

CHAPTER 801. JAILS AND WORKHOUSES REVISED STATUTES OF 1846

CHAPTER 171

Chapter 171. Of county jails and the regulation thereof.

801.1 County jails; use as prisons.

Sec. 1. The common jails in the several counties of this state in charge of the respective sheriffs shall be used as prisons:

First, For the detention of persons charged with offenses and duly committed for trial;

Second, For the confinement of persons committed pursuant to a sentence upon conviction of an offense, and of all other persons duly committed for any cause authorized by law; and the provisions of this section shall extend to persons detained in or committed to any such jail when duly authorized by or under the authority of any court or officer of the United States, as well as by the courts and magistrates of this state: Provided, however, That all persons detained or committed to such jails by the authority of the courts of the United States, or any officer of the United States, shall be received in said county jails only in cases where the cost of the care and maintenance of such persons shall be paid by the United States, at actual cost thereof, to be fixed and determined by the Michigan welfare commission upon application of the sheriffs of the respective counties of this state, and not otherwise.

History: R.S. 1846, Ch. 171;—CL 1857, 6129;—CL 1871, 8018;—Am. 1875, Act 125, Eff. Aug. 3, 1875;—How. 9634;—CL 1897, 2650;—CL 1915, 2522;—Am. 1927, Act 67, Imd. Eff. Apr. 25, 1927;—CL 1929, 17668;—CL 1948, 801.1.

801.2 Solitary imprisonment; execution of sentence.

Sec. 2. When any convict shall be sentenced to solitary imprisonment and hard labor in any jail, the keeper thereof shall execute such sentence of solitary imprisonment, by confining the convict in 1 of the cells, if there be any in such jail, and if there be none, then in the most retired and solitary part of such jail.

History: R.S. 1846, Ch. 171;—CL 1857, 6130;—CL 1871, 8019;—How. 9635;—CL 1897, 2651;—CL 1915, 2523;—CL 1929, 17669;—CL 1948, 801.2.

801.3 Solitary imprisonment; intercourse with other persons.

Sec. 3. No intercourse shall be allowed with any convict in solitary imprisonment, except for the conveyance of food and other necessary purposes, unless some minister of the gospel shall be disposed to visit him, in the manner hereinafter provided.

History: R.S. 1846, Ch. 171;—CL 1857, 6131;—CL 1871, 8020;—How. 9636;—CL 1897, 2652;—CL 1915, 2524;—CL 1929, 17670;—CL 1948, 801.3.

801.4 Safekeeping and maintaining prisoners and persons charged with offense; charges and expenses; payment; medical care or treatment.

Sec. 4. (1) Except as provided in subsection (2) and sections 5 and 5a, all charges and expenses of safekeeping and maintaining prisoners and persons charged with an offense, shall be paid from the county treasury, the accounts therefor being first settled and allowed by the county board of commissioners.

(2) If medical care or treatment is provided to an individual described in subsection (1), the health care provider shall make a reasonable effort to determine whether that individual is covered by a health care policy, a certificate of insurance, or other source for the payment of medical expenses. If the county sheriff who has custody over the individual is aware that the individual is covered by any health care policy, certificate of insurance, or other source of payment, the sheriff shall provide that information to the health care provider. If the health care provider determines that the individual, at the time of admission or treatment, is a medicaid recipient or a beneficiary of any health care policy, certificate of insurance, or other source for the payment of some or all of those expenses, the health care provider shall first seek reimbursement from that source, subject to the terms and conditions of the applicable health care policy, certificate of insurance, or medicaid contract, before submitting those expenses to the county. When submitting an invoice to the county for the payment of medical expenses under this section, a health care provider shall provide a statement that the health care provider has made a reasonable effort to determine whether the individual was covered by a health care policy, certificate of insurance, or other source for the payment of medical expenses. A county may enter into agreements with health care providers to establish procedures for the submission of invoices for medical expenses under this section and the payment of those invoices.

History: R.S. 1846, Ch. 171;—CL 1857, 6132;—CL 1871, 8021;—How. 9637;—CL 1897, 2653;—CL 1915, 2525;—CL 1929,

801.4a Safekeeping and maintaining persons charged with ordinance violation; charges and expenses; payment; medical care or treatment.

Sec. 4a. (1) Except as provided in subsection (2) and sections 5 and 5a, all charges and expenses of safekeeping and maintaining persons in the county jail charged with violations of city, village, or township ordinances shall be paid from the county treasury if a district court of the first or second class has jurisdiction of the offense.

(2) If medical care or treatment is provided to an individual described in subsection (1), the health care provider shall make a reasonable effort to determine whether that individual is covered by a health care policy, a certificate of insurance, or other source for the payment of medical expenses. If the county sheriff who has custody over the individual is aware that the individual is covered by any health care policy, certificate of insurance, or other source of payment, the sheriff shall provide that information to the health care provider. If the health care provider determines that the individual, at the time of admission or treatment, is a medicaid recipient or a beneficiary of any health care policy, certificate of insurance, or other source for the payment of some or all of those expenses, the health care provider shall first seek reimbursement from that source, subject to the terms and conditions of the applicable health care policy, certificate of insurance, or medicaid contract, before submitting those expenses to the county. When submitting an invoice to the county for the payment of medical expenses under this section, a health care provider shall provide a statement that the health care provider has made a reasonable effort to determine whether the individual was covered by a health care policy, certificate of insurance, or other source for the payment of medical expenses. A county may enter into agreements with health care providers to establish procedures for the submission of invoices for medical expenses under this section and the payment of the invoices.

History: Add. 1969, Act 274, Eff. Sept. 1, 1969;—Am. 1982, Act 16, Imd. Eff. Feb. 25, 1982;—Am. 1984, Act 119, Imd. Eff. June 1, 1984;—Am. 2006, Act 20, Imd. Eff. Feb. 9, 2006.

801.4b Payment of fee by inmate; collection; forwarding fees to local corrections officers training fund; disposition; failure to pay fee as civil infraction; civil fine; enforcement; refund.

Sec. 4b. (1) Beginning August 1, 2003, each person who is incarcerated in the county jail shall pay a fee of \$12.00 to the county sheriff when the person is admitted into the jail.

(2) The county sheriff may collect a fee owed under this section by withdrawing that amount from any inmate account maintained by the sheriff for that inmate.

(3) Except as provided in subsections (4) and (5), the sheriff, once each calendar quarter, shall forward all fees collected under this section to the local corrections officers training fund created in the local corrections officers training act.

(4) The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.

(5) In a county that meets the criteria in subsection (4), both of the following apply:

(a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.

(b) The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.

(6) An inmate who fails to pay a fee owed under this section before being discharged from the jail is responsible for a state civil infraction and may be ordered to pay a civil fine of \$100.00. An appearance ticket may be issued to a person who fails to pay a fee owed under this section. The appearance ticket may be issued by the sheriff or a deputy sheriff. The county prosecutor for the county in which the jail is located is responsible for enforcing the state civil infraction. A civil fine collected under this section shall be paid as provided under section 8831 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8831.

(7) A person who is incarcerated in a jail pending trial or arraignment is entitled to a full refund of the fee paid under this section if the prosecution against him or her is terminated for any reason or if he or she is

found not guilty of the charges. Each person required to pay a fee under this section shall be given a written form explaining the circumstances under which he or she may request a refund under this subsection. The form shall be as prescribed in section 15 of the local corrections officers training act.

History: Add. 2003, Act 124, Eff. Oct. 1, 2003.

801.5 Contracting for jail supplies; private donations of clothing; reimbursement for medical attendance supplies; reimbursement for care and support of prisoner.

Sec. 5. (1) The county board of commissioners may provide by contract for all necessary supplies for the use of the jail, including fuel and food, clothing, bedding, and medical attendance, for prisoners committed on criminal charges.

(2) Private donations of clothing for prisoners awaiting trial shall be accepted for them by the sheriff.

(3) The county board of commissioners may provide for reimbursement of the cost of supplies for medical attendance as provided under section 5a.

(4) The county board of commissioners or the county executive or designee of the county executive may provide that the care and support of a prisoner be paid by the prisoner's estate or property and may provide for reimbursement of all charges and expenses of maintaining a prisoner pursuant to the prisoner reimbursement to the county act.

History: R.S. 1846, Ch. 171;—CL 1857, 6133;—CL 1871, 8022;—How. 9638;—CL 1897, 2654;—CL 1915, 2526;—CL 1929, 17672;—CL 1948, 801.5;—Am. 1972, Act 152, Imd. Eff. May 26, 1972;—Am. 1982, Act 16, Imd. Eff. Feb. 25, 1982;—Am. 1984, Act 119, Imd. Eff. June 1, 1984.

801.5a Reimbursement for medical expenses; cooperation by prisoner required; wilful refusal to cooperate.

