

# HOUSE BILL No. 5216

January 9, 2014, Introduced by Reps. Kesto, Haveman, Shirkey, Robinson and Walsh and referred to the Committee on Commerce.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
(MCL 791.201 to 791.285) by adding section 34d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **SEC. 34D. (1) THE DEPARTMENT MAY AWARD A CERTIFICATE OF**  
2           **EMPLOYABILITY TO A PRISONER IF THE DEPARTMENT DETERMINES THE**  
3           **PRISONER IS A SUITABLE CANDIDATE FOR EMPLOYMENT UPON HIS OR HER**  
4           **RELEASE. IN DETERMINING WHETHER TO AWARD A CERTIFICATE OF**  
5           **EMPLOYABILITY, THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:**
- 6           **(A) THE CRIMINAL HISTORY OF THE PRISONER.**  
7           **(B) THE INSTITUTIONAL HISTORY OF THE PRISONER, INCLUDING ALL**  
8           **OF THE FOLLOWING:**
- 9           **(i) ANY RECORD OF INSTITUTIONAL MISCONDUCT.**

1           (ii) WHETHER THE PRISONER HAS SUCCESSFULLY COMPLETED COUNSELING  
2 OR OTHER PROGRAMMING PROVIDED BY THE DEPARTMENT OR A PERSON OR  
3 ENTITY UNDER CONTRACT WITH THE DEPARTMENT.

4           (iii) WHETHER THE PRISONER HAS OBTAINED A GENERAL EDUCATION  
5 DEVELOPMENT CERTIFICATE (GED) OR OTHER EDUCATIONAL DEGREE.

6           (C) THE JOB SKILLS OF THE APPLICANT, INCLUDING HIS OR HER  
7 INSTITUTIONAL WORK RECORD.

8           (D) OTHER FACTORS CONSIDERED RELEVANT BY THE DEPARTMENT.

9           (2) A CERTIFICATE OF EMPLOYABILITY SHALL ONLY BE ISSUED WITHIN  
10 30 DAYS BEFORE THE PRISONER IS RELEASED FROM A CORRECTIONAL  
11 FACILITY. THE DEPARTMENT SHALL REVOKE THE CERTIFICATE OF  
12 EMPLOYABILITY IF THE PRISONER COMMITS ANY CRIMINAL OFFENSE DURING  
13 THE 30-DAY PERIOD BEFORE RELEASE AND MAY REVOKE THE CERTIFICATE OF  
14 EMPLOYABILITY IF THE PRISONER HAS ANY INSTITUTIONAL MISCONDUCT  
15 DURING THAT PERIOD OR IF THE DEPARTMENT OTHERWISE DETERMINES THE  
16 PRISONER IS NOT A PROPER CANDIDATE FOR RECEIVING A CERTIFICATE OF  
17 EMPLOYABILITY UNDER THIS SECTION.

18           (3) THE DEPARTMENT MAY REVOKE A CERTIFICATE OF EMPLOYABILITY  
19 AFTER A PRISONER IS RELEASED FROM A CORRECTIONAL FACILITY IF THE  
20 DEPARTMENT DETERMINES THE INDIVIDUAL HAS BEEN CONVICTED OF ANY  
21 CRIMINAL OFFENSE DURING HIS OR HER RELEASE OR IF THE DEPARTMENT  
22 DETERMINES THE INDIVIDUAL IS NO LONGER A PROPER CANDIDATE FOR A  
23 CERTIFICATE OF EMPLOYABILITY UNDER THIS SECTION.

24           (4) THE DEPARTMENT SHALL PROVIDE AN INDIVIDUAL WHO IS RELEASED  
25 FROM A CORRECTIONAL FACILITY WITH AN OPPORTUNITY FOR A HEARING  
26 BEFORE REVOKING A CERTIFICATE OF EMPLOYABILITY UNDER SUBSECTION (2)  
27 OR (3). THE REVOCATION OF A CERTIFICATE OF EMPLOYABILITY IS

1 EFFECTIVE WHEN THE INDIVIDUAL IS NOTIFIED OF THE REVOCATION.

2 (5) AN INDIVIDUAL SHALL NOT INTENTIONALLY STATE OR OTHERWISE  
3 REPRESENT THAT HE OR SHE HAS A VALID CERTIFICATE OF EMPLOYABILITY  
4 ISSUED BY THE DEPARTMENT KNOWING THAT THE STATEMENT OR  
5 REPRESENTATION IS FALSE. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION  
6 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
7 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (6) THE REVOCATION OF A CERTIFICATE OF EMPLOYABILITY IS FOR  
9 PURPOSES OF SUBSECTION (5) ONLY AND DOES NOT AFFECT THE RIGHT OF AN  
10 EMPLOYER TO RELY ON THE VALIDITY OF THE CERTIFICATE OF  
11 EMPLOYABILITY UNLESS THE EMPLOYER KNEW BEFORE THE INDIVIDUAL WAS  
12 EMPLOYED THAT THE CERTIFICATE OF EMPLOYABILITY WAS FRAUDULENT OR  
13 HAD BEEN REVOKED.

14 (7) A CERTIFICATE OF EMPLOYABILITY UNDER THIS SECTION SHALL BE  
15 ON A FORM PROVIDED BY THE DEPARTMENT.