

**SUBSTITUTE FOR
HOUSE BILL NO. 4534**

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
5 documents described in this section.

6 (b) Subject to the department's security needs, reasonably
7 allowing prisoners to obtain the following identification documents
8 before those prisoners are released on parole or discharged upon



1 completion of their maximum sentences:

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

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

11 ~~(2) A prisoner's refusal to obtain or attempt to obtain the~~
12 ~~documents identified in subsection (1)(b) may be included as part~~
13 ~~of the prisoner's parole eligibility report, as provided in section~~
14 ~~35(7)(e).~~

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

18 (i) **That section 758b of the Michigan election law, 1954 PA**
19 **116, MCL 168.758b, does not prohibit an individual from voting at**
20 **an election once that individual is no longer confined.**

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

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

26 (2) ~~(3)~~ **This section applies to all prisoners who are serving**
27 **a sentence under the jurisdiction of the department after the**
28 **effective date of the amendatory act that added this section**
29 **February 23, 2012** who are eligible to obtain an operator's license



1 under section 307 of the Michigan vehicle code, 1949 PA 300, MCL
 2 257.307, or ~~a~~**an official** state personal identification card under
 3 section 1 of 1972 PA 222, MCL 28.291.

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

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

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

20 (4) ~~(5)~~—The department shall allow the secretary of state to
 21 have electronic access to prisoner information for the purpose of
 22 verifying the identity of prisoners who apply for ~~driver licenses~~
 23 **an operator's license** or **an official** state personal identification
 24 ~~cards.~~**card.**

25 (5) ~~(6)~~—The reentry success fund is created within the state
 26 treasury. The state treasurer may receive money or other assets
 27 from any source for deposit into the fund. The state treasurer
 28 shall direct the investment of the fund. The state treasurer shall
 29 credit to the fund interest and earnings from fund investments.



1 Money in the fund at the close of the fiscal year ~~shall~~**must** remain
 2 in the fund and ~~shall~~**must** not lapse to the general fund. The
 3 department ~~of corrections~~ shall expend money from the reentry
 4 success fund, upon appropriation, only for the expenses of
 5 performing the activities required by this section.

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

9 Sec. 35. (1) The release of a prisoner on parole must be
 10 granted solely upon the initiative of the parole board. There is no
 11 entitlement to parole. The parole board may grant a parole without
 12 interviewing the prisoner if, after evaluating the prisoner
 13 according to the parole guidelines, the parole board determines
 14 that the prisoner has a high probability of being paroled and the
 15 parole board therefore intends to parole the prisoner. Except as
 16 provided in subsection (2), a prisoner must not be denied parole
 17 without an interview before 1 member of the parole board. The
 18 interview must be conducted at least 1 month before the expiration
 19 of the prisoner's minimum sentence less applicable good time and
 20 disciplinary credits for a prisoner eligible for good time and
 21 disciplinary credits, or at least 1 month before the expiration of
 22 the prisoner's minimum sentence for a prisoner subject to
 23 disciplinary time. The parole board shall consider any statement
 24 made to the parole board by a crime victim under the William Van
 25 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
 26 780.834, or under any other provision of law. The parole board
 27 shall not consider any of the following factors in making a parole
 28 determination:

29 (a) A juvenile record that a court has ordered the department



1 to expunge.

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

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

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

15 (a) A prisoner's marital history.

16 (b) Prior arrests not resulting in conviction or adjudication
17 of delinquency.

18 (4) If an interview is to be conducted, the prisoner must be
19 sent a notice of intent to conduct an interview not less than 1
20 month before the date of the interview. The notice must state the
21 specific issues and concerns that will be discussed at the
22 interview and that may be a basis for a denial of parole. The
23 parole board shall not deny parole based on reasons other than
24 those stated in the notice of intent to conduct an interview except
25 for good cause stated to the prisoner at or before the interview
26 and in the written explanation required by subsection (20).

27 (5) Except for good cause, the parole board member conducting
28 the interview shall not have cast a vote for or against the
29 prisoner's release before conducting the current interview. Before



1 the interview, the parole board member who is to conduct the
2 interview shall review pertinent information relative to the notice
3 of intent to conduct an interview.