Sec. 5a. (1) The county board of commissioners may seek reimbursement for expenses incurred in providing medical care and treatment pursuant to sections 4 to 5. If a county board of commissioners seeks reimbursement pursuant to this section, reimbursement shall be sought only in the following order:

(a) From the prisoner or person charged.

(b) From insurance companies, health care corporations, or other sources if the prisoner or person charged is covered by an insurance policy, a certificate issued by a health care corporation, or other source for those expenses.

(2) A prisoner in a county jail shall cooperate with the county in seeking reimbursement under subsection (1) for medical expenses incurred by the county for that prisoner.

(3) A prisoner who wilfully refuses to cooperate as provided in subsection (2) shall not receive a reduction in his or her term under section 7 of Act No. 60 of the Public Acts of 1962, being section 801.257 of the Michigan Compiled Laws.

History: Add. 1982, Act 16, Imd. Eff. Feb. 25, 1982.

801.6 Prisoners; separation.

Sec. 6. It shall be the duty of the keepers of the said prisons, to keep the prisoners committed to their charge, as far as may be practicable, separate and apart from each other, and to prevent all conversation between the said prisoners.

History: R.S. 1846, Ch. 171;—CL 1857, 6134;—CL 1871, 8023;—How. 9639;—CL 1897, 2655;—CL 1915, 2527;—CL 1929, 17673;—CL 1948, 801.6.

801.7 Prisoners; conversations.

Sec. 7. Prisoners detained for trial, may converse with their counsel, and with such other persons as the keeper, in his discretion, may allow: prisoners under sentence shall not be permitted to hold any conversation with any person except the keepers or inspectors of the prison, unless in the presence of a keeper or inspector.

History: R.S. 1846, Ch. 171;—CL 1857, 6135;—CL 1871, 8024;—How. 9640;—CL 1897, 2656;—CL 1915, 2528;—CL 1929, 17674;—CL 1948, 801.7.

801.8 Prisoners; food.

Sec. 8. Prisoners detained for trial, and those under sentence, shall be provided with a sufficient quantity of wholesome food, at the expense of the county, and prisoners detained for trial, may, at their own expense, and under the direction of the keeper, be supplied with any other proper articles of food.

History: R.S. 1846, Ch. 171;—CL 1857, 6136;—CL 1871, 8025;—How. 9641;—CL 1897, 2657;—CL 1915, 2529;—CL 1929, 17675;—CL 1948, 801.8.

801.9 Repealed. 2015, Act 216, Eff. Mar. 14, 2016.

Compiler's note: The repealed section pertained to accounting of proceeds from person sentenced to hard labor.

801.10 Prisoners; work on public highways, streets, alleys, roads, or railroad crossings; work in quarry, pit, or yard; performance of work for nonprofit charitable organizations or other labor; duty of sheriff; use of prisoner labor for private benefit or financial gain prohibited; violation of subsection (2) as civil infraction; penalty; sheriff deriving private benefit or financial gain from provision of food to prisoners as civil infraction; penalty.

Sec. 10. (1) The county board of commissioners of any county, by resolution passed at any regular or special session, may order that prisoners over the age of 18 years under a sentence of imprisonment in the county jail, capable of performing manual labor, shall be required to work upon the public highways, streets, alleys, public roads, or railroad crossings in the county, or in any quarry, pit, or yard in the preparation or construction of materials for public highways, streets, alleys, roads, or railroad crossings in the county, to perform work for nonprofit charitable organizations including, but not limited to, churches and synagogues, or to perform any other lawful labor for the benefit of the county. When a resolution under this section is passed, the sheriff shall cause the prisoners to be put at work in the manner provided in the resolution of the county board of commissioners. The board of county road commissioners and the village or city authorities of any village or city in the county or the authorities in charge of any county institution may make application to have the prisoners work in any township, city, village, or institution in a manner prescribed by the county board of commissioners, and the county board of commissioners shall determine in which township, city, or village the prisoners shall work.

(2) A person, including a public official or public employee, shall not sell, hire, lease, loan, contract for, or otherwise use the labor of prisoners for his or her own private benefit or financial gain. A person who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(3) A sheriff shall not derive any private benefit or financial gain from the provision of food to prisoners in the jail, whether by retaining the difference between money budgeted for food and money expended for food, or by any other method. This subsection does not prevent a sheriff from receiving a salary for duties that include supervising the operation of the jail. A sheriff who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

History: R.S. 1846, Ch. 171;—CL 1857, 6138;—Am. 1861, Act 141, Eff. June 15, 1861;—CL 1871, 8027;—How. 9643;—CL 1897, 2659;—Am. 1909, Act 10, Eff. Sept. 1, 1909;—Am. 1915, Act 132, Eff. Aug. 24, 1915;—CL 1915, 2531;—CL 1929, 17677;—CL 1948, 801.10;—Am. 1960, Act 71, Eff. Aug. 17, 1960;—Am. 1984, Act 41, Imd. Eff. Mar. 26, 1984;—Am. 1988, Act 402, Imd. Eff. Dec. 27, 1988;—Am. 1996, Act 178, Imd. Eff. Apr. 18, 1996.

801.11 Prisoners; working conditions, transportation, meals, lodging.

Sec. 11. All work performed by any such prisoners shall be performed under the direction of the highway commissioner of the township or the authorities of the city, village or institution where the work is done. All such prisoners while engaged in such work shall be under the control and custody of the sheriff. All tools necessary for use by such prisoners and all materials upon which work is to be performed shall be furnished by the township, city, village or institution in which the work is done. The sheriff shall take such precautionary measures as may be deemed necessary to prevent the escape of prisoners employed under the provisions of this act, and in case any prisoner employed shall escape, it shall be deemed to be an escape from the jail: Provided, That no additional deputy sheriff shall be appointed to guard such prisoners while so at work without the previous authorization of the board of supervisors. The board of supervisors is hereby vested with authority to reimburse the sheriff for any expenses incurred in conveying such prisoners to and from any such road, street, alley, highway, quarry, pit, yard, or institution or in properly guarding them while beyond the confines of the county jail: Provided, That all meals and food shall be furnished by the sheriff to such prisoners in the same manner as though they were confined in the county jail, except in cases where such prisoners are employed in or for a county institution providing board for inmates, in which case all meals and food shall be furnished by said institution: Provided further, That the board of supervisors shall have authority to provide for keeping such prisoners at places other than the county jail while they are performing such work as is authorized under the provisions of this act.

History: R.S. 1846, Ch. 171;—CL 1857, 6139;—CL 1871, 8028;—How. 9644;—CL 1897, 2660;—Am. 1909, Act 10, Eff. Sept. 1, 1909;—Am. 1915, Act 132, Eff. Aug. 24, 1915;—CL 1915, 2532;—CL 1929, 17678;—CL 1948, 801.11.

801.12 Prisoners; compensation; record, report.

Sec. 12. No prisoner shall be entitled to any compensation either from the county, township, city or village in which he is employed for any services performed in accordance with the requirements of this act. It shall be

the duty of the sheriff to keep a record of the number of days worked by each prisoner and the township, city or village in which such work was performed, and report in full to the board of supervisors at each regular session.

History: R.S. 1846, Ch. 171;—CL 1857, 6140;—Am. 1861, Act 141, Eff. June 15, 1861;—CL 1871, 8029;—How. 9645;—CL 1897, 2661;—Am. 1909, Act 10, Eff. Sept. 1, 1909;—CL 1915, 2533;—CL 1929, 17679;—CL 1948, 801.12.

801.13 Jail of contiguous county; designation for use; removal of prisoners.

Sec. 13. The provisions contained in chapter 148, in regard to the designation of the jail of a contiguous county for the use of any county; to the removal of prisoners in such cases; and to the removal of prisoners when danger shall be apprehended from fire or contagious disease, shall extend to prisoners confined upon any criminal process, or for a contempt, or under sentence, in like manner as to prisoners confined in civil cases.

History: R.S. 1846, Ch. 171;—CL 1857, 6141;—CL 1871, 8030;—How. 9646;—CL 1897, 2662;—CL 1915, 2534;—CL 1929, 17680;—CL 1948, 801.13.

Compiler's note: For provisions of chapter 148, referred to in this section, see MCL 801.107 to 801.115.

801.14-801.15 Repealed. 1974, Act 258, Eff. Aug. 6, 1975.

Compiler's note: The repealed sections pertained to insane convicts.

801.16-801.21 Repealed. 1959, Act 7, Eff. Mar. 29, 1960.

Compiler's note: The repealed sections pertained to inspection of jails, inspectors' reports and powers, and keepers' duties.

801.22 Keeper's calendar of prisoners; contents, delivery to court.

Sec. 22. It shall be the duty of the keeper of every county prison to present to every circuit court to be held in his county, at the opening of such court, a calendar stating—

First, The name of every prisoner then detained in such prison;

Second, The time when such prisoner was committed, and by virtue of what process or precept; and

Third, The cause of the detention of every such person.

History: R.S. 1846, Ch. 171;—Am. 1850, Act 275, Imd. Eff. Apr. 2, 1850;—CL 1857, 6150;—CL 1871, 8039;—Am. 1875, Act 146, Eff. Aug. 3, 1875;—How. 9655;—CL 1897, 2671;—CL 1915, 2543;—CL 1929, 17689;—CL 1948, 801.22.

801.23 Discharge of unindicted persons.

Sec. 23. It shall be the duty of such court during the term thereof to inquire into the cause of the commitment of every person confined in such prison upon any criminal charge who shall not have been indicted, or against whom no information shall have been filed, and unless satisfactory cause shall be shown to such court for detaining such person in custody or upon bail, as the case may require, to cause such person to be discharged.

History: R.S. 1846, Ch. 171;—Am. 1850, Act 275, Imd. Eff. Apr. 2, 1850;—CL 1857, 6151;—CL 1871, 8040;—Am. 1875, Act 146, Eff. Aug. 3, 1875;—How. 9656;—CL 1897, 2672;—CL 1915, 2544;—CL 1929, 17690;—CL 1948, 801.23.

801.25 Refractory or disorderly conduct of prisoner; persons confined on criminal charge or conviction; punishment.

Sec. 25. If any person confined in any jail, upon a conviction or charge of any criminal offense, shall be refractory or disorderly, or shall wilfully or wantonly destroy or injure any article of bedding, or other furniture, or a door or window, or any other part of such prison, the sheriff of the county, after due inquiry, may cause such person to be kept in solitary confinement, not more than 10 days for any 1 offense; and during such solitary confinement, he shall be fed with bread and water only, unless other food shall be necessary for the preservation of his health.

History: R.S. 1846, Ch. 171;—CL 1857, 6153;—CL 1871, 8042;—How. 9658;—CL 1897, 2674;—CL 1915, 2545;—CL 1929, 17691;—CL 1948, 801.25.

801.26 Repealed. 1991, Act 145, Imd. Eff. Nov. 25, 1991.

Compiler's note: The repealed section pertained to disorderly conduct of prisoner.

801.27 Refractory or disorderly conduct of prisoner; authority of jailer to preserve order.

Sec. 27. Nothing contained in the 2 preceding sections, shall be construed to take from any sheriff or jailer, any part of the authority with which he was before invested by law, to preserve order and enforce strict discipline among all the prisoners in his custody.

History: R.S. 1846, Ch. 171;—CL 1857, 6155;—CL 1871, 8044;—How. 9660;—CL 1897, 2676;—CL 1915, 2547;—CL 1929, 17692;—CL 1948, 801.26.

17693;—CL 1948, 801.27.

COUNTY JAIL OVERCROWDING STATE OF EMERGENCY
Act 325 of 1982

AN ACT to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency.

History: 1982, Act 325, Eff. Feb. 8, 1983.

Popular name: Jail Overcrowding Emergency Powers Act

The People of the State of Michigan enact:

801.51 Definitions.

Sec. 1. As used in this act:

(a) "County jail" means a facility operated by a county for the physical detention and correction of persons charged with or convicted of criminal offenses and ordinance violations, persons found guilty of civil or criminal contempt, and juveniles detained by court order.

(b) "Department of corrections" means the state department of corrections.

(c) "Prisoner" means a person who is currently being physically detained in a county jail.

(d) "Rated design capacity" means the actual available bed space of the general population of a county jail as determined by the department of corrections.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Constitutionality: The county jail overcrowding act does not infringe upon the Governor's power of executive clemency. Kent Pros v. Sheriff (On Reh), 428 Mich 314; 409 NW2d 202 (1987).

Popular name: Jail Overcrowding Emergency Powers Act

801.51a County jail population exceeding 95% of jail's rated design capacity; actions by county sheriff; maximum value of outstanding bonds; duration; applicability of subsections (1) to (3).

Sec. 1a. (1) In a county other than a county described in subsection (4), the sheriff of that county shall take the following actions on the fifth consecutive day on which the general population of the county jail exceeds 95% of the jail's rated design capacity:

(a) The sheriff shall review the outstanding bonds for each prisoner. If the total of a prisoner's outstanding bonds does not exceed a maximum value determined as provided in subsection (2), the sheriff, subject to the approval of the chief circuit judge in that county, shall modify each outstanding bond for that prisoner to a personal recognizance bond in that same amount, issue to the prisoner a receipt similar to an interim bond receipt, and send a copy of the receipt to the court that set the bond.

(b) The following prisoners, except for any prisoner that the chief circuit judge in that county believes would present a threat to the public safety if released, shall be released immediately:

(i) Any sentenced prisoner who has served 85% or more of his or her sentence, unless he or she is serving a sentence for a violent or assaultive offense, sex offense, prison or jail escape offense, weapons offense, drunk driving offense, or a controlled substance offense except possession of less than 25 grams of a controlled substance.

(ii) Any prisoner detained in the county jail for a civil contempt adjudication for failure to pay child support who has no other charges pending against him or her.

(2) The maximum value of outstanding bonds, for purposes of subsection (1)(a), shall be determined by a majority vote of the following individuals, as applicable:

(a) In a single-county or multicounty judicial district, the chief circuit judge for the judicial circuit that includes that county, the chief district judge for that district, and the sheriff of the county.

(b) In a county containing 2 or more judicial districts, the chief circuit judge for the judicial circuit that includes that county, the chief probate judge for that county, the sheriff of the county, and 2 district judges chosen by the chief district judges sitting in that county.

(3) A determination made under subsection (2) remains in effect for 1 year after the date on which that determination was made.

(4) Subsections (1) to (3) do not apply to either of the following:

(a) A county for which a county jail management plan has been approved under section 9a.

(b) A county having a population greater than 650,000 as of the most recent federal decennial census that, on the effective date of this section, has implemented a written jail management plan in which the basis of the plan is jail bed allocation. The exception provided by this subsection applies only as long as that plan remains

in effect.

History: Add. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.52 Certifying general prisoner population exceeds 100% of rated design capacity of county jail or percentage of rated design capacity set by court; duties of sheriff.

Sec. 2. If the general prisoner population of a county jail exceeds 100% of the rated design capacity of the county jail or a percentage of rated design capacity less than 100% as set by a court before February 8, 1983, for 7 consecutive days or for a lesser number of days as set by a court before February 8, 1983, the sheriff for that county shall certify that fact in writing, by first-class mail, personal delivery, or electronic communications, to the chief circuit judge, the chief district judge, and each municipal court judge in the county in which the county jail is located, the prosecuting attorney for the county, the chairperson of the county board of commissioners, and the county executive in a county in which a county executive is elected.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.52a Reporting prisoner population counts.

Sec. 2a. The prisoner population counts required for any purpose under this act shall be reported as being taken between the hours of 12:01 a.m. and 4:00 a.m. on each day on which a count is conducted.

History: Add. 1988, Act 399, Imd. Eff. Dec. 27, 1988.

Popular name: Jail Overcrowding Emergency Powers Act

801.53 Declaring county jail overcrowding state of emergency.

Sec. 3. If, upon receipt of a certification by the sheriff under section 2, a majority of the judges and county officials notified pursuant to section 2 do not find that the sheriff acted in error, the sheriff shall declare a county jail overcrowding state of emergency.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.54 Notice of declaration of county jail overcrowding state of emergency.

Sec. 4. Upon the declaration of a county jail overcrowding state of emergency pursuant to section 3, the sheriff shall notify both of the following persons in writing, by first-class mail, personal delivery, or electronic communications, that a county jail overcrowding state of emergency has been declared:

- (a) The judges and county officials notified pursuant to section 2.
- (b) The chief law enforcement official of each state, county, and municipal law enforcement agency located in the county.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.55 Reduction of prisoner population by sheriff, notified persons, and other judges; means.

Sec. 5. The sheriff, the persons notified pursuant to section 4, and other circuit, district, and municipal judges may attempt to reduce the prisoner population of the county jail through any available means which are already within the scope of their individual and collective legal authority, including, but not limited to, the following:

- (a) Accelerated review and rescheduling of court dates.
- (b) Judicial review of bail for possible bail reduction, release on recognizance, or conditional release of prisoners in the county jail.
- (c) Prosecutorial pre-trial diversion.
- (d) Judicial use of probation, fines, community service orders, restitution, and delayed sentencing as alternatives to commitment to jail.
- (e) Use of work-release, community programs, and other alternative housing arrangements by the sheriff, if the programs and alternative housing arrangements are authorized by law.
- (f) Review of agreements which allow other units of government to house their prisoners in the overcrowded county jail to determine whether the agreements may be terminated.
- (g) Entering into agreements which allow the sheriff for the county in which the overcrowded county jail is located to house prisoners in facilities operated by other units of government.
- (h) Refusal by the sheriff to house persons who are not required by law to be housed in the county jail.

