

# HOUSE BILL No. 5675

December 9, 2009, Introduced by Reps. Hammel and Dean and referred to the Committee on Judiciary.

A bill to amend 1846 RS 171, entitled  
"Of county jails and the regulation thereof,"  
(MCL 801.1 to 801.27) by adding section 24.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 24. (1) SUBJECT TO SUBSECTION (3), THE COUNTY SHERIFF  
2        SHALL RELEASE A SENTENCED INMATE DESCRIBED IN SUBSECTION (2) TO THE  
3        CUSTODY AND CONTROL OF THE UNITED STATES IMMIGRATION AND CUSTOMS  
4        ENFORCEMENT FOR THE SOLE PURPOSE OF DEPORTATION.

5        (2) ONLY INMATES WHO MEET ALL OF THE FOLLOWING CONDITIONS MAY  
6        BE RELEASED UNDER THIS SECTION:

7        (A) A FINAL ORDER OF DEPORTATION HAS BEEN ISSUED AGAINST THE  
8        INMATE BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

9        (B) THE INMATE HAS SERVED AT LEAST 1/2 OF THE SENTENCE IMPOSED  
10       BY THE COURT.

1 (C) THE INMATE IS NOT SERVING A SENTENCE FOR CRIMINAL SEXUAL  
2 CONDUCT DESCRIBED IN SECTION 520B TO 520E OF THE MICHIGAN PENAL  
3 CODE, 1931 PA 328, MCL 750.520B TO 750.520E.

4 (3) THE SHERIFF SHALL NOT RELEASE AN INMATE UNDER THIS SECTION  
5 UNLESS THE SHERIFF HAS RECEIVED FROM THE UNITED STATES IMMIGRATION  
6 AND NATURALIZATION SERVICE ASSURANCE AS TO BOTH OF THE FOLLOWING:

7 (A) THAT AN ORDER OF DEPORTATION WILL BE EXECUTED OR THAT  
8 PROCEEDINGS WILL PROMPTLY BE COMMENCED FOR THE PURPOSE OF  
9 DEPORTATION UPON RELEASE OF THE INMATE FROM THE CUSTODY OF THE  
10 SHERIFF.

11 (B) THAT THE INMATE WILL NOT BE RELEASED FROM THE CUSTODY OF  
12 THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE FOR ANY  
13 REASON OTHER THAN DEPORTATION, UNLESS THE UNITED STATES IMMIGRATION  
14 AND NATURALIZATION SERVICE PROVIDES TO THE SHERIFF A REASONABLE  
15 OPPORTUNITY TO ARRANGE FOR EXECUTION OF THE WARRANT FOR THE RETURN  
16 OF THE INMATE TO THE CUSTODY OF THE SHERIFF AS PROVIDED IN  
17 SUBSECTION (4).

18 (4) THE INMATE SHALL BE DELIVERED TO THE CUSTODY OF THE UNITED  
19 STATES IMMIGRATION AND NATURALIZATION SERVICE ALONG WITH A WARRANT  
20 ISSUED BY THE SENTENCING COURT FOR THE INMATE'S RETURN TO THE  
21 CUSTODY OF THE SHERIFF, TO BE EXECUTED IF THE INMATE IS RELEASED  
22 FROM THE CUSTODY OF THE UNITED STATES IMMIGRATION AND  
23 NATURALIZATION SERVICE FOR ANY REASON OTHER THAN DEPORTATION. IF  
24 THE INMATE IS NOT DEPORTED, THE SHERIFF SHALL EXECUTE THE WARRANT  
25 AND RETURN THE INMATE TO THE CUSTODY OF THE SHERIFF, AND THE INMATE  
26 SHALL SERVE THE REMAINING PORTION OF HIS OR HER SENTENCE.