



June 26th Good Time Credit Draft Language

Introduction of Guest

01

Saura Sahu of Clancy Advisors: Founding principal of the firm, a business law and federal litigation boutique. Co-author of “Draft Language”

02

Dr. Anne Mahar of Safe & Just Michigan: Dedicated researcher gathering & analyzing criminal justice data.

03

Jack Wagner, MJA President: Motivated to see positive change occur in the Michigan criminal justice system.

04

Rich Griffin, MJA Campaign Director: A long time activist and formerly incarcerated citizen in MDOC for 24 years

Walk Through of Draft



PROPOSAL FOR NEW BILL MODIFYING MCL § 800.33

(1) Except as otherwise provided in this section, for each month in which a prisoner has not been found guilty of major misconduct, the prisoner must receive good time credit. In the absence of records of behavior, a prisoner must receive good time credit for each month as to which the Department of Corrections lacks a record that it found the prisoner guilty of major misconduct during that month.



(2) Under the corrections code, 1953 PA 232:

(a) A “month” means a calendar month.

(b) “Good time credit” means a reduction of 30 days from a prisoner’s sentence. Subject to subsection (7), good time credit must be deducted from a prisoner’s minimum and maximum sentence in order to determine his or her parole eligibility date and discharge date.



Walk Through of Draft

- (c) “Major misconduct” means any:
- i. Act of assault and battery
 - ii. Assault resulting in serious physical injury
 - iii. Escape
 - iv. Failure to disperse
 - v. Felony
 - vi. Fighting
 - vii. Homicide
 - viii. Incite to riot or strike; rioting or striking
 - ix. Possession of dangerous contraband
 - x. Possession of a weapon
 - xi. Sexual assault
 - xii. Sexual misconduct
 - xiii. Smuggling
 - xiv. Substance abuse
 - i.xv. Threatening behavior,



(3) A record of all major misconduct charges of 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 1953 PA 232, MCL 791.235.

Walk Through of Draft

(4) This section 33 applies to all prisoners under the jurisdiction of the Michigan Department of Corrections and applies retroactively with respect to any prisoner under the jurisdiction of the Michigan Department of Corrections as of [INSERT EFFECTIVE DATE]. For each prisoner to whom this section 33 applies retroactively:

(a) Within two years of [INSERT EFFECTIVE DATE], the Department of Corrections must recalculate such prisoner's parole eligibility date and discharge date.

(b) If the prisoner earned good time credit or disciplinary credit under a prior Michigan law, all such credit must be treated as conclusive evidence that the prisoner did not engage in major misconduct during the respective time period for which credit had been granted.



(5) 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 restored.





Walk Through of Draft

(6) A prisoner who is serving sentences concurrently accrues good time credit respectively and concurrently on each sentence. A prisoner who is serving consecutive sentences accrues good time credit on each respective sentence in consecutive order.



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

(8) The Department of Corrections must promulgate regulations implementing this statute within ninety (90) days of [INSERT EFFECTIVE DATE]. For a period of two (2) years after [INSERT EFFECTIVE DATE], the actions identified as major misconduct in subsection (3)(b) must be interpreted to have the definitions set forth for “Class I Misconduct” in Attachment A to Department of Corrections Policy Directive 03.03.105 effective as of July 1, 2018.

(9) For any period in which the Department of Corrections found the prisoner guilty of any form of misconduct, the prisoner must receive good time credit unless the Department of Corrections reviews the misconduct and determines that the misconduct meets the statutory definition of major misconduct.

Walk Through of Draft

(10) When interpreting this section 33, and in addition to other rights granted by the federal and state constitutions:

(a) Nothing herein can be construed to extend the parole eligibility date or discharge date of any prisoner beyond their parole eligibility date or discharge date as of [INSERT EFFECTIVE DATE].

(b) In case of any ambiguity, this section must be construed in favor of granting good time credit to the prisoner.



(11) All references to “disciplinary credit” or “disciplinary time” in the Michigan Compiled Laws are hereby stricken.



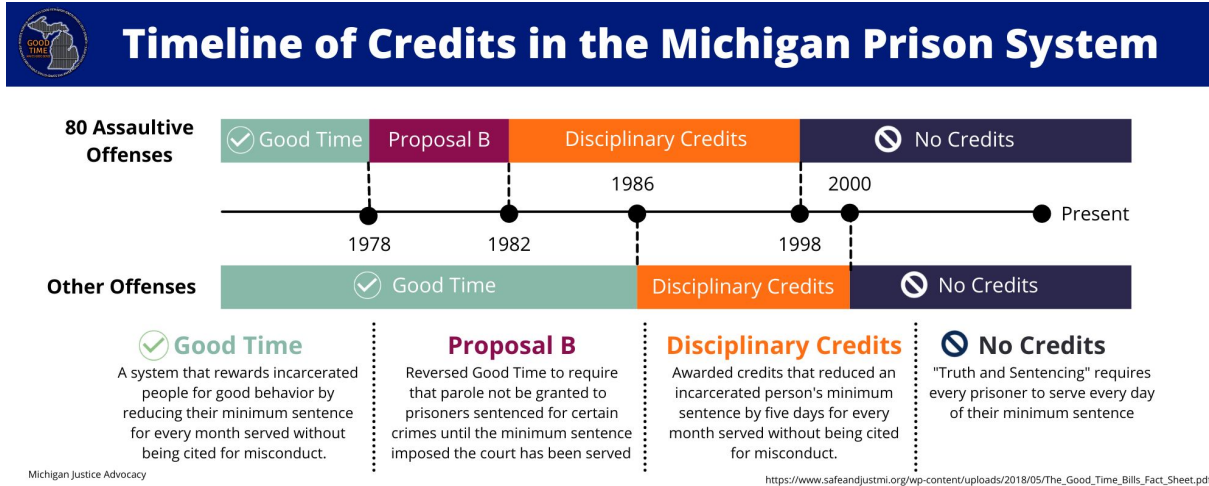
Differences to Previous Iterations

Original bill until 1978 - Proposal B

- i. Flat calculations
- ii. Higher credit amount
- iii. Easier to calculate

Disciplinary credits of 80-90's

- i. Flat calculations
- ii. Higher credit amount
- iii. Easier to calculate
- iv. Applies to everyone with numbered sentences not just certain offenses



Differences to Previous Iterations

HB 4670

- Introduces "Productivity Credits" as an incentive for incarcerated citizens
- Not retroactive
- Will potentially reduce their time served by participating in programs that will prepare them for success when they come home
- This could result in up to a 20% reduction from the minimum sentence but no more than 2 years reduction in total
- Recognizes the value of giving hope to those trying to learn from their mistakes
- The specific credits are tied to participation in various educational and vocational training programs when and where these programs are made available

HB 4489

- This bill uses the language "major misconduct." The current penal code uses the terms, Class I, Class II and Class III misconducts
- Allows for Warden discretion to allow forfeiture of all credits accumulated
- Allows for the parole board to allow forfeiture of all credits accumulated for a parole violation



Questions?



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