(i) Acceleration of the transfer of prisoners sentenced to the state prison system, and prisoners otherwise under the jurisdiction of the department of corrections, to the department of corrections.

(j) Judicial acceleration of pending court proceedings for prisoners under the jurisdiction of the department of corrections who will be returned to the department of corrections regardless of the outcome of the pending proceedings.

(k) Reduction of waiting time for prisoners awaiting examination by the center for forensic psychiatry.

(l) Alternative booking, processing, and housing arrangements, including the use of appearance tickets instead of booking at the county jail and the use of weekend arraignment, for categories of cases considered appropriate by the persons notified pursuant to section 4.

(m) Acceptance by the courts of credit cards for payments of bonds, fines, and court costs.

(n) Use of community mental health and private mental health resources in the county as alternatives to housing prisoners in the county jail for those prisoners who qualify for placement in the programs and for whom placement in the programs is appropriate.

(o) Use of community and private substance abuse programs and other therapeutic programs as alternatives to housing prisoners in the county jail for those prisoners who qualify for placement in the programs and for whom placement in the programs is appropriate.

(p) Preparation of a long-range plan for addressing the county jail overcrowding problem, including recommendations to the county board of commissioners on construction of new jail facilities and funding for construction or other options designed to alleviate the overcrowding problem.

(q) Review of sentencing procedures, including the elimination of delays in preparing presentence reports for prisoners awaiting sentence, and staggering the dates on which prisoners will start serving a jail sentence to minimize fluctuating demands on jail capacity.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.56 Requirement of further actions; failure of certain actions to reduce population to level prescribed in subsection (1); presenting prisoner information to chief circuit judge; applicability of subsection (2)(b) to certain prisoners; review; classification of prisoners; reduction of sentences; duration; report.

Sec. 6. (1) The further actions prescribed in subsections (2) to (5) and in sections 7 and 8 shall be required unless the actions taken pursuant to section 5 reduce the county's jail population to the higher of the following:

(a) 90% of rated design capacity or a percentage of rated design capacity less than 90% as set by a court prior to February 8, 1983.

(b) A prisoner population such that the jail has the following number of empty beds:

(i) For a jail with a rated design capacity of less than 500 beds, at least 10 empty beds.

(ii) For a jail with a rated design capacity of 500 beds or more, at least 25 empty beds.

(2) If the actions taken pursuant to section 5 do not reduce the county jail's population to the level prescribed in subsection (1) within 14 days after the declaration of the county jail overcrowding state of emergency, the sheriff shall present to the chief circuit judge for the county in which the jail is located the following information for each prisoner housed in the county jail on that date:

(a) For prisoners who are serving a sentence of imprisonment for conviction of 1 or more crimes:

(i) The name of each prisoner.

(ii) The offense for which the prisoner was convicted.

(iii) The length of sentence imposed for the prisoner.

(iv) The date on which the prisoner began serving his or her sentence.

(v) The date on which the prisoner will be released from the jail according to the terms of his or her sentence, including computations for good time.

(vi) The name of the judge who imposed the sentence.

(b) For prisoners housed in the county jail, other than a prisoner described in subsection (3), who are not serving a sentence of imprisonment for conviction of a crime:

(i) The name of the prisoner.

(ii) The offense for which the prisoner is being detained in the county jail.

(iii) The amount of the prisoner's bond.

(iv) The date on which the prisoner began his or her period of detention.

(v) The name of the judge who ordered the prisoner to be detained.

(3) Subsection (2)(b) does not apply to a prisoner who is detained in the county jail in connection with a

crime or an allegation of a crime in which the victim was a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual residing or having resided in the same household, or an individual with whom he or she has or has had a dating relationship as that term is defined in section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(4) After the chief circuit judge for the county in which the jail is located reviews the information presented by the sheriff pursuant to subsection (2), the chief circuit judge shall, for purposes of county jail population reduction, do both of the following:

(a) Classify prisoners who are serving sentences of imprisonment for conviction of crimes into 2 groups: those prisoners who, if released, would present a high risk to the public safety, and those who, if released, would not present a high risk to the public safety. The chief circuit judge shall also determine a minimum and a maximum percentage by which the sentences can be reduced. The sheriff shall reduce the sentences of all prisoners who, if released, would not present a high risk to the public safety by an equal percentage which is within the minimum and maximum percentages determined by the chief circuit judge.

(b) Review the list of prisoners housed in the county jail who are not serving a sentence for conviction of crimes and determine for each prisoner whether the release of that prisoner would or would not present a high risk to public safety. The chief circuit judge may do either or both of the following with regard to a prisoner whose release would not present a high risk to the public safety:

(i) Modify the bond of the prisoner, subject to any conditions reasonably necessary to ensure the appearance of the individual in court.

(ii) Release the prisoner subject to the condition that he or she be placed on electronic monitoring.

(5) The sentences of prisoners sentenced to and housed in the county jail after the fourteenth day of the county jail overcrowding state of emergency may continue to be reduced in the same manner as prescribed in subsections (2)(a) and (4)(a), but shall not be reduced after the county jail overcrowding state of emergency is ended or after the sheriff orders a sentence reduction pursuant to section 7, whichever occurs first.

(6) The department of corrections, in cooperation with the Michigan sheriffs' association, shall annually report to the chairpersons of the senate and house standing committees responsible for legislation concerning corrections. The report shall evaluate the effect on the overcrowding state of emergency procedures under this section.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 1988, Act 399, Imd. Eff. Dec. 27, 1988;—Am. 2008, Act 542, Imd. Eff. Jan. 13, 2009.

Popular name: Jail Overcrowding Emergency Powers Act

801.57 Failure of certain actions to reduce population to level prescribed in MCL 801.56(1); equal reduction of original sentences.

Sec. 7. If the actions taken pursuant to sections 5 and 6 do not reduce the county jail's population to the level prescribed in section 6(1) within 28 days of the declaration of the county jail overcrowding state of emergency, the original sentences, not including good time, of all prisoners sentenced to and housed in the county jail on that date shall be equally reduced by the sheriff by the least possible percentage reduction necessary, not to exceed 30%, to reduce the county jail's prisoner population to the level prescribed in section 6(1).

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 1988, Act 399, Imd. Eff. Dec. 27, 1988.

Popular name: Jail Overcrowding Emergency Powers Act

801.58 Failure of certain actions to reduce population to level prescribed in MCL 801.56(1); deferring acceptance for incarceration of certain persons.

Sec. 8. (1) Except as otherwise provided in this subsection and subsection (2), if the actions taken pursuant to sections 5, 6, and 7 do not reduce the county jail's population to the level prescribed in section 6(1) within 42 days of the declaration of the county jail overcrowding state of emergency, the sheriff shall defer acceptance for incarceration in the general population of the county jail persons sentenced to or otherwise committed to the county jail for incarceration until the county jail overcrowding state of emergency is ended pursuant to section 9, except that the sheriff shall not defer acceptance for incarceration all persons under sentence for or charged with violent or assaultive crimes, sex offenses, escape from prison or jail, drunk driving offenses, controlled substance offenses except possession of less than 25 grams of a controlled substance, or weapons offenses.

(2) The sheriff shall not defer acceptance of a prisoner for incarceration into the general population of the county jail if both of the following occur:

(a) The sheriff or the sentencing judge presents to the chief circuit judge for the county in which the county jail is located information alleging that deferring acceptance of the prisoner for incarceration would constitute

a threat to public safety.

(b) The chief circuit judge, based upon the presence of a threat to public safety, approves of accepting the prisoner for incarceration.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 1988, Act 399, Imd. Eff. Dec. 27, 1988;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.59 Ending county jail overcrowding state of emergency; conditions; certification by sheriff.

Sec. 9. If either of the following occur, the sheriff shall certify that fact in writing by first-class mail or personal delivery, to the judges and county officials notified pursuant to section 2 and, unless a majority of the judges and county officials so notified find upon receipt of the certification pursuant to this section that the sheriff has acted in error, the sheriff shall end the county jail overcrowding state of emergency:

(a) At any time during the county jail overcrowding state of emergency, the general prisoner population of the county jail is reduced to the level prescribed in section 6(1).

(b) The county jail's population is not reduced to the level prescribed in section 6(1) within 70 days after the declaration of the county jail overcrowding state of emergency.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 1988, Act 399, Imd. Eff. Dec. 27, 1988;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Popular name: Jail Overcrowding Emergency Powers Act

801.59a Written county jail population management plan; adoption; implementation; approval; amendments; duration; delegation of judicial sentencing authority.

