

# SENATE BILL No. 1401

As amended November 28, 2000

September 28, 2000, Introduced by Senators HOFFMAN, SCHUETTE, HAMMERSTROM, SIKKEMA and GOUGEON and referred to the Committee on Judiciary.

A bill to amend 1981 PA 7, entitled

"An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,"

by amending the title and sections 1, 3, and 5 (MCL 801.261, 801.263, and 801.265), section 1 as amended by 1985 PA 46 and section 5 as amended by 1999 PA 28.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to prohibit without authorization the bringing into  
3 jails and other specified areas any alcoholic liquor, controlled  
4 substances OR CERTAIN OTHER DRUGS, weapons, TOBACCO PRODUCTS, and  
5 the selling or furnishing to prisoners, and the improper disposal

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1 of any alcoholic liquor, controlled substances, weapons, TOBACCO  
2 PRODUCTS, and certain other items; the possession or control by  
3 prisoners of any alcoholic liquor, controlled substances, weap-  
4 ons, TOBACCO PRODUCTS, and certain other items; to prescribe a  
5 penalty; and to repeal ~~certain~~ acts and parts of acts.

6 Sec. 1. As used in this act:

7 (a) "Alcoholic liquor" means any spiritous, vinous, malt, or  
8 fermented liquor, liquid, or compound whether or not medicated,  
9 containing 1/2 of 1% or more of alcohol by volume and which is or  
10 readily can be made suitable as a beverage.

11 (b) "Controlled substance" means a drug, substance, or imme-  
12 diate precursor in schedules 1 to 5 of part 72 of ~~Act No. 368 of~~  
13 ~~the Public Acts of 1978, as amended, being sections 333.7201 to~~  
14 ~~333.7231 of the Michigan Compiled Laws~~ THE PUBLIC HEALTH CODE,  
15 1978 PA 368, MCL 333.7201 TO 333.7231.

(C) "GBL" MEANS GAMMA-BUTYROLACTONE OR ANY MATERIAL, COMPOUND,  
MIXTURE, OR PREPARATION CONTAINING GAMMA-BUTYROLACTONE.

16 (D)(c) "Jail" means a municipal or county jail, work-camp,  
17 lockup, holding center, half-way house, community corrections  
18 center, house of correction, or any other facility maintained by  
19 a municipality or county which houses prisoners.

20 (E)(d) "Prisoner" means a person incarcerated in a jail, or a  
21 person committed to a jail for incarceration who is a participant  
22 in a work release or vocational or educational study release  
23 program.

24 (F)(E) "TOBACCO PRODUCT" MEANS A PREPARATION OF TOBACCO TO BE  
25 INHALED, CHEWED, OR PLACED IN A PERSON'S MOUTH.

26 Sec. 3. (1) Except as provided in section 4, a person shall  
27 not bring into a jail, a building appurtenant to a jail, or the

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1 grounds used for jail purposes; sell or furnish to a prisoner; or  
2 dispose of in a manner that allows a prisoner access to an alco-  
3 holic liquor, ~~or~~ controlled substance OR GBL, OR TOBACCO PRODUCT,  
4 any alcoholic liquor, ~~or~~ controlled substance OR GBL, OR TOBACCO  
5 PRODUCT.

6 (2) Except as provided in section 4, a prisoner shall not  
7 possess or have under his or her control any alcoholic liquor,  
8 ~~or~~ controlled substance OR GBL, OR TOBACCO PRODUCT.

9 Sec. 5. (1) Except as provided in ~~subsection~~ SUBSECTIONS  
10 (2) AND (3), a person who violates this act is guilty of a felony  
11 punishable by imprisonment for not more than 5 years or a fine of  
12 not more than \$1,000.00, or both.

13 (2) A VIOLATION OF SECTION 3 INVOLVING A TOBACCO PRODUCT IS  
14 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93  
15 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

16 (3) ~~-(2)-~~ If a violation of section 3 involving a controlled  
17 substance constitutes the delivery, possession with intent to  
18 deliver, or possession of or other action involving a controlled  
19 substance OR GBL that is punishable by imprisonment for more than 5  
20 years under part 74 of the public health code, 1978 PA 368, MCL  
21 333.7401 to 333.7461, the person shall not be prosecuted under  
22 this act for that violation.