

EVIDENCE-BASED PRACTICES FOR PROBATION AND PAROLE SUPERVISION (EXCERPT)
Act 5 of 2017

798.31 Definitions.

Sec. 1.

As used in this act:

(a) "Agency" means both of the following:

(i) The department of corrections.

(ii) Any regional, local, or county governmental agency that receives state funding and that is responsible for supervising individuals who are placed on probation or who are serving a period of parole or postrelease supervision from a prison or jail. Agency does not include a district court probation department established under section 8314 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8314.

(b) "Case plan" means an individualized accountability and behavior change strategy for supervised individuals that does all of the following:

(i) Targets and prioritizes the specific criminal risk factors of the offender.

(ii) Matches programs to the offender's individual characteristics, such as gender, culture, motivational stage, developmental stage, or learning style.

(iii) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations. A timetable established under this subparagraph for payment of victim restitution, child support, and other financial obligations is subject to an ability to pay determination.

(iv) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors.

(c) "Community supervision" means the placement of an individual under supervision after release from prison or jail, with conditions imposed by the releasing authority for a specified period of time.

(d) "Criminal risk factors" means characteristics and behaviors that when addressed or changed affect an individual's risk for committing crimes including antisocial attitudes, values, and beliefs, poor impulse control, criminal personality, substance abuse, criminal peers, dysfunctional family, or a lack of employment or education.

(e) "Evidence-based practices" means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals on probation, parole, or postrelease supervision.

(f) "Program" means an intervention, other than medical services, to which both of the following apply:

(i) It is intended to reduce recidivism by supervised individuals.

(ii) It is funded in whole or in part by this state or is administered by an agency of this state.

(g) "Recidivism" means the rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation, of an individual as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later.

(h) "Supervised individual" means an individual placed on probation or serving a period of parole.

(i) "Supervising agent" means an individual appointed or employed by the agency to supervise individuals placed on community supervision.

(j) "Technical parole violation" means a violation of the terms of a parolee's parole order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

(k) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

History: 2017, Act 5, Eff. June 29, 2017