



# HOUSE BILL No. 5552

January 31, 1996, Introduced by Reps. Cropsey, Lowe, Ryan, Dalman, Bush and Jersevic and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 10 of chapter 171 of the Revised Statutes of 1846, entitled  
"Of county jails and the regulation thereof,"  
as amended by Act No. 402 of the Public Acts of 1988, being section 801.10 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of chapter 171 of the Revised  
2 Statutes of 1846, as amended by Act No. 402 of the Public Acts of  
3 1988, being section 801.10 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 Sec. 10. (1) The county board of commissioners of any  
6 county, by resolution passed at any regular or special session,  
7 may order that prisoners over the age of 18 years under a  
8 sentence of imprisonment in the county jail, capable of  
9 performing manual labor, shall be required to work upon the

1 public highways, streets, alleys, public roads, or railroad  
 2 crossings in the county, or in any quarry, pit, or yard in the  
 3 preparation or construction of materials for ~~such~~ public high-  
 4 ways, streets, alleys, roads, or railroad crossings in the  
 5 county, to perform work for nonprofit charitable organizations  
 6 including, but not limited to, churches and synagogues, or to  
 7 perform any other lawful labor for the benefit of the county.

8 ~~Whenever any such~~ WHEN A resolution UNDER THIS SECTION is  
 9 passed, the sheriff shall cause the prisoners to be put at work  
 10 in the manner provided in the resolution of the county board of  
 11 commissioners. The board of county road commissioners and the  
 12 village or city authorities of any village or city in the county  
 13 or the authorities in charge of any county institution may make  
 14 application to have the prisoners work in any township, city,  
 15 village, or institution in ~~such~~ A manner ~~as shall be~~ pre-  
 16 scribed by the county board of commissioners, and the county  
 17 board of commissioners shall determine in ~~what~~ WHICH township,  
 18 city, or village the prisoners shall work.

19 (2) A person, including a public official or public employ-  
 20 ee, shall not sell, hire, lease, loan, contract for, or otherwise  
 21 use the labor of prisoners for his or her own private benefit or  
 22 financial gain. A person who violates this subsection is respon-  
 23 sible for a STATE civil infraction ~~—~~ and ~~shall be subject~~ MAY  
 24 BE ORDERED to PAY a CIVIL fine of not more than \$500.00. ~~—plus~~  
 25 ~~the value of the private benefit or financial gain.~~

26 (3) ~~Except as provided in subsection (4), a~~ A sheriff  
 27 shall not derive any private benefit or financial gain from the

1 provision of food to prisoners in the jail, whether by retaining  
2 the difference between money budgeted for food and money expended  
3 for food, or by any other method. This subsection does not pre-  
4 vent a sheriff from receiving a salary for duties that include  
5 supervising the operation of the jail. A sheriff who violates  
6 this subsection is responsible for a STATE civil infraction ~~—~~  
7 and ~~shall be subject~~ MAY BE ORDERED to PAY a CIVIL fine of not  
8 more than \$500.00. ~~plus the value of the private benefit or~~  
9 ~~financial gain.~~

10 ~~(4) A county which, as of the effective date of the 1988~~  
11 ~~amendatory act that added this subsection, allows a sheriff to~~  
12 ~~receive private benefit or financial gain from the provision of~~  
13 ~~food to prisoners in the jail may allow that practice to continue~~  
14 ~~until not later than December 31, 1992, if both of the following~~  
15 ~~conditions are met:~~

16 ~~(a) Not later than April 1, 1989, the county board of com-~~  
17 ~~missioners conducts a public hearing on the question of whether~~  
18 ~~the sheriff should derive private benefit or financial gain from~~  
19 ~~the provision of food to prisoners. The public hearing may be~~  
20 ~~held immediately prior to or immediately following a regularly~~  
21 ~~scheduled meeting of the county board of commissioners.~~

22 ~~(b) Within 10 days after the public hearing, the county~~  
23 ~~board of commissioners approves by majority vote a resolution to~~  
24 ~~continue the practice until a date that is not later than~~  
25 ~~December 31, 1992.~~