

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.23 Escape from custody or from state correctional facility; pursuit and retaking or arrest without warrant; definition.

Sec. 23. (1) If a person who has been lawfully arrested escapes or is rescued, the person from whose custody he or she escaped or was rescued may immediately pursue and retake him or her at any time and in any place within the state without a warrant.

(2) If a prisoner escapes from a state correctional facility, or willfully fails to remain within the extended limits of his or her confinement as prescribed in section 65a of 1953 PA 232, MCL 791.265a, the prisoner may be pursued and arrested, without a warrant, by a person who is either of the following:

(a) An employee of the department of corrections who is designated by the director of the department of corrections as having the authority to pursue and arrest escaped prisoners.

(b) An employee of a private vendor that operates a youth correctional facility under section 20g of 1953 PA 232, MCL 791.20g, if that employee meets the same criteria established by the director of the department of corrections for departmental employees described in subdivision (a).

(3) As used in this section, "state correctional facility" means any facility that houses prisoners committed to the jurisdiction of the department of corrections, including a prison, reformatory, camp, community corrections center, halfway house, resident home, or a youth correctional facility operated by the department of corrections or a private vendor under section 20g of 1953 PA 232, MCL 791.232.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17157;—CL 1948, 764.23;—Am. 1988, Act 137, Imd. Eff. June 1, 1988;—Am. 1998, Act 511, Imd. Eff. Jan. 8, 1999.