

Legislative Analysis



PRISON BREAK OR ASSAULT ON PRISON WORKERS: INCREASE PENALTIES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 6631 and 6632
Sponsor: Rep. Goeff Hansen
Committee: Judiciary

Complete to 11-28-06

A SUMMARY OF HOUSE BILLS 6631 AND 6632 AS INTRODUCED 11-14-06

Currently, a person lawfully imprisoned in a jail or other place of confinement, including hospitals and health care facilities, or during transfer to or from a prison, is guilty of an unspecified felony if he or she assaults an employee of the place of confinement, escapes the place of confinement, or breaks the place of confinement but does not actually escape through the use of violence, threats of violence, or dangerous weapons. The penalty for an unspecified felony (which means that the statute does not specifically prescribe a punishment for that crime) is imprisonment for not more than four years or a fine of not more than \$5,000, or both.

House Bill 6631 would amend the Michigan Penal Code (MCL 750.197c) to specify a punishment for this crime of not more than five years of imprisonment, a fine of not more than \$2,500, or both.

In addition, the bill would revise the definition of "place of confinement". Currently, the term includes a youth correctional facility operated by the Department of Corrections or a private vendor under Section 20g of the Corrections Code. The term would be revised to include a facility operated by a local unit of government. Also, the reference to "youth correctional facility" would be changed to "correctional facility" and the citation changed from Section 20g to Section 20i to reflect the changes made earlier this year by Public Act 351 of 2006. (Public Act 351 authorized the private vendor that operated the former Michigan Youth Correctional Facility in Baldwin, Michigan to house detainees or inmates from other local, state, or federal agencies.)

House Bill 6632 would amend the Code of Criminal Procedure (MCL 777.16j) to increase, from four years to five, the maximum term of imprisonment that can be imposed for escaping from jail through violence and to change the category of the felony from a Class F felony to a Class E felony. The bill is tie-barred to House Bill 6631.

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marilyn Peterson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.