

# HOUSE BILL NO. 4254

February 16, 2021, Introduced by Reps. Lightner, Whiteford, Bezotte, Wozniak, LaGrand and Green and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending the title and section 62 (MCL 791.262), the title as  
amended by 2006 PA 172 and section 62 as amended by 1987 PA 251.

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

1 TITLE  
2 An act to revise, consolidate, and codify the laws relating to  
3 probationers and probation officers, to pardons, reprieves,  
4 commutations, and paroles, to the administration of correctional

1 institutions, correctional farms, and probation recovery camps, to  
 2 prisoner labor and correctional industries, and to the supervision  
 3 and inspection of local jails and houses of correction; to provide  
 4 for the siting of correctional facilities; to create a state  
 5 department of corrections, and to prescribe its powers and duties;  
 6 to provide for the transfer to and vesting in said department of  
 7 powers and duties vested by law in certain other state boards,  
 8 commissions, and officers, and to abolish certain boards,  
 9 commissions, and offices the powers and duties of which are  
 10 transferred by this act; to allow for the operation of certain  
 11 facilities by private entities; to prescribe the powers and duties  
 12 of certain other state departments and agencies; **to provide for the**  
 13 **powers and duties of certain local governmental officers and**  
 14 **entities;** to provide for the creation of a local lockup advisory  
 15 board; to provide for a lifetime electronic monitoring program; to  
 16 prescribe penalties for the violation of the provisions of this  
 17 act; to make certain appropriations; to repeal certain parts of  
 18 this act on specific dates; and to repeal all acts and parts of  
 19 acts inconsistent with the provisions of this act.

20 Sec. 62. (1) As used in this section:

21 (a) "Holding cell" means a cell or room in a facility of a  
 22 local unit of government that is used for the detention of 1 or  
 23 more ~~persons~~**individuals** awaiting processing, booking, court  
 24 appearances, transportation to a jail or lockup, or discharge for  
 25 not ~~to exceed~~**more than** 12 hours.

26 (b) "Holding center" means a facility that is operated by a  
 27 local unit of government for the detention of ~~persons~~**individuals**  
 28 awaiting processing, booking, court appearances, transportation to  
 29 a jail or lockup, or discharge, ~~+~~for not ~~to exceed~~**more than** 24

1 hours.

2 (c) "Jail" means a facility that is operated by a local unit  
3 of government for the detention of ~~persons~~**individuals** charged  
4 with, or convicted of, criminal offenses or ordinance violations;  
5 ~~persons~~**or individuals** found guilty of civil or criminal contempt.  
6 ~~; or a facility which houses prisoners pursuant to an agreement~~  
7 ~~authorized under Act No. 164 of the Public Acts of 1861, being~~  
8 ~~sections 802.1 to 802.21 of the Michigan Compiled Laws, for not~~  
9 ~~more than 1 year.~~

10 (d) "Local unit of government" means any county, city,  
11 village, township, charter township, community college, college, or  
12 university.

13 (e) "Lockup" means a facility that is operated by a local unit  
14 of government for the detention of ~~persons~~**individuals** awaiting  
15 processing, booking, court appearances, or transportation to a  
16 jail, for not ~~to exceed~~**more than** 72 hours.

17 (f) "State correctional facility" means a facility or  
18 institution maintained and operated by the department.

19 (2) State correctional facilities ~~shall be~~**are** administered by  
20 the ~~bureau of prisons~~**correctional facilities administration**.

21 (3) The department shall supervise and inspect jails and  
22 lockups that are under the jurisdiction of the county sheriff to  
23 obtain facts concerning the proper management of the jails and  
24 lockups and their usefulness. The department shall promulgate rules  
25 and standards promoting the proper, efficient, and humane  
26 administration of jails and lockups that are under the jurisdiction  
27 of the county sheriff pursuant to the administrative procedures act  
28 of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~  
29 ~~24.201 to 24.315 of the Michigan Compiled Laws~~**1969 PA 306, MCL**

1 **24.201 to 24.328.**

2 (4) The department may grant a variance to the rules and  
3 standards promulgated under subsection (3).

4 (5) Except as provided in subsection (3), the department shall  
5 not supervise and inspect, or promulgate rules and standards for  
6 the administration of, holding cells, holding centers, or lockups.  
7 However, the department shall provide advice and services  
8 concerning the efficient and humane administration of holding  
9 cells, holding centers, and lockups at the request of a local unit  
10 of government.

11 (6) The ~~commission~~**director of the department** may enforce any  
12 reasonable order with respect to jails and lockups subject to  
13 supervision and inspection pursuant to subsection (3) through  
14 mandamus or injunction in the circuit court of the county where the  
15 jail is located through proceedings instituted by the attorney  
16 general on behalf of the ~~commission~~**director of the department**.

17 (7) The county board of commissioners may determine whether  
18 the sheriff's residence is to be part of the county jail.

19 (8) The sheriff or the administrator of a jail or lockup,  
20 subject to supervision and inspection under subsection (3), shall  
21 admit to the jail or lockup ~~any member of the commission or an~~  
22 ~~authorized designee of the commission,~~**the director of the**  
23 **department or his or her designee** for the purpose of visitation and  
24 inspection.

25 (9) The sheriff or the administrator of a jail or lockup  
26 subject to supervision and inspection under subsection (3) shall  
27 keep records of a type and in a manner reasonably prescribed by the  
28 ~~commission~~**director of the department**. The ~~commission~~**director of**  
29 **the department** shall provide the forms required for keeping the

1 records.

2 (10) ~~Any~~**A** person who violates ~~subsections~~**subsection** (8) or  
3 (9) ~~shall be~~**is** guilty of a misdemeanor.

4 (11) **The department shall adopt an evidence-based and**  
5 **empirically validated screening tool that detects the presence of**  
6 **serious mental illnesses, psychological disturbances, co-occurring**  
7 **substance use disorders, and developmental disabilities in**  
8 **individuals at the time of intake processing for detention in**  
9 **jails.**

10 (12) **If the necessary money is appropriated to implement this**  
11 **subsection, the sheriff or the administrator of a jail shall use**  
12 **the screening tool adopted under subsection (11) to ensure that**  
13 **each individual receives appropriate treatment and referrals while**  
14 **detained in the jail.**