Sec. 9a. (1) For the purpose of reducing or preventing chronic jail overcrowding, a county or judicial circuit may adopt and implement a written county jail population management plan. The plan shall not take effect unless it is approved by all of the following:

(a) The sheriff of each affected county.

(b) The prosecuting attorney of each affected county.

(c) The chief circuit judge of the judicial circuit or, in the case of a county plan, the chief circuit judge of the judicial circuit that includes that county.

(d) A district judge designated as follows:

(i) If the plan affects a single-county or multicounty judicial district, the chief district judge for that judicial district.

(ii) In all other cases, a district judge chosen by the chief district judges of all judicial districts affected by the plan.

(2) A written county jail population management plan adopted under subsection (1) may be amended if the amendments are approved by all of the parties listed in subsection (1)(a) to (d).

(3) A written county jail population plan adopted under subsection (1) is effective for the term prescribed in the plan, but not more than 4 years. The amendment of a plan pursuant to subsection (2) does not extend the 4-year limit prescribed in this subsection.

(4) A written county jail population management plan shall provide for the delegation of judicial sentencing authority for the purpose of reducing prior valid jail sentences, consistent with section 9b(1).

(5) A written county jail population management plan shall provide for the delegation of judicial authority for the purpose of reviewing bonds for unsentenced prisoners.

History: Add. 2007, Act 139, Imd. Eff. Nov. 13, 2007.

Popular name: Jail Overcrowding Emergency Powers Act

801.59b Suspension or reduction of jail sentence by sentencing judge; delegation of authority to chief judge; modification of bond.

Sec. 9b. (1) For purposes of this act, a sentencing judge may suspend or reduce any validly imposed jail sentence imposed by that judge. A sentencing judge may delegate the authority conferred under this subsection to the chief judge of the judicial district or circuit in which the sentencing judge serves or his or her designee.

(2) For purposes of this act, a judge may modify bond set by the court for unsentenced prisoners. A judge may delegate the authority conferred under this subsection to the chief judge of the judicial district or circuit in which the judge serves, or his or her designee.

History: Add. 2007, Act 139, Imd. Eff. Nov. 13, 2007.

Popular name: Jail Overcrowding Emergency Powers Act

801.60 Listing of crimes and offenses; development.

Sec. 10. For purposes of sections 1a and 8, a listing of violent or assaultive crimes, sex offenses, escape from prison or jail offenses, drunk driving offenses, controlled substance offenses except possession of less than 25 grams of a controlled substance, and weapons offenses shall be developed by the department of attorney general.

History: 1982, Act 325, Eff. Feb. 8, 1983;—Am. 2007, Act 140, Eff. Feb. 11, 2008.

Compiler's note: For transfer of powers and duties of former office of criminal justice under the county jail overcrowding act from department of management and budget to office of attorney general, see E.R.O. No. 1994-6, compiled at MCL 801.71 of the Michigan Compiled Laws.

Popular name: Jail Overcrowding Emergency Powers Act

801.61 Loss of bed space due to natural disaster or deliberate destruction of property; applicability of act.

Sec. 11. The provisions of this act shall not be applicable if a county jail population exceeds rated design capacity as the direct result of loss of bed space due to a natural disaster or deliberate destruction of property.

History: 1982, Act 325, Eff. Feb. 8, 1983.

Popular name: Jail Overcrowding Emergency Powers Act

801.62 Prisoners sentenced to county jail as condition of probation; applicability of act.

Sec. 12. This act shall apply to prisoners sentenced to a county jail as a condition of probation but shall not reduce or otherwise affect the total probationary period imposed by the court.

History: 1982, Act 325, Eff. Feb. 8, 1983.

Popular name: Jail Overcrowding Emergency Powers Act

801.63 Maximum sentence reductions where act invoked more than once; good time.

Sec. 13. If the provisions of this act are invoked more than once with respect to an individual prisoner, sentence reductions granted to that prisoner pursuant to section 7 shall not exceed 35% of the prisoner's original sentence. This section shall not limit a sheriff's authority to grant a prisoner good time as authorized by law.

History: 1982, Act 325, Eff. Feb. 8, 1983.

Popular name: Jail Overcrowding Emergency Powers Act

801.64 Effective date.

Sec. 14. This act shall take effect upon the expiration of 60 days after it is enacted into law.

History: 1982, Act 325, Eff. Feb. 8, 1983.

Popular name: Jail Overcrowding Emergency Powers Act

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1994-6

801.71 Transfer of powers and duties of former office of criminal justice under the county jail overcrowding act from department of management and budget to office of attorney general by a type II transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the County Jail Overcrowding Act (the "Act") was created by Act No. 325 of the Public Acts of 1982, being Section 801.51 et seq. of the Michigan Compiled Laws; and

WHEREAS, Section 10 of the Act, being Section 801.60 of the Michigan Compiled Laws, requires the Office of Criminal Justice in the Department of Management and Budget to develop a listing of violent or assaultive crimes, sex offenses, escape from prison or jail offenses, controlled substance offenses, and weapons offenses to be used by county sheriffs as a guideline on who may not be deferred from jail incarceration under the Act; and

WHEREAS, the statute creating the Office of Criminal Justice contained a sunset provision of March 30, 1987, and the Office no longer exists; and

WHEREAS, the responsibility outlined in this section requires legal expertise on criminal justice matters that no longer is available within the Department of Management and Budget; and

WHEREAS, the Office of the Attorney General has the legal expertise required to carry out the responsibilities contained in Section 10 of the Act.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the authority, powers, duties, functions and responsibilities contained in Section 10 of Act No. 325 of the Public Acts of 1982, being Section 801.60 of the Michigan Compiled Laws, are hereby transferred from the Department of Management and Budget to the Office of the Attorney General, by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Office of Contract Management of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Attorney General.

3. All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Management and Budget for the activities transferred are hereby transferred to the Office of the Attorney General to the extent required to provide for efficient and effective operation.

4. The Director of the Office of Contract Management of the Department of Management and Budget and the Attorney General shall immediately initiate coordination to facilitate the transfer.

5. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

6. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1994, E.R.O. No. 1994-6, Eff. June 12, 1994.

THE PRISONER REIMBURSEMENT TO THE COUNTY ACT

Act 118 of 1984

AN ACT regarding county jails and prisoners housed therein; to provide certain powers and duties of county officials; and to provide for the reimbursement of certain expenses incurred by counties in regard to prisoners confined in county jails.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1996, Act 544, Eff. Mar. 31, 1997.

The People of the State of Michigan enact:

801.81 Short title.

Sec. 1. This act shall be known and may be cited as “the prisoner reimbursement to the county act.”

History: 1984, Act 118, Imd. Eff. June 1, 1984.

801.82 “County jail” defined.

Sec. 2. For purposes of this act, “county jail” includes a house of correction under Act No. 278 of the Public Acts of 1911, being sections 802.202 to 802.204 of the Michigan Compiled Laws.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1985, Act 58, Imd. Eff. June 14, 1985.

801.83 Reimbursement for expenses; form.

Sec. 3. (1) The county may seek reimbursement for any expenses incurred by the county in relation to a charge for which a person was sentenced to a county jail as follows:

(a) From each person who is or was a prisoner, not more than \$60.00 per day for the expenses of maintaining that prisoner or the actual per diem cost of maintaining that prisoner, whichever is less, for the entire period of time the person was confined in the county jail, including any period of pretrial detention.

(b) To investigate the financial status of the person.

(c) Any other expenses incurred by the county to collect payments under this act.

(2) Reimbursement under this act may be ordered as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(3) Before seeking any reimbursement under this act, the county shall develop a form to be used for determining the financial status of prisoners. The form shall provide for obtaining the age and marital status of a prisoner, number and ages of children of a prisoner, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The county shall use the form when investigating the financial status of prisoners.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1994, Act 212, Imd. Eff. June 23, 1994;—Am. 1996, Act 544, Eff. Mar. 31, 1997;—Am. 1998, Act 450, Eff. Aug. 1, 1999.

801.84 List.

Sec. 4. At, and in accordance with, the request of the county board of commissioners or of the county executive or a designee of the county executive, the sheriff of the county shall forward to the board, county executive, or designee of the county executive a list containing the name of each sentenced prisoner and each pretrial detainee whose prosecution resulted in conviction for a felony, the term of sentence or the period of pretrial detention, and the date of admission, together with information regarding the financial status of each prisoner, as required by the county board of commissioners, the county executive, or designee of the county executive.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1996, Act 544, Eff. Mar. 31, 1997.

801.85 Cooperation of prisoner required; refusal to cooperate.

Sec. 5. (1) A prisoner in a county jail shall cooperate with the county in seeking reimbursement under this act for expenses incurred by the county for that prisoner.

