4 prisoner's release before conducting the current interview. Before
5 the interview, the parole board member who is to conduct the
6 interview shall review pertinent information relative to the notice
7 of intent to conduct an interview.

8 (6) A prisoner may waive the right to an interview by 1 member
9 of the parole board. The waiver of the right to be interviewed must
10 be in writing and given not more than 30 days after the notice of
11 intent to conduct an interview is issued. During the interview held
12 under a notice of intent to conduct an interview, the prisoner may
13 be represented by an individual of ~~his or her~~ **the prisoner's**
14 choice. The representative shall not be another prisoner or an
15 attorney. A prisoner is not entitled to appointed counsel at public
16 expense. The prisoner or representative may present relevant
17 evidence in support of release.

18 (7) ~~At least~~ **Not less than** 90 days before the expiration of
19 the prisoner's minimum sentence less applicable good time and
20 disciplinary credits for a prisoner eligible for good time or
21 disciplinary credits, or ~~at least~~ **not less than** 90 days before the
22 expiration of the prisoner's minimum sentence for a prisoner
23 subject to disciplinary time, or the expiration of a 12-month
24 continuance for any prisoner, or at the request of the parole board
25 for a prisoner being considered for parole under subsection (10),
26 the appropriate institutional staff shall prepare a parole
27 eligibility report. The parole eligibility report is considered
28 pertinent information for purposes of subsection (5). The report
29 must include all of the following:

1 (a) A statement of all major misconduct charges of which the
2 prisoner was found guilty and the punishment served for the
3 misconduct.

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

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

7 (d) Whether the prisoner fully cooperated with this state by
8 providing complete financial information as required under section
9 3a of the state correctional facility reimbursement act, 1935 PA
10 253, MCL 800.403a.

11 ~~(e) Whether the prisoner refused to attempt to obtain~~
12 ~~identification documents under section 34c, if applicable.~~

13 (e) ~~(f)~~ For a prisoner subject to disciplinary time, a
14 statement of all disciplinary time submitted for the parole board's
15 consideration under section 34 of 1893 PA 118, MCL 800.34.

16 (f) ~~(g)~~ The result on any validated risk assessment
17 instrument.

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

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

25 (10) Except for a prisoner who was convicted of any crime that
26 is punishable by a term of life imprisonment without parole or of a
27 violation of section 520b of the Michigan penal code, 1931 PA 328,
28 MCL 750.520b, the parole board may grant a medical parole for a
29 prisoner determined to be medically frail. A decision to grant a

1 medical parole must be initiated on the recommendation of the
2 bureau of health care services. If the bureau of health care
3 services believes that the prisoner is medically frail, the bureau
4 shall utilize a specialist in the appropriate field of medicine,
5 who is not employed by the department, to evaluate the condition of
6 the prisoner and to report on that condition to the bureau. The
7 parole board, in consultation with the bureau of health care
8 services, shall determine whether the prisoner is medically frail.
9 If the parole board determines that a prisoner is medically frail
10 and is going to be considered for parole under this subsection, the
11 parole board shall provide the notice and medical records required
12 under section 34(18). Unless the prosecutor of the county from
13 which the prisoner was committed files a motion under section
14 34(19), the parole board may grant parole to a prisoner who is
15 determined to be medically frail. If a motion is filed under
16 section 34(19) and the court finds that the prisoner is eligible
17 for parole as a result of being medically frail, and if no
18 additional appeals are pending, the parole board may grant parole
19 to the prisoner under this subsection. The requirements of sections
20 33(1)(b), (c), (d), and (f), 33b, and 34(1), (2), (3), (4), (7),
21 (13), (14), (15), (16), and (17) do not apply to a parole granted
22 under this subsection.

23 (11) The following conditions apply to a parole granted under
24 subsection (10):

25 (a) A prisoner must only be released on parole under
26 subsection (10) if ~~he or she~~ **the prisoner** agrees to all of the
27 following:

28 (i) ~~His or her~~ **The parolee's** placement, or, if the parolee is
29 unable to consent because of the parolee's physical or mental

1 health condition, an individual legally entitled to agree to the
2 parolee's placement agrees that the parolee be placed, in a medical
3 facility approved by the parole board where medical care and
4 treatment can be provided.

5 (ii) To the release of ~~his or her~~ **the prisoner's** medical
6 records that are directly relevant to the condition or conditions
7 rendering the prisoner medically frail to the prosecutor and
8 sentencing or successor judge of the county from which the prisoner
9 was committed before the parole board determines whether or not to
10 grant the prisoner parole under subsection (10).

11 (iii) An independent medical exam if sought by the prosecutor of
12 the county from which the prisoner was committed as provided under
13 section 34(19). If possible, this independent medical exam must
14 occur at a facility of the department. The reasonable costs of this
15 independent medical exam must be paid for by the department.

16 (b) The parolee shall adhere to the terms of ~~his or her~~ **the**
17 **parolee's** parole for the length of ~~his or her~~ **the** parole term.

18 (c) The parole must be for a term not less than the time
19 necessary to reach the prisoner's earliest release date.

