

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.197 Breaking, escaping, or leaving jail or place of confinement; breaking or escaping while in or being transferred to or from courtroom or court house; felony; penalty; section inapplicable to person leaving jail pursuant to day parole; "jail" defined.

Sec. 197. (1) A person lawfully imprisoned in a jail or place of confinement established by law, awaiting examination, trial, arraignment, or sentence for a misdemeanor, who breaks the jail or place of confinement and escapes; who breaks the jail, although no escape is actually made; who escapes; who leaves the jail or place of confinement without being discharged from the jail or place of confinement by due process of law; who breaks or escapes while in or being transferred to or from a courtroom or courthouse, or a place where court is being held; or who attempts to break or escape from the jail or place of confinement is guilty of a felony, punishable by imprisonment for not more than 2 years, or by a fine of not more than \$1,000.00, or both.

(2) A person lawfully imprisoned in a jail or place of confinement established by law, awaiting examination, trial, arraignment, or sentence for a felony; or after sentence for a felony awaiting or during transfer to or from a prison, who breaks the jail or place of confinement and escapes; who breaks the jail, although no escape is actually made; who escapes; who leaves the jail or place of confinement without being discharged from the jail or place of confinement by due process of law; who breaks or escapes while in or being transferred to or from a courtroom or courthouse, or a place where court is being held; or who attempts to break or escape from the jail or place of confinement is guilty of a felony. A term of imprisonment imposed for a violation of this subsection shall begin to run at the expiration of any term of imprisonment imposed for the offense for which the person was imprisoned at the time of the violation of this subsection.

(3) This section does not apply to a person who left the jail pursuant to a day parole granted for any purpose under section 1 of Act No. 60 of the Public Acts of 1962, being section 801.251 of the Michigan Compiled Laws, and who is absent from the jail after the time he or she was required to return to the jail unless the person has the intent to escape from imprisonment.

(4) As used in this section, "jail" means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations, or persons found guilty of civil or criminal contempt.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.197;—Am. 1949, Act 240, Eff. Sept. 23, 1949;—Am. 1955, Act 264, Eff. Oct. 14, 1955;—Am. 1987, Act 212, Eff. Mar. 30, 1988.

Former law: See section 28 of Ch. 171 of R.S. 1846, being CL 1857, § 6156; CL 1871, § 8045; How., § 9661; CL 1897, § 2677; CL 1915, § 2548; CL 1929, § 17694; and Act 146 of 1875.