(2) A prisoner who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under section 7 of 1962 PA 60, MCL 801.257. If a prisoner is ordered to reimburse the county under this act as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, the prisoner is in addition subject to probation revocation as provided in section 4 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1998, Act 450, Eff. Aug. 1, 1999.

801.86 Investigation of reports.

Sec. 6. The county board of commissioners or the county executive may investigate or cause to be investigated all the reports under section 4 furnished by the sheriff for the purpose of securing reimbursement for the expenses incurred by the county in regard to prisoners as provided for under this act.

History: 1984, Act 118, Imd. Eff. June 1, 1984.

801.87 Civil action for reimbursement; consideration by court; money judgment; order.

Sec. 7. (1) Within 6 years after the release from a county jail of a sentenced prisoner or a pretrial detainee whose prosecution resulted in conviction for a felony, an attorney for that county may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in the jail, or for any other expense for which the county may be reimbursed under section 3, as provided in this section and sections 8 to 10.

(2) A civil action brought under this act shall be instituted in the name of the county in which the jail is located and shall state the following, as applicable:

(a) In the case of a prisoner sentenced to the jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the county pursuant to section 3.

(b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction for a felony, the length of pretrial detention and the amount or amounts due to the county pursuant to section 3.

(3) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as a prisoner and for other expenses reimbursable under section 3.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1994, Act 212, Imd. Eff. June 23, 1994;—Am. 1996, Act 544, Eff. Mar. 31, 1997;—Am. 2006, Act 127, Imd. Eff. May 2, 2006.

801.88 Civil action for reimbursement; circuit court; venue; ex parte restraining order; hearing on order to show cause; appointment of receiver.

Sec. 8. (1) Consistent with section 7, the county may file the civil action in the circuit court. If the defendant is still a prisoner in the county jail or is a prisoner in a state correctional facility, venue is proper in the county in which the jail or correctional facility is located.

(2) If necessary to protect the county's right to obtain reimbursement under this act against the disposition of known property, the county, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the county for the maintenance and support of the defendant as a prisoner.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1996, Act 544, Eff. Mar. 31, 1997.

801.89 Execution against homestead prohibited.

Sec. 9. The county shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

History: 1984, Act 118, Imd. Eff. June 1, 1984.

801.90 Civil action to recover and enforce money judgment; district court; venue.

Sec. 10. Consistent with section 7, the county may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still a prisoner in the county jail, venue in a district of the first class is proper in the county where the county jail is located and in a district of the second or third class is proper in the district where the county jail is located. If the defendant is a prisoner in a state correctional facility, venue is proper in the county in which the state correctional facility is located.

History: 1984, Act 118, Imd. Eff. June 1, 1984;—Am. 1996, Act 544, Eff. Mar. 31, 1997.

801.91 Furnishing information and assistance to attorney.

Sec. 11. The sentencing judge and the sheriff of any county in which a prisoner's property is located shall furnish to the attorney for the county all information and assistance possible to enable the attorney to secure reimbursement for the county under this act.

History: 1984, Act 118, Imd. Eff. June 1, 1984.

801.92 Disposition and use of reimbursements; sworn statements as evidence of amount due.

Sec. 12. The reimbursements secured under this act shall be credited to the general fund of the county to be available for general fund purposes. The county treasurer may determine the amount due the county under this act and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

History: 1984, Act 118, Imd. Eff. June 1, 1984.

801.93 Conditional effective date.

Sec. 13. This act shall not take effect unless all of the following bills of the 82nd Legislature are enacted into law:

- (a) House Bill No. 4589.
- (b) House Bill No. 5120.
- (c) House Bill No. 5173.

History: 1984, Act 118, Imd. Eff. June 1, 1984.

Compiler's note: The following House Bills referred to in MCL 801.93 were enacted into law as follows:

House Bill No. 4589 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 119, Imd. Eff. June 1, 1984.

House Bill No. 5120 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 120, Imd. Eff. June 1, 1984.

House Bill No. 5173 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 121, Imd. Eff. June 1, 1984.

REVISED STATUTES OF 1846

CHAPTER 148

Chapter 148. General provisions relating to jails, and the confinement of prisoners therein.

801.101 United States prisoners; duty of sheriff to take and keep; compensation.

Sec. 1. The sheriffs of the several counties of this state shall receive into their respective jails and keep all prisoners who are committed to the same, by virtue of any civil process, issued by any court of record instituted under the authority of the United States, until they are discharged by the due course of the laws of the United States, in the same manner as if such prisoner had been committed by virtue of process in civil actions issued under the authority of this state, and every such sheriff may receive to his own use such sums of money as shall be payable by the United States for the use of the jails.

History: R.S. 1846, Ch. 148;—Am. 1855, Act 163, Eff. Feb. 13, 1855;—CL 1857, 5575;—CL 1871, 7362;—How. 8939;—CL 1897, 10532;—CL 1915, 14760;—CL 1929, 17697;—CL 1948, 801.101;—Am. 1960, Act 64, Eff. Aug. 17, 1960.

801.102 United States prisoners; liability of sheriff for safe keeping.

Sec. 2. Every sheriff or keeper of a prison, to whose jail any prisoner shall be committed, by any marshal or other officer of the United States, as provided in the preceding section, shall be answerable for the safe keeping of such prisoner, in the courts of the United States, according to the laws thereof.

History: R.S. 1846, Ch. 148;—CL 1857, 5576;—CL 1871, 7363;—How. 8940;—CL 1897, 10533;—CL 1915, 14761;—CL 1929, 17698;—CL 1948, 801.102.

801.103 Separation of prisoners; prisoners arrested on civil process and criminal process.

Sec. 3. Prisoners arrested on civil process, other than for civil contempt, shall be kept in rooms separate and distinct from those in which prisoners detained on a criminal charge or conviction are confined. Prisoners arrested for civil contempt shall not be housed with other prisoners detained on criminal charges, except those detained on a misdemeanor charge. Except as otherwise provided in this section, prisoners arrested on civil and criminal process shall not be put or kept in the same room.

History: R.S. 1846, Ch. 148;—CL 1857, 5577;—CL 1871, 7364;—How. 8941;—CL 1897, 10534;—CL 1915, 14762;—CL 1929, 17699;—CL 1948, 801.103;—Am. 1986, Act 156, Imd. Eff. July 7, 1986.

801.104 Separation of prisoners; male and female.

Sec. 4. Male and female prisoners, unless they are husband and wife, shall not be put, kept, or confined in

the same room in any jail, lock-up, holding center, or holding cell.

History: R.S. 1846, Ch. 148;—CL 1857, 5578;—CL 1871, 7365;—How. 8942;—CL 1897, 10535;—CL 1915, 14763;—CL 1929, 17700;—CL 1948, 801.104;—Am. 1986, Act 156, Imd. Eff. July 7, 1986.

801.105 Violation of MCL 801.103 and MCL 801.104 as misdemeanor; liability for damages.

Sec. 5. A sheriff or other officer who violates the provisions of either section 3 or section 4 shall be liable to the party injured for damages and, in addition, is guilty of a misdemeanor.

History: R.S. 1846, Ch. 148;—CL 1857, 5579;—CL 1871, 7366;—How. 8943;—CL 1897, 10536;—CL 1915, 14764;—CL 1929, 17701;—CL 1948, 801.105;—Am. 1986, Act 156, Imd. Eff. July 7, 1986.

801.106 Continuation of jails in use.

Sec. 6. The buildings now used as jails and prisons in the respective counties, of this state, shall be and continue the jails of the said counties respectively, until other buildings shall be designated or erected for that purpose; according to law.

History: R.S. 1846, Ch. 148;—CL 1857, 5580;—CL 1871, 7367;—How. 8944;—CL 1897, 10537;—CL 1915, 14765;—CL 1929, 17702;—CL 1948, 801.106.

801.107 Designation of jail of other county; officer to act.

Sec. 7. If in any county there shall not be a jail or the jail erected shall become unfit or unsafe for the confinement of prisoners or shall be destroyed by fire or otherwise, the circuit judge of the circuit court or any circuit court commissioner for such county and in the upper peninsula the district judge of the district court for such county, shall by an instrument in writing, to be filed with the clerk of the county, designate the jail of some other county for the confinement of the prisoners of such county; which shall thereupon, to all intents and purposes, except as herein otherwise provided, become the jail of the county for which it shall have been so designated.

History: R.S. 1846, Ch. 148;—Am. 1855, Act 25, Imd. Eff. Feb. 7, 1855;—CL 1857, 5581;—CL 1871, 7368;—How. 8945;—CL 1897, 10538;—CL 1915, 14766;—CL 1929, 17703;—CL 1948, 801.107.

