

HOUSE BILL No. 5642

March 11, 2004, Introduced by Rep. Rocca and referred to the Committee on Criminal Justice.

A bill to amend 1982 PA 325, entitled

"An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency,"

by amending section 8 (MCL 801.58), as amended by 1988 PA 399.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Except as otherwise provided in this subsection
2 and subsection (2), if the actions taken pursuant to sections 5,
3 6, and 7 do not reduce the county jail's population to the level
4 prescribed in section 6(1) within 42 days ~~of~~ **after** the
5 declaration of the county jail overcrowding state of emergency,
6 the sheriff shall defer acceptance for incarceration in the
7 general population of the county jail persons sentenced to or
8 otherwise committed to the county jail for incarceration until
9 the county jail overcrowding state of emergency is ended pursuant

1 to section 9, except that the sheriff shall not defer acceptance
2 for incarceration all persons under sentence for or charged with
3 violent or assaultive crimes, sex offenses, escape from prison or
4 jail, controlled substance offenses, **first degree or second**
5 **degree home invasion**, or weapons offenses.

6 (2) The sheriff shall not defer acceptance of a prisoner for
7 incarceration into the general population of the county jail if
8 both of the following occur:

9 (a) The sheriff or the sentencing judge presents to the chief
10 circuit judge for the county in which the county jail is located
11 information alleging that deferring acceptance of the prisoner
12 for incarceration would constitute a threat to public safety.

13 (b) The chief circuit judge, based upon the presence of a
14 threat to public safety, approves of accepting the prisoner for
15 incarceration.