20 (d) A parolee who violates the terms of ~~his or her~~ **the**
21 **parolee's** parole or is determined to no longer meet the definition
22 of medically frail may be transferred to a setting more appropriate
23 for the medical needs of the parolee or be subject to the parole
24 violation process under sections 38, 39, 39a, and 40a as determined
25 by the parole board and the department.

26 (e) The parolee must only be placed in a medical facility that
27 agrees to accept the parolee and that is agreed upon by the parolee
28 as described in subdivision (a) (i).

29 (12) The parolee or an individual legally entitled to agree to

1 the parolee's placement under subsection (11) (a) (i), other than the
2 medical facility, shall immediately inform the parole board if any
3 of the following occur:

4 (a) The parolee is no longer eligible for care at the medical
5 facility at which ~~he or she~~ **the parolee** was placed.

6 (b) The parolee must be moved to another location for medical
7 care.

8 (c) The parolee is no longer at the medical facility approved
9 by the parole board.

10 (d) The parolee no longer needs the level of care that
11 resulted in the parolee's placement at the medical facility.

12 (13) The parole board shall immediately notify the prosecutor
13 for the county in which the offender was convicted and the
14 sentencing or successor judge if the parolee is no longer eligible
15 for care or no longer needs the level of care for which the
16 prisoner was placed at the medical facility.

17 (14) The department shall not retain authority over the
18 medical treatment plan for a prisoner granted parole under
19 subsection (10) and a prisoner granted parole under subsection (10)
20 must have full patient rights at the medical facility where ~~he or~~
21 ~~she~~ **the prisoner** is placed.

22 (15) The department and the parole board shall ensure that the
23 placement and terms and conditions of a parole granted under
24 subsection (10) do not violate any other state or federal
25 regulations.

26 (16) A medical facility housing parolees granted parole under
27 subsection (10) must be operated in a manner that ensures the
28 safety of the residents of the medical facility.

29 (17) A parolee granted parole under subsection (10) and placed

1 in a medical facility has the same patient rights and
2 responsibilities as any other individual who is a resident of or
3 has been admitted to the medical facility. The medical facility is
4 not responsible for the enforcement of conditions of parole or the
5 reporting of violations of conditions of parole for any parolee
6 placed in the medical facility. The medical facility shall comply
7 with state and federal laws and regulations that protect resident
8 rights and state and federal laws and regulations for skilled
9 nursing facilities, regardless of the conditions of parole imposed
10 on a resident parolee.

11 (18) The process for a parole determination under subsection
12 (10) does not change or affect any of the rights afforded to a
13 victim under the William Van Regenmorter crime victim's rights act,
14 1985 PA 87, MCL 780.751 to 780.834.

15 (19) The department shall file a petition to the appropriate
16 court under section 434 of the mental health code, 1974 PA 258, MCL
17 330.1434, for any prisoner being paroled or being released after
18 serving ~~his or her~~ **the prisoner's** maximum sentence whom the
19 department considers to be a person requiring treatment. The parole
20 board shall require mental health treatment as a special condition
21 of parole for any parolee whom the department has determined to be
22 a person requiring treatment whether or not the petition filed for
23 that prisoner is granted by the court. As used in this subsection,
24 "person requiring treatment" means that term as defined in section
25 401 of the mental health code, 1974 PA 258, MCL 330.1401.

26 (20) When the parole board makes a final determination not to
27 release a prisoner, the parole board shall provide the prisoner
28 with a written explanation of the reason for denial and, if
29 appropriate, specific recommendations for corrective action the

1 prisoner may take to facilitate release.

2 (21) This section does not apply to the placement on parole of
3 a person in conjunction with special alternative incarceration
4 under section 34a(7).

5 (22) As used in this section:

6 (a) "Activities of daily living" means basic personal care and
7 everyday activities as described in 42 CFR 441.505, including, but
8 not limited to, tasks such as eating, toileting, grooming,
9 dressing, bathing, and transferring from 1 physical position to
10 another, including, but not limited to, moving from a reclining
11 position to a sitting or standing position.

12 (b) "Medical facility" means a hospital, hospice, nursing
13 home, or other housing accommodation providing medical treatment
14 suitable to the condition or conditions rendering the parolee
15 medically frail.

16 (c) "Medically frail" describes an individual who is a minimal
17 threat to society as a result of ~~his or her~~ **the individual's**
18 medical condition, who has received a risk score of low on a
19 validated risk assessment, whose recent conduct in prison indicates
20 ~~he or she~~ **the individual** is unlikely to engage in assaultive
21 conduct, and who has 1 or both of the following:

22 (i) A permanent or terminal physical disability or serious and
23 complex medical condition resulting in the inability to do 1 or
24 more of the following without personal assistance:

25 (A) Walk.

26 (B) Stand.

27 (C) Sit.

28 (ii) A permanent or terminal disabling mental disorder,
29 including dementia, Alzheimer's, or a similar degenerative brain

- 1 disorder that results in the need for nursing home level of care,
- 2 and a significantly impaired ability to perform 2 or more
- 3 activities of daily living.