801.108 Designation of jail of other county; copy of designation, service on sheriff.

Sec. 8. A copy of such instrument of designation, duly certified by the clerk of the county with whom it is filed, under the seal of the circuit or district court thereof, shall be served on the sheriff and keeper of the jail so designated, whose duty it shall be from thenceforth to receive into such jail, and there safely keep, all persons who may be lawfully confined therein, pursuant to the foregoing provisions.

History: R.S. 1846, Ch. 148;—Am. 1855, Act 25, Imd. Eff. Feb. 7, 1855;—CL 1857, 5582;—CL 1871, 7369;—How. 8946;—CL 1897, 10539;—CL 1915, 14767;—CL 1929, 17704;—CL 1948, 801.108.

801.109 Designation of jail of other county; responsibility of sheriff for safe keeping of prisoners.

Sec. 9. Such sheriff shall be responsible for the safe keeping of the persons so committed to such jail, in the same manner and to the same extent, as if he were sheriff of the county for whose use such jail shall have been designated, and with respect to the persons so committed, shall be deemed the sheriff of such county.

History: R.S. 1846, Ch. 148;—CL 1857, 5583;—CL 1871, 7370;—How. 8947;—CL 1897, 10540;—CL 1915, 14768;—CL 1929, 17705;—CL 1948, 801.109.

801.110 Designation of jail of other county; effect on prisoner admitted to jail liberties.

Sec. 10. If any prisoner confined on civil process, shall have been admitted to the liberties of the jail of the county for which such designation shall have been made, previous to such designation, they shall, notwithstanding, be entitled to remain within such liberties, but may be removed to the jail so designated, and confined therein, by the sheriff of the county in which they were admitted to the liberties of the jail, in the same cases, and in the same manner as such sheriff might by law confine them in the jail of his own county.

History: R.S. 1846, Ch. 148;—CL 1857, 5584;—CL 1871, 7371;—How. 8948;—CL 1897, 10541;—CL 1915, 14769;—CL 1929, 17706;—CL 1948, 801.110.

801.111 Designation of jail of other county; effect on subsequent prisoner entitled to jail liberties.

Sec. 11. If any persons shall be in the custody of the sheriff of the county for which such designation shall have been made, subsequent to such designation, and shall be entitled, according to law, to the liberties of the jail thereof, they shall be admitted to the liberties of such jail, in the same manner, and in the same cases, as if no such designation had been made, but may be removed by such sheriff to the jail so designated, and

confined therein, in the same cases and in the same manner, as such sheriff might by law confine them in the jail of his own county.

History: R.S. 1846, Ch. 148;—CL 1857, 5585;—CL 1871, 7372;—How. 8949;—CL 1897, 10542;—CL 1915, 14770;—CL 1929, 17707;—CL 1948, 801.111.

801.112 Designation of jail of other county; right of prisoner entitled to jail liberties.

Sec. 12. If any persons confined in the jail so designated on civil process, or removed there, as hereinbefore provided, shall by law be entitled to the liberties of the jail, the sheriff of the county in which the jail so designated shall be, shall admit them to the liberties of such jail, in the same manner and in the same cases, as if they had been originally arrested by such sheriff, on process directed to him.

History: R.S. 1846, Ch. 148;—CL 1857, 5586;—CL 1871, 7373;—How. 8950;—CL 1897, 10543;—CL 1915, 14771;—CL 1929, 17708;—CL 1948, 801.112.

801.113 Designation of jail of other county; revocation of order.

Sec. 13. Whenever a jail shall be erected for the county for whose use such designation shall have been made, or its jail shall have been rendered fit and safe for the confinement of prisoners, the circuit judge of the circuit court for such county, or in the upper peninsula, the district judge of the district court for such county, shall, by an instrument in writing, to be filed with the clerk of the county, declare that the necessity for such designation has ceased, and that the same is hereby revoked and annulled.

History: R.S. 1846, Ch. 148;—Am. 1855, Act 25, Imd. Eff. Feb. 7, 1855;—CL 1857, 5587;—CL 1871, 7374;—How. 8951;—CL 1897, 10544;—CL 1915, 14772;—CL 1929, 17709;—CL 1948, 801.113.

801.114 Designation of jail of other county; proceedings on revocation.

Sec. 14. The clerk of the county shall immediately serve a copy of such revocation upon the sheriff thereof, whose duty it shall be to remove the prisoners belonging to his custody, and so confined without his county, to his proper jail, and if any prisoners shall have been admitted to the liberties of the jail, in such other county, they shall also be removed, and shall be entitled to the liberties of the jail of the county to which they shall be removed, in the same manner as if they had been originally arrested in such county.

History: R.S. 1846, Ch. 148;—CL 1857, 5588;—CL 1871, 7375;—How. 8952;—CL 1897, 10545;—CL 1915, 14773;—CL 1929, 17710;—CL 1948, 801.114.

801.115 Fire; removal of prisoners; prisoner not deemed escaped.

Sec. 15. Whenever by reason of any jail being on fire, or any building contiguous, or near to a jail, being on fire, there shall be reason to apprehend that the prisoners confined in such jail may be injured or endangered by such fire, the sheriff or keeper of such jail may, at his discretion, remove such prisoners to some safe and convenient place, and there confine them, so long as may be necessary to avoid such danger; and such removal and confinement shall not be deemed an escape of such prisoners.

History: R.S. 1846, Ch. 148;—CL 1857, 5589;—CL 1871, 7376;—How. 8953;—CL 1897, 10546;—CL 1915, 14774;—CL 1929, 17711;—CL 1948, 801.115.

801.116, 801.117 Repealed. 1981, Act 7, Eff. June 1, 1981.

Compiler's note: The repealed sections pertained to sale, use, or furnishing of spiritous or fermented liquor in jails, and penalty for violations.

801.119 Conveyance of prisoners through other counties; right of officers.

Sec. 19. Any sheriff or other officer, who shall have arrested any prisoner, may pass over, across and through such parts of any other county or counties as shall be in the ordinary route of travel from the place where such prisoner shall have been arrested, to the place where he is to be conveyed and delivered, according to the command of the process by which such arrest shall have been made.

History: R.S. 1846, Ch. 148;—CL 1857, 5593;—CL 1871, 7380;—How. 8957;—CL 1897, 10550;—CL 1915, 14777;—CL 1929, 17714;—CL 1948, 801.119.

801.120 Conveyance of prisoners through other counties; prisoner not deemed escaped; civil arrest.

Sec. 20. Such conveyance shall not be deemed an escape; nor shall the prisoner so conveyed, or the officers having them in their custody, be liable to arrest on any civil process, while passing through such other county or counties.

History: R.S. 1846, Ch. 148;—CL 1857, 5594;—CL 1871, 7381;—How. 8958;—CL 1897, 10551;—CL 1915, 14778;—CL 1929, 17715;—CL 1948, 801.120.

WORK FARMS, FACTORIES, AND SHOPS

Act 78 of 1917

AN ACT to establish and to provide for the conduct and maintenance of work farms, factories or shops in counties of this state and to authorize the confinement of convicted persons therein and to provide for the punishment of such persons for breaking or attempting to break out; and to permit counties not operating work farms, factories or shops to contract for the care of their prisoners with counties operating such farms, factories or shops.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917.

The People of the State of Michigan enact:

801.201 County workhouse; authorization of county to acquire and own.

Sec. 1. The various counties of this state are hereby authorized to acquire, own and hold real estate and buildings within their respective boundaries to be used as work farms, factories or shops for the confinement, punishment and reformation of persons sentenced thereto, and to conduct and operate the same.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17720;—CL 1948, 801.201.

801.202 Non-partisan commission for management; election, membership, number, term, vacancies, eligibility, oath.

Sec. 2. The management and direction of such work farms, factories or shops and of the convicted persons sentenced thereto, subject to the periodical visitations of the state authorities at their discretion, shall be under the authority of a non-partisan commission to be elected for that purpose by the board of supervisors of such county. Said board of commissioners shall consist of 3 members. The first 3 members shall be elected by the board of supervisors, at any meeting at which a majority of the members-elect shall decide to operate under this act, as follows: One member for 1 year from and after January first, following this election, 1 for 2 years, 1 for 3 years, after said January first; and annually thereafter at the regular January meeting 1 member shall be elected for the full term of 3 years. Vacancies shall be filled by said board of supervisors. The first commissioners shall assume their duties immediately on election. The commissioners shall be residents of the county which they serve, but no member of the board of supervisors shall be eligible during the term for which he was elected supervisor. The commissioners shall make and subscribe the constitutional oath of office and file the same with the county clerk before assuming their duties.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17721;—CL 1948, 801.202.

801.203 Non-partisan commission for management; superintendent; appointment, powers, oath, duties, bond; employees; appropriations.

