

HOUSE BILL No. 4144

February 7, 2001, Introduced by Reps. Newell, Howell, Kooiman, Garcia, Shackleton, Bishop, DeRossett, Vander Veen and Voorhees 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 63a (MCL 791.263a), as amended by 1998 PA 512.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63a. (1) A person employed by the department of
2 corrections ~~in a correctional facility~~ who is injured as a
3 result of an assault by a prisoner housed in ~~the~~ A correctional
4 facility OR BY A PROBATIONER OR PAROLEE or IS injured during a
5 riot IN A CORRECTIONAL FACILITY shall receive his or her full
6 wages by the department of corrections until worker's compensa-
7 tion benefits begin and then shall receive in addition to
8 worker's compensation benefits a supplement from the department
9 which together with the worker's compensation benefits shall
10 equal but not exceed the weekly net wage of the employee at the
11 time of the injury. This supplement shall only apply while the
12 person is on the department's payroll and is receiving worker's
13 compensation benefits AND SHALL ALSO APPLY TO AN EMPLOYEE OF THE
14 DEPARTMENT WHO, ON THE EFFECTIVE DATE OF THE 2001 AMENDATORY ACT
15 THAT AMENDED THIS SECTION, IS RECEIVING WORKER'S COMPENSATION DUE
16 TO AN INJURY COVERED BY THIS SECTION. Fringe benefits normally
17 received by an employee shall be in effect during the time the
18 employee receives the supplement provided by this section from
19 the department.

20 (2) Subsection (1) also applies to a person who is employed
21 by the department of corrections who, while performing his or her
22 duties in a youth correctional facility, is injured as a result
23 of an assault by a prisoner housed in the youth correctional
24 facility OR BY A PROBATIONER OR PAROLEE or is injured during a
25 riot in the youth correctional facility. However, subsection (1)
26 does not apply to any person employed by, or retained under

1 contract by, a private vendor that operates a youth correctional
2 facility.

3 (3) For purposes of this section:

4 (a) "Correctional facility" means a facility that houses
5 prisoners committed to the jurisdiction of the department,
6 including a community corrections center.

7 (b) "Youth correctional facility" means a facility autho-
8 rized under section 20g.