

HOUSE BILL No. 4093

January 28, 1997, Introduced by Rep. Curtis and referred to the Committee on Corrections.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending section 65a (MCL 791.265a), as amended by 1994 PA 217.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65a. (1) Under prescribed conditions, the director may
2 extend the limits of confinement of a prisoner when there is rea-
3 sonable assurance, after consideration of all facts and circum-
4 stances, that the prisoner will not become a menace to society or
5 to the public safety, by authorizing the prisoner to do any of
6 the following:

7 (a) Visit a specifically designated place or places. An
8 extension of limits may be granted only to a prisoner housed in a
9 state correctional facility to permit a visit to a critically ill
10 relative, attendance at the funeral of a relative, or contacting
11 prospective employers. The maximum amount of time a prisoner is
12 eligible for an extension of the limits of confinement under this
13 subdivision shall not exceed a cumulative total period of 30
14 days.

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

17 (c) Work at paid employment, participate in a training or
18 educational program, or participate in a community residential
19 drug treatment program while continuing as a prisoner housed on a
20 voluntary basis at a community corrections center or in a commu-
21 nity residential home.

22 (2) The director shall promulgate rules to implement this
23 section.

24 (3) The willful failure of a prisoner to remain within the
25 extended limits of his or her confinement or to return within the
26 time prescribed to an institution or facility designated by the

director shall be considered an escape from custody as provided in section 193 of the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, as amended, being section 750.193 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.193.

(4) ~~A~~ SUBJECT TO SUBSECTION (6), A prisoner, other than a prisoner subject to disciplinary time, who is convicted of a crime of violence or any assaultive crime is not eligible for the extensions of the limits of confinement provided in subsection (1) until the minimum sentence imposed for the crime has less than 180 days remaining. ~~A~~ SUBJECT TO SUBSECTION (6), A prisoner subject to disciplinary time is not eligible for the extensions of the limits of confinement provided in subsection (1) until he or she has served the minimum sentence imposed for the crime plus any disciplinary time. However, if the reason for the extension is to visit a critically ill relative, attend the funeral of a relative, or obtain medical services not otherwise available, the director may allow the extension under escort as provided in subsection (1).

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

(6) A PRISONER WHO IS CONVICTED OF A CRIME OF VIOLENCE OR ANY ASSAULTIVE CRIME, AND WHOSE MINIMUM SENTENCE IMPOSED FOR THE CRIME IS 10 YEARS OR MORE, SHALL NOT BE PLACED IN A COMMUNITY RESIDENTIAL HOME DURING ANY PORTION OF HIS OR HER SENTENCE.

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(7) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE EFFECTIVE DATE OF 1994 PA 217, AS PRESCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT.

(8) ~~(6)~~ As used in this section:

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

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

(c) "State correctional facility" means a facility owned or leased by the department. State correctional facility does not include a community corrections center or community residential home.