

HOUSE BILL No. 4763

May 15, 2001, Introduced by Reps. McConico, O'Neil, Rison, Lipsey, Phillips, Hale, Minore and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending section 65 (MCL 791.265), as amended by 1998 PA 512.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 65. (1) Under rules promulgated by the director of the
2 department, the assistant director in charge of the bureau of
3 correctional facilities, except as otherwise provided in this
4 section, may cause the transfer or re-transfer of a prisoner from
5 a correctional facility to which committed to any other correc-
6 tional facility, or temporarily to a state institution for medi-
7 cal or surgical treatment. In effecting a transfer, the assist-
8 ant director of the bureau of correctional facilities may utilize
9 the services of an executive or employee within the department
10 and of a law enforcement officer of the state.

11 (2) A prisoner who is subject to disciplinary time and is
12 committed to the jurisdiction of the department shall be confined
13 in a secure correctional facility for the duration of his or her
14 minimum sentence, except for periods when the prisoner is away
15 from the secure correctional facility ~~while being supervised by~~
16 ~~an employee of the department or by an employee of a private~~
17 ~~vendor that operates a youth correctional facility under section~~
18 ~~20g~~ for 1 of the following purposes:

19 (a) Visiting a critically ill relative, ~~—(b) Attending—~~
20 ATTENDING the funeral of a relative, ~~—(c) Obtaining—~~ OR
21 OBTAINING medical services not otherwise available at the secure
22 correctional facility. A PRISONER WHO IS AWAY FROM A SECURE COR-
23 RECTIONAL FACILITY FOR 1 OF THESE PURPOSES SHALL BE SUPERVISED BY
24 AN EMPLOYEE OF THE DEPARTMENT OR AN EMPLOYEE OF A PRIVATE VENDOR
25 THAT OPERATES A YOUTH CORRECTIONAL FACILITY.

26 (B) ~~—(d) Participating in a work detail.~~ A PRISONER WHO IS
27 AWAY FROM A SECURE CORRECTIONAL FACILITY FOR THIS PURPOSE SHALL

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1 BE SUPERVISED EITHER BY AN EMPLOYEE DESCRIBED IN SUBDIVISION (A)
2 OR BY AN EMPLOYEE OF THE AGENCY SPONSORING THE WORK DETAIL WHO
3 HAS COMPLETED AN APPROPRIATE COURSE OF TRAINING OFFERED BY THE
4 DEPARTMENT.

5 (3) As used in this section, "offender" means a citizen of
6 the United States or a foreign country who has been convicted of
7 a crime and been given a sentence in a country other than the
8 country of which he or she is a citizen. If a treaty is in
9 effect between the United States and a foreign country, which
10 provides for the transfer of offenders from the jurisdiction of 1
11 of the countries to the jurisdiction of the country of which the
12 offender is a citizen, and if the offender requests the transfer,
13 the governor of this state or a person designated by the governor
14 may give the approval of this state to a transfer of an offender,
15 if the conditions of the treaty are satisfied.

16 (4) Not less than 45 days before approval of a transfer pur-
17 suant to subsection (3) from this state to another country, the
18 governor, or the governor's designee, shall notify the sentencing
19 judge and the prosecuting attorney of the county having original
20 jurisdiction, or their successors in office, of the request for
21 transfer. The notification shall indicate any name changes of
22 the offender subsequent to sentencing. Within 20 days after
23 receiving such notification, the judge or prosecutor may send to
24 the governor, or the governor's designee, information about the
25 criminal action against the offender or objections to the
26 transfer. Objections to the transfer shall not preclude approval
27 of the transfer.

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1 (5) As used in this section, "secure correctional facility"
2 means a facility that houses prisoners under the jurisdiction of
3 the department according to the following requirements:

4 (a) The facility is enclosed by a locked fence or wall that
5 is designed to prevent prisoners from leaving the enclosed
6 premises and that is patrolled by correctional officers.

7 (b) Prisoners in the facility are restricted to the area
8 inside the fence or wall.

9 (c) Prisoners are under guard by correctional officers 7
10 days per week, 24 hours per day.