

SENATE BILL No. 551

June 30, 2011, Introduced by Senators HANSEN, PROOS, MARLEAU, BRANDENBURG, PAPPAGEORGE, JONES, ROCCA, NOFS and BOOHER and referred to the Committee on Judiciary.

A bill to amend 1909 PA 17, entitled

"An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,"

by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) A person shall not sell, give, or furnish, or aid
2 in the selling, giving, or furnishing of, a cellular telephone or
3 other wireless communication device to a prisoner in a correctional
4 facility, or dispose of a cellular telephone or other wireless
5 communication device in or on the grounds of a correctional

Senate Bill No. 551 as amended September 27, 2011

1 facility.

2 (2) A PRISONER SHALL NOT POSSESS OR USE A CELLULAR TELEPHONE
3 OR OTHER WIRELESS COMMUNICATION DEVICE IN A CORRECTIONAL FACILITY
4 OR ON THE GROUNDS OF A CORRECTIONAL FACILITY EXCEPT AS AUTHORIZED
5 BY THE DEPARTMENT OF CORRECTIONS.

6 (3) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

7 (A) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL
8 SUBDIVISION OF THIS STATE WHILE LAWFULLY ENGAGED IN HIS OR HER
9 DUTIES AS A POLICE OFFICER.

10 (B) A LAW ENFORCEMENT OFFICER OF THE FEDERAL GOVERNMENT WHILE
11 LAWFULLY ENGAGED IN HIS OR HER DUTIES AS A LAW ENFORCEMENT OFFICER.

12 (C) AN EMPLOYEE OF THE DEPARTMENT OF CORRECTIONS WHO IS
13 AUTHORIZED BY THE DEPARTMENT OF CORRECTIONS TO POSSESS OR USE A
14 CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE IN THAT
15 CORRECTIONAL FACILITY OR ON THE GROUNDS OF THAT CORRECTIONAL
16 FACILITY OR WHO ALLOWS A PRISONER TO POSSESS OR USE A CELLULAR
17 TELEPHONE OR OTHER WIRELESS COMMUNICATION DEVICE IN THAT
18 CORRECTIONAL FACILITY OR ON THE GROUNDS OF THAT CORRECTIONAL
19 FACILITY AS AUTHORIZED BY THE DEPARTMENT OF CORRECTIONS.

<<(4) A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION
DEVICE SOLD, GIVEN, FURNISHED, POSSESSED, OR USED IN VIOLATION OF
THIS SECTION IS SUBJECT TO CONFISCATION AND DISPOSAL UNDER THIS
SECTION AS CONTRABAND. IF A CELLULAR TELEPHONE OR OTHER WIRELESS
COMMUNICATION DEVICE IS CONFISCATED UNDER THIS SECTION, AND THE
CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE IS SERVICEABLE BUT NO
LONGER NEEDED FOR PURPOSES OF A CRIMINAL PROSECUTION UNDER THIS
SECTION, THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE SHALL BE
DONATED TO CELL PHONES FOR SOLDIERS INC., OR ITS SUCCESSOR
ORGANIZATION.>>