

Act No. 511
Public Acts of 1998
Approved by the Governor
January 7, 1999
Filed with the Secretary of State
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Bennett and Shugars

ENROLLED SENATE BILL No. 1221

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 23 of chapter IV (MCL 764.23), as amended by 1988 PA 137.

The People of the State of Michigan enact:

CHAPTER IV

Sec. 23. (1) If a person who has been lawfully arrested escapes or is rescued, the person from whose custody he or she escaped or was rescued may immediately pursue and retake him or her at any time and in any place within the state without a warrant.

(2) If a prisoner escapes from a state correctional facility, or willfully fails to remain within the extended limits of his or her confinement as prescribed in section 65a of 1953 PA 232, MCL 791.265a, the prisoner may be pursued and arrested, without a warrant, by a person who is either of the following:

(a) An employee of the department of corrections who is designated by the director of the department of corrections as having the authority to pursue and arrest escaped prisoners.

(b) An employee of a private vendor that operates a youth correctional facility under section 20g of 1953 PA 232, MCL 791.20g, if that employee meets the same criteria established by the director of the department of corrections for departmental employees described in subdivision (a).

(3) As used in this section, "state correctional facility" means any facility that houses prisoners committed to the jurisdiction of the department of corrections, including a prison, reformatory, camp, community corrections center, halfway house, resident home, or a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.232.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary Beaulieu

Clerk of the House of Representatives.

Approved _____

Governor.