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

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

26 (a) A statement of all major misconduct charges of which the
27 prisoner was found guilty and the punishment served for the
28 misconduct.

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



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

3 (d) Whether the prisoner fully cooperated with this state by
4 providing complete financial information as required under section
5 3a of the state correctional facility reimbursement act, 1935 PA
6 253, MCL 800.403a.

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

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

12 (f) ~~(g)~~ The result on any validated risk assessment
13 instrument.

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

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

21 (10) Except for a prisoner who was convicted of any crime that
22 is punishable by a term of life imprisonment without parole or of a
23 violation of section 520b of the Michigan penal code, 1931 PA 328,
24 MCL 750.520b, the parole board may grant a medical parole for a
25 prisoner determined to be medically frail. A decision to grant a
26 medical parole must be initiated on the recommendation of the
27 bureau of health care services. If the bureau of health care
28 services believes that the prisoner is medically frail, the bureau
29 shall utilize a specialist in the appropriate field of medicine,



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

19 (11) The following conditions apply to a parole granted under
20 subsection (10):

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

24 (i) ~~His or her~~ **The parolee's** placement, or, if the parolee is
25 unable to consent because of the parolee's physical or mental
26 health condition, an individual legally entitled to agree to the
27 parolee's placement agrees that the parolee be placed, in a medical
28 facility approved by the parole board where medical care and
29 treatment can be provided.



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

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

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

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

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

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

25 (12) The parolee or an individual legally entitled to agree to
26 the parolee's placement under subsection (11) (a) (i), other than the
27 medical facility, shall immediately inform the parole board if any
28 of the following occur:

29 (a) The parolee is no longer eligible for care at the medical



1 facility at which ~~he or she~~ **the parolee** was placed.

2 (b) The parolee must be moved to another location for medical
3 care.

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

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

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

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

18 (15) The department and the parole board shall ensure that the
19 placement and terms and conditions of a parole granted under
20 subsection (10) do not violate any other state or federal
21 regulations.

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

25 (17) A parolee granted parole under subsection (10) and placed
26 in a medical facility has the same patient rights and
27 responsibilities as any other individual who is a resident of or
28 has been admitted to the medical facility. The medical facility is
29 not responsible for the enforcement of conditions of parole or the



1 reporting of violations of conditions of parole for any parolee
2 placed in the medical facility. The medical facility shall comply
3 with state and federal laws and regulations that protect resident
4 rights and state and federal laws and regulations for skilled
5 nursing facilities, regardless of the conditions of parole imposed
6 on a resident parolee.

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

11 (19) The department shall file a petition to the appropriate
12 court under section 434 of the mental health code, 1974 PA 258, MCL
13 330.1434, for any prisoner being paroled or being released after
14 serving ~~his or her~~ **the prisoner's** maximum sentence whom the
15 department considers to be a person requiring treatment. The parole
16 board shall require mental health treatment as a special condition
17 of parole for any parolee whom the department has determined to be
18 a person requiring treatment whether or not the petition filed for
19 that prisoner is granted by the court. As used in this subsection,
20 "person requiring treatment" means that term as defined in section
21 401 of the mental health code, 1974 PA 258, MCL 330.1401.

22 (20) When the parole board makes a final determination not to
23 release a prisoner, the parole board shall provide the prisoner
24 with a written explanation of the reason for denial and, if
25 appropriate, specific recommendations for corrective action the
26 prisoner may take to facilitate release.

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



1 (22) As used in this section:

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

8 (b) "Medical facility" means a hospital, hospice, nursing
 9 home, or other housing accommodation providing medical treatment
 10 suitable to the condition or conditions rendering the parolee
 11 medically frail.

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

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

21 (A) Walk.

22 (B) Stand.

23 (C) Sit.

24 (ii) A permanent or terminal disabling mental disorder,
 25 including dementia, Alzheimer's, or a similar degenerative brain
 26 disorder that results in the need for nursing home level of care,
 27 and a significantly impaired ability to perform 2 or more
 28 activities of daily living.

