

HOUSE BILL No. 4132

February 6, 2019, Introduced by Reps. Bolden, Tyrone Carter and Filler and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33b and 65 (MCL 791.233b and 791.265), section 33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA 599.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33b. ~~A~~**EXCEPT FOR A PRISONER GRANTED PAROLE UNDER SECTION**
2 **35(10), A** person convicted and sentenced for the commission of any
3 of the following crimes other than a prisoner subject to
4 disciplinary time is not eligible for parole until the person has
5 served the minimum term imposed by the court less an allowance for
6 disciplinary credits as provided in section 33(5) of 1893 PA 118,
7 MCL 800.33, and is not eligible for special parole:

8 (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL

1 750.13.

2 (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL
3 750.14.

4 (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA
5 328, MCL 750.72, 750.73, and 750.75.

6 (d) Section ~~80, 82~~, 83, 84, 86, 87, 88, 89, or 90 of the
7 Michigan penal code, 1931 PA 328, MCL ~~750.80~~, 750.82, 750.83,
8 750.84, 750.86, 750.87, 750.88, 750.89, and 750.90, or former
9 section ~~85-80~~ of that act.

10 (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328,
11 MCL 750.91 and 750.92.

12 (f) Section 110, 112, or 116 of the Michigan penal code, 1931
13 PA 328, MCL 750.110, 750.112, and 750.116.

14 (g) Section 135 ~~, OR 136b(2) , or 136b(3)~~ **OR (3)** of the
15 Michigan penal code, 1931 PA 328, MCL 750.135 and 750.136b, or
16 former section 136a of that act.

17 (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL
18 750.158.

19 (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL
20 750.160.

21 (j) Former section 171 of the Michigan penal code, 1931 PA
22 328.

23 (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL
24 750.196, or former section 194 of that act.

25 (l) Section 204, 207, 209, or 213 of the Michigan penal code,
26 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former
27 section 205, 206 or 208 of that act.

1 (m) Section 224, 226, or 227 of the Michigan penal code, 1931
2 PA 328, MCL 750.224, 750.226, and 750.227.

3 (n) Section 316, 317, ~~319~~, 321, 322, 323, 327, 328, or 329 of
4 the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317,
5 ~~750.319~~, 750.321, 750.322, 750.323, 750.327, 750.328, and 750.329,
6 **OR FORMER SECTION 319 OF THAT ACT.**

7 (o) Former section 333 of the Michigan penal code, 1931 PA
8 328.

9 (p) Section 338, 338a, or 338b of the Michigan penal code,
10 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section
11 341 of that act.

12 (q) Section 349, 349a, or 350 of the Michigan penal code, 1931
13 PA 328, MCL 750.349, 750.349a, and 750.350.

14 (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL
15 750.357.

16 (s) Section 386 or 392 of the Michigan penal code, 1931 PA
17 328, MCL 750.386 and 750.392.

18 (t) Section 397 or 397a of the Michigan penal code, 1931 PA
19 328, MCL 750.397 and 750.397a.

20 (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL
21 750.436.

22 (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL
23 750.511, or former section 517 of that act.

24 (w) Section 520b, 520c, 520d, or 520g of the Michigan penal
25 code, 1931 PA ~~382~~, **328**, MCL 750.520b, 750.520c, 750.520d, and
26 750.520g.

27 (x) Section 529, 529a, 530, or 531 of the Michigan penal code,

1 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.

2 (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL
3 750.544, or former section 545a of that act.

4 (z) Former section 2 of 1950 (Ex Sess) PA 38.

5 (aa) Former section 6 of 1952 PA 117.

6 (bb) Section 1, 2, or 3 of 1968 PA 302, MCL 752.541, 752.542,
7 and 752.543.

8 (cc) Section 7401(2)(a) ~~, 7401(2)(b), OR (B) OR~~ 7402(2)(a) ~~or~~
9 ~~7402(2)(b) OR (B)~~ of the public health code, 1978 PA 368, MCL
10 333.7401 and 333.7402.

11 Sec. 65. (1) Under rules promulgated by the director of the
12 department, the assistant director in charge of the bureau of
13 correctional facilities, except as otherwise provided in this
14 section, may cause the transfer or re-transfer of a prisoner from a
15 correctional facility to which **HE OR SHE WAS** committed to any other
16 correctional facility, or temporarily to a state institution for
17 medical or surgical treatment. In effecting a transfer, the
18 assistant director of the bureau of correctional facilities may
19 utilize the services of an executive or employee within the
20 department and of a law enforcement officer of the state.

21 (2) A prisoner who is subject to disciplinary time and is
22 committed to the jurisdiction of the department ~~shall~~**MUST** be
23 confined in a secure correctional facility for the duration of his
24 or her minimum sentence, except for periods when the prisoner is
25 away from the secure correctional facility while being supervised
26 by an employee of the department or by an employee of a private
27 contractor that operates a facility or institution that houses

1 prisoners under the jurisdiction of the department for 1 of the
2 following purposes:

3 (a) Visiting a critically ill relative.

4 (b) Attending the funeral of a relative.

5 (c) Obtaining medical services not otherwise available at the
6 secure correctional facility.

7 (d) Participating in a work detail.

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

19 (4) Not less than 45 days before approval of a transfer
20 ~~pursuant to~~ **UNDER** subsection (3) from this state to another
21 country, the governor, or the governor's designee, shall notify the
22 sentencing judge and the prosecuting attorney of the county having
23 original jurisdiction, or their successors in office, of the
24 request for transfer. The notification ~~shall~~ **MUST** indicate any name
25 changes of the offender subsequent to sentencing. Within 20 days
26 after receiving ~~such~~ notification **UNDER THIS SUBSECTION**, the judge
27 or prosecutor may send to the governor, or the governor's designee,

1 information about the criminal action against the offender or
2 objections to the transfer. Objections to the transfer ~~shall~~**MUST**
3 not preclude approval of the transfer.

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

7 (a) The facility is enclosed by a locked fence or wall that is
8 designed to prevent prisoners from leaving the enclosed premises
9 and that is patrolled by correctional officers.

10 (b) Prisoners in the facility are restricted to the area
11 inside the fence or wall.

12 (c) Prisoners are under guard by correctional officers 7 days
13 per week, 24 hours per day.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. ___ or House Bill No. 4129 (request no.
18 01446'19) of the 100th Legislature is enacted into law.