

SUBSTITUTE FOR

SENATE BILL NO. 1220

(As passed the Senate, November 12, 1998)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 139, 193, 197c, and 231 (MCL 750.139, 750.193, 750.197c, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 139. (1) ~~No~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
2 child under 16 years of age while under arrest, confinement, or
3 conviction for any crime, shall NOT be placed in any apartment or
4 cell of any prison or place of confinement with any adult who
5 ~~shall be~~ IS under arrest, confinement, or conviction for any
6 crime, or be permitted to remain in any court room during the
7 trial of adults, or be transported in any vehicle of

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1 transportation in company with adults charged with or convicted
2 of crime.

3 (2) SUBSECTION (1) DOES NOT APPLY TO PRISONERS BEING TRANS-
4 PORTED TO OR FROM, OR CONFINED IN

5
6 A YOUTH CORRECTIONAL FACILITY OPERATED BY

7 THE DEPARTMENT OF CORRECTIONS OR A PRIVATE VENDOR UNDER SECTION
8 20G OF 1953 PA 232, MCL 791.220G.

9 (3) ~~(2)~~ All cases involving the commitment or trial of
10 children under 16 years of age for any crime or misdemeanor,
11 before any court, shall be heard and determined by ~~such~~ THE
12 court at a suitable time, to be designated by it, separate and
13 apart from the trial of other criminal cases.

14 (4) ~~(3)~~ Any person who ~~shall violate any of the provi-~~
15 ~~sions of~~ VIOLATES this section ~~shall be~~ IS guilty of a
16 misdemeanor.

17 Sec. 193. (1) A person imprisoned in a prison of this state
18 who breaks prison and escapes, breaks prison though an escape is
19 not actually made, escapes, leaves the prison without being dis-
20 charged by due process of law, attempts to break prison, or
21 attempts to escape from prison, is guilty of a felony, punishable
22 by further imprisonment for not more than 5 years. The term of
23 the further imprisonment shall be served after the termination,
24 pursuant to law, of the sentence or sentences then being served.
25 A prisoner who breaks prison, escapes, attempts to break prison,
26 or attempts to escape, shall be charged with that offense and
27 tried in the courts of the county in which the prison or penal

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1 facility to which the prisoner was committed or transferred is
2 located at the time of the breaking, escape, or attempt to break
3 or escape.

4 (2) As used in this section, "prison" means a ~~state prison,~~
5 ~~penitentiary, reformatory, state house of correction, community~~
6 ~~residential center either operated or leased by the department of~~
7 ~~corrections, or a penal camp, except a probation camp or proba-~~
8 ~~tion recovery camp,~~ FACILITY THAT HOUSES PRISONERS COMMITTED TO
9 THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS and includes
10 the grounds, farm, shop, road camp, or place of employment oper-
11 ated by the ~~institution~~ FACILITY or under control of the offi-
12 cers of the ~~institution~~ FACILITY, the department of correc-
13 tions, a police officer of this state, or any other person autho-
14 rized by the department OF CORRECTIONS to have a ~~prison inmate~~
15 PRISONER under care, custody, or supervision, either in ~~an~~
16 ~~institution~~ A FACILITY or outside ~~an institution~~ A FACILITY,
17 whether for the purpose of work, medical care, or any other
18 reason.

19 (3) A person who escapes from the lawful custody of a guard,
20 prison official, or an employee while outside the confines of a
21 prison is guilty of a violation of this section. A person,
22 admitted to a facility of the department of mental health from a
23 prison pursuant to sections 1001 to 1006 of the mental health
24 code, ~~Act No. 258 of the Public Acts of 1974, as amended, being~~
25 ~~sections 330.2001 to 330.2006 of the Michigan Compiled Laws~~ 1974
26 PA 258, MCL 330.2001 TO 330.2006, who escapes from the mental
27 health facility is guilty of a violation of this section. A

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1 person released from prison under a work pass program who
2 violates the terms of the release or fails to return to the place
3 of imprisonment within the time provided is guilty of a violation
4 of this section. A person violating the conditions of a parole
5 is not an escapee under this act.

6 Sec. 197c. (1) A person lawfully imprisoned in a jail,
7 other place of confinement established by law for any term, or
8 lawfully imprisoned for any purpose at any other place, including
9 but not limited to hospitals and other health care facilities or
10 awaiting examination, trial, arraignment, sentence, or after sen-
11 tence awaiting or during transfer to or from a prison, for a
12 crime or offense, or charged with a crime or offense who, without
13 being discharged from the place of confinement, or other lawful
14 imprisonment by due process of law, through the use of violence,
15 threats of violence or dangerous weapons, assaults an employee of
16 the place of confinement or other custodian knowing the person to
17 be an employee or custodian or breaks the place of confinement
18 and escapes, or breaks the place of confinement although an
19 escape is not actually made, is guilty of a felony.

20 (2) AS USED IN THIS SECTION:

21 (A) "PLACE OF CONFINEMENT" INCLUDES A YOUTH CORRECTIONAL
22 FACILITY OPERATED BY THE DEPARTMENT OF CORRECTIONS OR A PRIVATE
23 VENDOR UNDER SECTION 20G OF 1953 PA 232, MCL 791.220G.

24 (B) "EMPLOYEE" INCLUDES PERSONS WHO ARE EMPLOYED BY THE
25 PLACE OF CONFINEMENT AS INDEPENDENT CONTRACTORS.

26 Sec. 231. Sections 224, 227, 227c, and 227d do not apply to
27 any OF THE FOLLOWING:

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1 (A) A peace officer of a duly authorized police agency of
2 the United States, of this state, or of any political subdivision
3 of this state, who is regularly employed and paid by the United
4 States, this state, or a political subdivision of this state.

5 ~~;/ or to any~~

6 (B) ANY person regularly employed by the state department of
7 corrections, and authorized in writing by the director of the
8 department of corrections to carry a concealed weapon while in
9 the official performance of his or her duties or while going to
10 or returning from those duties. ~~;/ or to any~~

11 (C) A PERSON EMPLOYED BY A PRIVATE VENDOR THAT OPERATES A
12 YOUTH CORRECTIONAL FACILITY AUTHORIZED UNDER SECTION 20G OF 1953
13 PA 232, MCL 791.220G, WHO MEETS CRITERIA ESTABLISHED BY THE
14 DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS AND WHO IS AUTHO-
15 RIZED IN WRITING BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS
16 TO CARRY A CONCEALED WEAPON WHILE IN THE OFFICIAL PERFORMANCE OF
17 HIS OR HER DUTIES OR WHILE GOING TO OR RETURNING FROM THOSE
18 DUTIES.

19 (D) ANY member of the army, air force, navy, or marine corps
20 of the United States when carrying weapons in line of or inciden-
21 tal to duty. ~~;/ or to organizations~~

22 (E) ORGANIZATIONS authorized by law to purchase or receive
23 weapons from the United States or from this state. ~~;/ or to~~
24 ~~members~~

25 (F) MEMBERS of the national guard, armed forces reserves, or
26 other duly authorized military organizations when on duty or
27 drill, or in going to or returning from their places of assembly

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1 or practice by a direct route or otherwise, while carrying
2 weapons used for purposes of the national guard, armed forces
3 reserves, or other duly authorized military organizations.