

**SUBSTITUTE FOR
HOUSE BILL NO. 4670**

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,"

(MCL 800.33 to 800.61) by adding section 33a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 33a. (1) A prisoner subject to disciplinary time who is**
2 **sentenced on or after the effective date of the amendatory act that**
3 **added this section is eligible to earn productivity credits.**
4 **Productivity credits must be earned and forfeited as provided in**
5 **this section. Accumulated productivity credits must be deducted**
6 **from a prisoner's minimum and maximum sentence to determine his or**
7 **her parole eligibility date and discharge date.**



1 (2) Except as provided under subsections (4) and (5) and
2 subject to subsections (6) and (7), the department of corrections
3 shall award a prisoner who is eligible to earn productivity credits
4 under subsection (1) productivity credits as follows:

5 (a) For each month the prisoner maintains enrollment in a
6 program recommended by the department of corrections or an
7 educational or vocational program, 20 days.

8 (b) For each month the prisoner maintains voluntary enrollment
9 in a program approved by the department of corrections under
10 subsection (8), 10, 15, or 20 days as determined by the department
11 for the applicable program.

12 (3) Except as provided under subsection (5) and subject to
13 subsection (7), the department of corrections shall award a
14 prisoner who is eligible to earn productivity credits under
15 subsection (1) productivity credits as follows:

16 (a) If the prisoner successfully completes a department
17 recommended program under subsection (2) (a) or an educational or
18 vocational program under subsection (2) (a) that does not result in
19 a high school diploma, high school equivalency certificate, or
20 higher education degree, 90 days upon the successful completion of
21 the program.

22 (b) If the prisoner earns a high school diploma, high school
23 equivalency certificate, or higher education degree, 120 days upon
24 earning the diploma, certificate, or degree.

25 (c) If the prisoner successfully completes a program approved
26 by the department under subsection (2) (b), no more than 90 days
27 upon the successful completion of that program.

28 (4) The department of corrections shall not award a prisoner
29 productivity credits under subsection (2) during any month in which



1 the prisoner is found guilty of having committed a major
2 misconduct. The amount of productivity credits not awarded as a
3 result of being found guilty of a major misconduct must be limited
4 to the productivity credits that would have been earned for the
5 month in which the major misconduct occurred.

6 (5) The department of corrections shall not award a prisoner
7 productivity credits for any period during which the prisoner meets
8 either of the following:

9 (a) The prisoner has received a score of very high risk on the
10 prisoner's most recent validated risk and needs assessment.

11 (b) The prisoner is assigned to a housing unit having a
12 security classification of V or VI as described under section 42.

13 (6) A prisoner may not earn more than an aggregate of 100 days
14 of productivity credits for enrollment in a program under
15 subsection (2).

16 (7) The department of corrections shall not award productivity
17 credits in an amount greater than 20% of the prisoner's minimum
18 sentence, or 2 years, whichever is the shorter amount of time.

19 (8) The department of corrections may, at its sole discretion,
20 approve additional programs for a prisoner to earn productivity
21 credits under subsections (2) (b) and (3) (c) if research and
22 evidence indicate the program improves rehabilitation, behavioral,
23 or post-release prisoner outcomes. If the department approves a
24 program under this subsection, it may assign a monthly productivity
25 credit award of 10, 15, or 20 days for the program as described
26 under subsection (2) (b) and a completion productivity credit of not
27 more than 90 days as described under subsection (3) (c).

28 (9) If a prisoner has been sentenced concurrently for separate
29 convictions, the prisoner's productivity credits are computed on



1 the basis of the longest of the concurrent sentences. If a prisoner
2 is serving consecutive sentences for separate convictions, the
3 prisoner's productivity credits are computed and accumulated on
4 each sentence individually.

5 (10) This section does not allow productivity credits for a
6 commuted sentence unless the executive order commuting the sentence
7 stipulates to the credit.

8 (11) This section does not apply to any of the following
9 prisoners:

10 (a) A prisoner sentenced to imprisonment for life without
11 parole.

12 (b) A prisoner sentenced for a conviction under section 316,
13 317, 462b, 462c, 462d, or 462e(b) of the Michigan penal code, 1931
14 PA 328, MCL 750.316, 750.317, 750.462b, 750.462c, 750.462d, and
15 750.462e.

16 (c) A prisoner sentenced for a conviction that is a listed
17 offense as that term is defined under section 2 of the sex
18 offenders registration act, 1994 PA 295, MCL 28.722.

19 (12) The department of corrections shall promulgate rules
20 pursuant to the administrative procedures act of 1969, 1969 PA 306,
21 MCL 24.201 to 24.328, prescribing the minimum standards to earn and
22 the procedure for awarding productivity credits under this section.

