

Act No. 211
Public Acts of 2011
Approved by the Governor
November 8, 2011
Filed with the Secretary of State
November 8, 2011
EFFECTIVE DATE: November 8, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Reps. Lori and MacMaster

ENROLLED HOUSE BILL No. 4071

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

The People of the State of Michigan enact:

Sec. 62b. (1) The rules and standards promulgated under section 62(3) do not prohibit the housing of 2 inmates in a county jail cell that is designed and constructed for single occupancy and that meets either of the following conditions:

(a) The cell is at least 65 square feet in area and provides access to a day area which is available for use by the inmates other than those inmates being disciplined. The day area shall contain an average of at least 20 additional square feet of space per inmate.

(b) The cell is at least 55 square feet in area and both of the 2 inmates housed in the cell participate in a day parole program for not less than 32 hours per week.

(2) For purposes of housing inmates as provided for under this section, the sheriff of the county shall develop and implement a classification system classifying the county jail population according to all of the following:

(a) Behavior characteristics.

(b) Similar physical characteristics.

(c) Age.

(d) Type of crime committed and criminal history.

(e) Gender.

(3) The classification system under subsection (2) shall be submitted to and approved by the department. Any classification system in effect on December 31, 1987 shall continue in effect until changed as provided in this subsection.

(4) Cells in which 2 inmates are housed shall have doors which allow visual supervision, and inmates shall be under visual supervision at least every hour.

(5) If the state incurs any expense or is liable for damages on any judgment for an action brought as the result of a county housing 2 inmates in a cell as provided in this section, the county in which the action arose shall fully indemnify the state for the expense or damages.

Sec. 62c. (1) The rules and standards promulgated under section 62(3) shall not prohibit the housing of 2 or more inmates in a county jail cell which is designed and constructed for housing 2 or more inmates, and which meets all of the following conditions:

(a) The basic cell has at least 25 square feet in area per inmate or, if the inmates are confined in the cell for 10 or more hours per day, at least 35 square feet in area per inmate. This subdivision only applies to cells constructed after January 1, 1988.

(b) The cell provides access to a day area that is available for use by other than those being disciplined. The day area shall contain at least 20 additional square feet of space per inmate. This subdivision only applies to cells constructed after January 1, 1988.

(c) The cell complies with other rules and standards for multiple occupancy housing in jails, as promulgated under section 62(3).

(2) For purposes of housing inmates as provided for under this section, the sheriff of the county shall develop and implement a classification system classifying the county jail population according to all of the following:

(a) Behavior characteristics.

(b) Similar physical characteristics.

(c) Age.

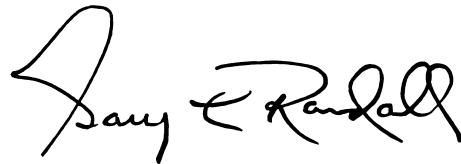
(d) Type of crime committed and criminal history.

(e) Gender.

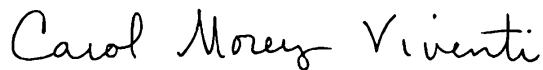
(3) The classification system under subsection (2) shall be submitted to and approved by the department.

(4) Cells in which 2 or more inmates are housed shall have doors which allow visual supervision, and inmates shall be under visual supervision at least every hour.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor