ALCOHOLIC LIQUOR, CONTROLLED SUBSTANCES, AND WEAPONS
Act 7 of 1981

AN ACT to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts.

History: 1981, Act 7, Eff. June 1, 1981.

The People of the State of Michigan enact:

801.261 Definitions.

Sec. 1. As used in this act:

(a) "Alcoholic liquor" means any spiritous, vinous, malt, or fermented liquor, liquid, or compound whether or not medicated, containing 1/2 of 1% or more of alcohol by volume and which is or readily can be made suitable as a beverage.

(b) "Controlled substance" means a drug, substance, or immediate precursor in schedules 1 to 5 of part 72 of Act No. 368 of the Public Acts of 1978, as amended, being sections 333.7201 to 333.7231 of the Michigan Compiled Laws.

(c) "Jail" means a municipal or county jail, work-camp, lockup, holding center, half-way house, community corrections center, house of correction, or any other facility maintained by a municipality or county which houses prisoners.

(d) "Prisoner" means a person incarcerated in a jail or a person committed to a jail for incarceration who is a participant in a work release or vocational or educational study release program.

History: 1981, Act 7, Eff. June 1, 1981;—Am. 1985, Act 46, Imd. Eff. June 14, 1985.

801.262 Prohibited acts; weapons.

Sec. 2. (1) Unless authorized by the chief administrator of the jail, a person shall not do either of the following:

(a) Bring into a jail or a building appurtenant to a jail, or onto the grounds used for jail purposes, for the use or benefit of a prisoner, any weapon or other item that may be used to injure a prisoner or other person, or used to assist a prisoner in escaping from jail.

(b) Sell or furnish to a prisoner, or dispose of in a manner that allows a prisoner access to the weapon or other item, any weapon or other item which may be used to injure a prisoner or other person, or used to assist a prisoner in escaping from jail.

(2) Unless authorized by the chief administrator of the jail, a prisoner shall not possess or have under his or her control any weapon or other item that may be used to injure a prisoner or other person, or used to assist a prisoner in escaping from jail.

History: 1981, Act 7, Eff. June 1, 1981.

801.262a Cell phone or wireless device; selling, giving, or furnishing to prisoner prohibited; possession by prisoner prohibited; confiscation.

Sec. 2a. (1) A person shall not sell, give, or furnish, or aid in the selling, giving, or furnishing of, a cellular telephone or other wireless communication device to a prisoner in a jail or a building appurtenant to a jail or on grounds used for jail purposes, or dispose of a cellular telephone or other wireless communication device in a jail or a building appurtenant to a jail or on grounds used for jail purposes.

(2) A prisoner shall not possess or use a cellular telephone or other wireless communication device in a jail or a building appurtenant to a jail or on grounds used for jail purposes except as authorized by the person in charge of the jail.

(3) 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 a nonprofit organization that provides cellular telephones and other wireless communication devices to military personnel, or to any other charity approved by the warden of the facility where the device was confiscated.

History: Add. 2012, Act 256, Imd. Eff. July 2, 2012.

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801.263 Prohibited acts; alcoholic liquor or controlled substance.

Sec. 3. (1) Except as provided in section 4, a person shall not bring into a jail, a building appurtenant to a jail, or the grounds used for jail purposes; sell or furnish to a prisoner; or dispose of in a manner that allows a prisoner access to an alcoholic liquor or controlled substance, any alcoholic liquor or controlled substance.

(2) Except as provided in section 4, a prisoner shall not possess or have under his or her control any alcoholic liquor or controlled substance.

History: 1981, Act 7, Eff. June 1, 1981.

801.264 Alcoholic liquor or controlled substance necessary for health of prisoner or jail employee; certificate of licensed physician; contents and specifications; wine used for communion and clergy purposes.

Sec. 4. (1) An alcoholic liquor or controlled substance may be brought into a jail or a building appurtenant to a jail, or onto the grounds used for jail purposes; furnished to a prisoner or employee of the jail; and possessed by the prisoner or employee, if a licensed physician certifies in writing that the alcoholic liquor or controlled substance is necessary for the health of the prisoner or employee. The certificate shall contain and specify the quantity of the alcoholic liquor or controlled substance that is to be furnished the prisoner or employee; the name of the prisoner or employee; the time when the alcoholic liquor or controlled substance is to be furnished; and the reason needed. The licensed physician or his or her agent shall deliver the certificate to the chief administrator for his or her approval before furnishing a prisoner or employee of the jail any alcoholic liquor or controlled substance.

(2) Not more than 2 ounces of wine for the use of the clergy, and in addition, 1 ounce of wine for each person receiving communion may be brought into a jail or a building appurtenant to a jail or onto the grounds used for jail purposes by a person of the clergy of any religious denomination for clergy purposes.

History: 1981, Act 7, Eff. June 1, 1981.

801.265 Violation as felony; penalty; exception.

Sec. 5. (1) Except as provided in subsection (2), a person who violates this act is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $1,000.00, or both.

(2) If a violation of section 3 involving a controlled substance constitutes the delivery, possession with intent to deliver, or possession of or other action involving a controlled substance that is punishable by imprisonment for more than 5 years under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, the person shall not be prosecuted under this act for that violation.

History: 1981, Act 7, Eff. June 1, 1981;—Am. 1999, Act 28, Eff. Aug. 1, 1999.

801.266 Repeal of MCL 801.116 and 801.117.

Sec. 6. Sections 16 and 17 of chapter 148 of the Revised Statutes of 1846, as amended, being sections 801.116 and 801.117 of the Compiled Laws of 1970, are repealed.

History: 1981, Act 7, Eff. June 1, 1981.

801.267 Effective date.

Sec. 7. This act shall take effect on June 1, 1981.

History: 1981, Act 7, Eff. June 1, 1981.

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