

HOUSE BILL No. 4776

May 11, 2005, Introduced by Reps. Cushingberry, Tobocman and Cheeks and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 65 (MCL 791.265), as amended by 1998 PA 512.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65. (1) Under rules promulgated by the director of the
2 department, the ~~assistant~~ **DEPUTY** director in charge of ~~the~~
3 ~~bureau of~~ correctional facilities **ADMINISTRATION**, except as
4 otherwise provided in this section, may cause the transfer or re-
5 transfer of a prisoner from a correctional facility to which
6 committed to any other correctional facility, or temporarily to a
7 state institution for medical or surgical treatment. In effecting a
8 transfer, the assistant director of the bureau of correctional
9 facilities may utilize the services of an executive or employee

1 within the department and of a law enforcement officer of the
2 state.

3 ~~—— (2) A prisoner who is subject to disciplinary time and is~~
4 ~~committed to the jurisdiction of the department shall be confined~~
5 ~~in a secure correctional facility for the duration of his or her~~
6 ~~minimum sentence, except for periods when the prisoner is away from~~
7 ~~the secure correctional facility while being supervised by an~~
8 ~~employee of the department or by an employee of a private vendor~~
9 ~~that operates a youth correctional facility under section 20g for 1~~
10 ~~of the following purposes:~~

11 ~~—— (a) Visiting a critically ill relative.~~

12 ~~—— (b) Attending the funeral of a relative.~~

13 ~~—— (c) Obtaining medical services not otherwise available at the~~
14 ~~secure correctional facility.~~

15 ~~—— (d) Participating in a work detail.~~

16 (2) ~~—(3)—~~ As used in this section, "offender" means a citizen
17 of the United States or a foreign country who has been convicted of
18 a crime and been given a sentence in a country other than the
19 country of which he or she is a citizen. If a treaty is in effect
20 between the United States and a foreign country, which provides for
21 the transfer of offenders from the jurisdiction of 1 of the
22 countries to the jurisdiction of the country of which the offender
23 is a citizen, and if the offender requests the transfer, the
24 governor of this state or a person designated by the governor may
25 give the approval of this state to a transfer of an offender, if
26 the conditions of the treaty are satisfied.

27 (3) ~~—(4)—~~ Not less than 45 days before approval of a transfer

1 pursuant to subsection ~~—(3)—~~ (2) from this state to another
2 country, the governor, or the governor's designee, shall notify the
3 sentencing judge and the prosecuting attorney of the county having
4 original jurisdiction, or their successors in office, of the
5 request for transfer. The notification shall indicate any name
6 changes of the offender subsequent to sentencing. Within 20 days
7 after receiving such notification, the judge or prosecutor may send
8 to the governor, or the governor's designee, information about the
9 criminal action against the offender or objections to the transfer.
10 Objections to the transfer shall not preclude approval of the
11 transfer.

12 ~~—— (5) As used in this section, "secure correctional facility"~~
13 ~~means a facility that houses prisoners under the jurisdiction of~~
14 ~~the department according to the following requirements:~~

15 ~~—— (a) The facility is enclosed by a locked fence or wall that is~~
16 ~~designed to prevent prisoners from leaving the enclosed premises~~
17 ~~and that is patrolled by correctional officers.~~

18 ~~—— (b) Prisoners in the facility are restricted to the area~~
19 ~~inside the fence or wall.~~

20 ~~—— (c) Prisoners are under guard by correctional officers 7 days~~
21 ~~per week, 24 hours per day.~~