

HOUSE BILL NO. 4260

March 09, 2023, Introduced by Reps. Meerman, Carra, Fox, DeSana, Rigas, Hoadley, Smit and Friske and referred to the Committee on Criminal Justice.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

by amending section 34 (MCL 800.34), as amended by 1998 PA 316.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A prisoner subject to disciplinary time ~~shall~~
2 **must** receive disciplinary time for each major misconduct for which
3 ~~he or she~~ **the prisoner** is found guilty as prescribed by rule
4 ~~pursuant to~~ **under** section 35.

1 (2) ~~Accumulated~~**The accumulated** disciplinary time ~~shall~~**must**
2 be submitted to the parole board for the parole board's
3 consideration at the prisoner's parole review or interview. A
4 prisoner's minimum sentence, plus disciplinary time, ~~shall~~**must** not
5 exceed ~~his or her~~**the prisoner's** maximum sentence.

6 (3) A prisoner who has been sentenced concurrently for
7 separate convictions ~~shall~~**must** have ~~his or her~~**the prisoner's**
8 disciplinary time considered by the parole board on each sentence
9 individually. If a prisoner is serving consecutive sentences for
10 separate convictions, ~~his or her~~**the prisoner's** disciplinary time
11 ~~shall~~**must** be considered by the parole board on each sentence
12 individually.

13 (4) A prisoner subject to disciplinary time may have any or
14 all of ~~his or her~~**the prisoner's** accumulated disciplinary time
15 reduced by the department if ~~he or she~~**the prisoner** has
16 demonstrated exemplary good conduct during the term of
17 imprisonment. ~~Disciplinary~~**The disciplinary** time deducted ~~pursuant~~
18 ~~to~~**under** this section may be restored if the prisoner is found
19 guilty of a major misconduct.

20 (5) As used in this act, "prisoner subject to disciplinary
21 time" includes both of the following:

22 (a) A prisoner sentenced to an indeterminate term of
23 imprisonment for any of the following crimes committed on or after
24 December 15, 1998:

25 (i) A violation of section 625(4) or (5) of the Michigan
26 vehicle code, 1949 PA 300, MCL 257.625.

27 (ii) A violation of section 80176(4) or (5) of part 801 ~~(marine~~
28 ~~safety)~~ of the natural resources and environmental protection act,
29 1994 PA 451, MCL 324.80176.

1 (iii) A violation of section 72, 73, ~~80, 82~~, 83, 84, 86, 87, 88,
 2 89, 90, 110a(2), 112, ~~136b(2)~~, **136b(1)**, 145c, 204, 204a, ~~205, 205a,~~
 3 ~~206,~~ 207, ~~208,~~ 210, ~~211,~~ 211a, 213, 316, 317, ~~319,~~ 321, 322, 327,
 4 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d,
 5 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931
 6 PA 328, MCL 750.72, 750.73, ~~750.80,~~ 750.82, 750.83, 750.84, 750.86,
 7 750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b,
 8 750.145c, 750.204, 750.204a, ~~750.205,~~ ~~750.205a,~~ ~~750.206,~~ 750.207,
 9 ~~750.208,~~ 750.210, ~~750.211,~~ 750.211a, 750.213, 750.316, 750.317,
 10 ~~750.319,~~ 750.321, 750.322, 750.327, 750.328, 750.329, 750.349,
 11 750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b, 750.520b,
 12 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530,
 13 and 750.531, **and former sections 80, 205, 205a, 206, 208, 211, and**
 14 **319 of that act.**

15 (iv) A violation of **former** section 1 of 1931 PA 214. ~~7-MCL~~
 16 ~~752.191.~~

17 (v) A violation of section 1, 2, or 2a of 1968 PA 302, MCL
 18 752.541, 752.542, and 752.542a.

19 (vi) Any offense not listed in subparagraphs (i) to (v) that is
 20 punishable by life imprisonment.

21 (vii) An attempt, conspiracy, or solicitation to commit an
 22 offense described in subparagraphs (i) to (vi).

23 (b) A prisoner sentenced to an indeterminate term of
 24 imprisonment for any crime not listed in subdivision (a), if that
 25 crime was committed on or after December 15, 2000.

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

28 Enacting section 2. This amendatory act does not take effect
 29 unless Senate Bill No. _____ or House Bill No. 4257 (request no.

1 00264'23) of the 102nd Legislature is enacted into law.