



# INITIATION OF LEGISLATION

An initiation of legislation to enact the Good Time HB 5666. This initiated law would provide prisoners in Michigan State the opportunity to earn Good Time off of their sentences as reward for good behavior; specify the conditions for accruing Good Time; exercising or enforcing rights gained in this act; prohibits the accrual of good time during month when found guilty of major misconduct; the establishment of a Good Time Committee and lists the responsibilities of the Good Time Committee.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:  
Sec. 33.

(1) A record of all major misconduct charges for which a prisoner has been found guilty must be maintained and given to the parole board as part of the parole eligibility report prepared for each prisoner under section 35 of THE CORRECTIONS CODE of 1953 PA 232, MCL 791.235.

(2) Except as otherwise provided in this section, a prisoner who has not been found guilty of a major misconduct or had a violation of the laws of this state recorded against him or her must receive a reduction from his or her sentence as follows:

- (a) During the first and second years of his or her sentence, 5 days for each month.
- (b) During the third and fourth years, 6 days for each month.
- (c) During the fifth and sixth years, 7 days for each month.
- (d) During the seventh, eighth, and ninth years, 9 days for each month.
- (e) During the tenth, eleventh, twelfth, thirteenth, and fourteenth years, 10 days for each month.
- (f) During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years, 12 days for each month.
- (g) From and including the twentieth year, up to and including the period fixed for the expiration of the sentence, 15 days for each month.

(3) Good Time received under subsection (2) shall be earned, forfeited, and restored as provided in this section. Accumulated good time shall be deducted from a prisoner's minimum and maximum sentence in order to determine his or her parole eligibility date and discharge date.

(4) This section shall not be construed to allow good time in cases of commuted sentences unless so stipulated in the executive order commuting the sentence.

(5) A prisoner must not earn good time under this subsection during any month in which the prisoner is found guilty of having committed a major misconduct. The amount of good time not earned as a result of being found guilty of a major misconduct must be limited to the good time that would have been earned for the month in which the major misconduct occurred. Any good time not earned as a result of the prisoner being found guilty of a major misconduct must never be earned or restored.

(6) The department of corrections shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, prescribing how much of his or her accumulated good time or the prisoner may forfeit if found guilty of 1 or more major misconducts.

(7) The warden may order that a prisoner found guilty of a major misconduct forfeit all or a portion of the good time accumulated during the month in which the misconduct occurred.

(8) The good time committee, which is comprised of the prisoner's resident unit manager, custody officers in the resident unit with direct supervisory responsibilities over the prisoner, and the appropriate work or school assignment supervisor, must be a part of the reclassification process and shall review, at least annually, the status of each prisoner in the housing unit who has forfeited good time. The good time committee may recommend to the warden whether any good time should be restored to the prisoner.

(9) In addition to good time, a prisoner eligible for special good time under this subsection may be awarded 2 days per month special good time for good institutional conduct on the recommendation of the good time committee and the concurrence of the warden based on an annual review of the prisoner's institutional record. Special good time shall not be awarded for any month in which a prisoner has been found guilty of a major misconduct.

(10) A prisoner must not earn good time under this section during any month in which the prisoner is found guilty of having committed a major misconduct. The amount of good time not earned as a result of being found guilty of a major misconduct must be limited to the amount of good time that would have been earned during the month in which the major misconduct occurred. Any good time not earned as a result of the prisoner being found guilty of a major misconduct must never be earned or restored.

(11) The department of corrections shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, prescribing how much of his or her accumulated good time the prisoner may forfeit if found guilty of 1 or more major misconducts.

(12) The good time committee, which is comprised of the prisoner's resident unit manager, custody officer in the resident unit with direct supervisory responsibility over the prisoner, and the appropriate work or school assignment supervisor, must be part of the reclassification process. The good time committee shall recommend to the warden the amount of special good time to be awarded and the restoration of any accumulated good time that has been forfeited.

(13) The warden, as a reward for good conduct, may restore to a prisoner the whole or any portion of the good time forfeited because of a finding of guilty for a major misconduct. However, forfeited good time must not be restored without the recommendation of the good time committee and the prior written approval of the deputy director in charge of the bureau of correctional facilities or the deputy director in charge of the correctional facilities administration or the deputy director in charge of the field operations administration. Good time allowances that have not been earned because of institutional misconduct must not be restored.

(14) A prisoner who has been sentenced concurrently for separate convictions must have his or her good time computed on the basis of the longest of the concurrent sentences. If a prisoner is serving consecutive sentences for separate convictions, his or her good time must be computed and accumulated on each sentence individually

(15) The warden of an institution may grant special good time allowances. Special good time credit must not exceed 50% of the good time allowances under the schedule in subsection (2). Special good time must be awarded for good conduct only and must not be awarded for any month in which a prisoner has been found guilty of a major misconduct.

(16) The parole board is exclusively empowered to cause the forfeiture of good time earned by a prisoner at the time of a parole violation.

(17) THE DEPARTMENT OF CORRECTIONS SHALL RECALCULATE THE PAROLE ELIGIBILITY DATE AND DISCHARGE DATE FOR EACH PRISONER SERVING A SENTENCE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION WHO BECOMES ELIGIBLE FOR GOOD TIME CREDITS UNDER SUBSECTION (2) AS A RESULT OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION

Enacting section 1. Sections 34 and 35 of 1893 PA 118, MCL 800.34 and 800.35, are repealed effective 90 days after the date this amendatory act is enacted into law. Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.