Sec. 3. Said commissioners are hereby authorized and empowered to establish and adopt rules for the regulation and discipline and the work and labor of the persons confined in and on said work farm, factory or shop; and to appoint a superintendent thereof, whose term of office shall be during good behavior, the salary to be fixed by said commission. The superintendent shall have the usual powers of a deputy sheriff, shall take the constitutional oath of office before assuming his duties, same to be filed with the county clerk; and before entering such duties he shall execute to the people of the state of Michigan a bond in the penal sum of 5,000 dollars, to be approved by said commissioners, and filed with the county clerk, conditioned that he shall faithfully account for all money and property that may come into his hands by virtue of his office and faithfully perform all the duties incumbent upon him as such superintendent, according to law. It shall also be the duty of the commissioners to employ and fix the compensation of such subordinate officers, guards and employes as such commission, with the approval of the board of supervisors, may deem necessary, and prescribe their duties not otherwise prescribed by law, and to make all rules and regulations in relation to the management and government thereof as they may deem expedient. But no appropriation of moneys shall be made by said commission without the sanction of the said board of supervisors by a vote of a majority of all the members-elect.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17722;—CL 1948, 801.203.

801.204 Board of commissioners; expenses; meetings; visit to work farm, factory, or shop; examination of management; hearing and determining complaints or questions; making and recording rules or orders; conflict of interest; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 4. (1) The commissioners shall serve without fee or compensation, except actual expenses. They shall

hold a meeting on the first Monday of May of each year at the county seat, and other meetings as they shall by rule appoint. One or more commissioners shall visit the work farm, factory, or shop not less than once each month. A meeting of the commissioners on the work farm, factory or shop shall be held once every 3 months, when they shall examine the management, hear and determine all complaints or questions within the province of the superintendent; and shall make rules for the government of the work farm, factory, or shop that are proper and necessary. All rules or orders of the commissioners shall be recorded in a book to be kept for that purpose. A member of the county board of commissioners, commissioners, or an officer or employee of the work farm, factory, or shop shall not be, directly or indirectly, interested in a contract, purchase, or sale for or on account of the work farm, factory or shop. A person sentenced to the work farm, factory, or shop shall not be employed in work in which a member of the county board of commissioners, commissioners, or an officer or employee of the work farm, factory, or shop has a direct or indirect interest.

(2) The business which the commissioners may perform shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(3) A writing prepared, owned, used, in the possession of, or retained by the commissioners in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17723;—CL 1948, 801.204;—Am. 1977, Act 193, Imd. Eff. Nov. 17, 1977.

801.205 Books of account; contents; quarterly statement.

Sec. 5. The books of said work farm, factory or shop shall be so kept as to clearly exhibit the state of the inmates, number received and discharged, and the receipts from and the expenditures for and on account of each line of work, and for repairs or improvements and up-keep of the premises. A quarterly statement shall be made out which shall specify minutely all receipts and expenditures; proper vouchers for each expenditure shall accompany each statement, and the statement shall be filed with the county clerk. The accounts of said work farm shall be annually closed and balanced on December thirty-first of each year, giving a full account of the operations of the preceding year.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17724;—CL 1948, 801.205.

801.206 Reports to supervisors; removal of officials or employees.

Sec. 6. The board of supervisors of such county may require such further reports and exhibits of the condition of the management of such institution as to them may seem necessary and proper, and may, for misconduct or wilful neglect of duty, upon sufficient evidence thereof, after notice and hearing, remove any officer or employe, including the members of said commission.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17725;—CL 1948, 801.206.

801.207 Superintendent; duties.

Sec. 7. The superintendent of the said work farm, factory or shop shall have entire control and management of all its concerns, subject to said commission, and the rules and regulations adopted for its government. He shall be responsible for the manner in which said work farm, factory or shop is managed and conducted. He shall reside on the premises, devote his entire time and attention to the business thereof and visit and examine into the condition and management of every part of the work, and of each person thereon confined, daily and as often as good order and necessity may require. He shall exercise a general supervision and direction in regard to the discipline, police and business of said work farm, factory or shop.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17726;—CL 1948, 801.207.

801.208 Counties without workhouse; contract with commission; publication.

Sec. 8. The board of supervisors of any county of the state, not owning or operating a work farm, factory or shop under the provisions of this act, shall have full power and authority to enter into an agreement with any commission organized under this act to receive and keep in or on their work farm, factory or shop, any person or persons who may be sentenced to confinement by any court or magistrate in any of said counties, for any term of not more than 6 months. Whenever such agreement shall have been made it shall be the duty of the board of supervisors for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper published within said county.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17727;—CL 1948, 801.208.

801.209 Sentencing person to work farm, factory, or shop.

Sec. 9. In every county having such agreement, it shall be the duty of every court by whom any person, for any crime or misdemeanor not punishable by imprisonment, in the State prison, may be sentenced for any term of not more than 6 months, to sentence such person to the work farm, factory, or shop there to be received, kept, and employed in a manner prescribed by law and the rules and discipline of the work farm, factory, or shop; and by such warrant and commitment to cause such persons to be forthwith conveyed by some proper officer to work farm, factory, or shop.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17728;—CL 1948, 801.209;—Am. 1991, Act 156, Imd. Eff. Nov. 25, 1991.

801.210 Counties without workhouse; transfer of convicted persons to workhouse; employment; fees.

Sec. 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with said commissioners, to whom any warrant or commitment for that purpose may be directed by any court or magistrate in such county, to convey such person so sentenced to the said work farm, factory or shop and there deliver such person to the superintendent or other proper officer of the said work farm, factory or shop, whose duty it shall be to receive such person so sentenced and to safely keep and employ such person for the term mentioned in the warrant or commitment, according to the rules and regulations of the said work farm, factory or shop; the officer thus conveying and so delivering the person or persons so sentenced shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of supervisors for the county in which such persons shall have been convicted.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17729;—CL 1948, 801.210.

801.211 Maintenance expense; tax levy.

Sec. 11. The expense of maintaining the said work farm, factory or shop, over and above the receipts for labor of persons confined therein and for crops produced thereon, and for the support of those whose support shall not be chargeable to the county, shall be audited and paid from time to time by the board of auditors or the board of supervisors of the county in counties not having boards of auditors, and shall be raised, levied and collected as part of the general expense of said county.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17730;—CL 1948, 801.211.

801.212 Commitment of person to work farm, factory, or shop.

Sec. 12. It shall be lawful for any judge of the district or municipal court to commit persons convicted before them to the work farm, factory, or shop for a term not exceeding 6 months, notwithstanding the fact that the law or ordinance under which sentence is passed provides that the respondent shall be committed to another place of detention. And every person so sentenced shall be received upon the work farm, factory, or shop provided the capacity is not already overtaxed, and shall be kept and employed in the manner prescribed herein, and shall be subject to the rules and discipline of the work farm, factory, or shop.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17731;—CL 1948, 801.212;—Am. 1991, Act 156, Imd. Eff. Nov. 25, 1991.

801.214 Record of infractions; effect of good behavior.

Sec. 14. The superintendent of said work farm, factory or shop shall cause to be kept a record of each and all infractions of the rules and discipline of such work farm, factory or shop with the names of the person or persons offending, and the date and character of such offense; and every person therein detained whose name does not appear upon such record shall be entitled to a deduction of 3 days per month from his sentence for each month he shall continue to obey all the rules of the said work farm, factory or shop.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17733;—CL 1948, 801.214.

801.215 Realty; powers of commission.

Sec. 15. Any real estate which has been or is being used for county work farm, factory or shop purposes shall, immediately upon the election of a commission pursuant to the terms of this act, be turned over to such commission pursuant to this act. And such commission, by and with the approval of a majority of all supervisors-elect of such county, given by vote at some regular meeting or special meeting called for that purpose, may sell such real estate and invest its proceeds in other real estate in said county to be used for like purposes; or in case it is decided to discontinue said farm, factory or shop then the proceeds shall be turned into the general fund of such county.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17734;—CL 1948, 801.215.

801.217 Declaration of necessity.

Sec. 17. This act is hereby declared to be immediately necessary for the preservation of the public peace, health and safety.

History: 1917, Act 78, Imd. Eff. Apr. 17, 1917;—CL 1929, 17736;—CL 1948, 801.217.

DAY PAROLE OF PRISONERS

Act 60 of 1962

AN ACT to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment.

History: 1962, Act 60, Eff. Mar. 28, 1963;—Am. 1982, Act 15, Imd. Eff. Feb. 25, 1982.

The People of the State of Michigan enact:

801.251 Privilege of leaving jail during necessary and reasonable hours; purposes; limitations; "jail" defined.

Sec. 1. (1) Except as otherwise provided in subsection (3) and subject to section 1a, a sentence or commitment of a person to a county jail for any reason may grant to the person the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

- (a) Seeking employment.
- (b) Working at his or her employment.
- (c) Conducting his or her own self-employed business or occupation, including housekeeping and caring for the needs of his or her family.

(d) Attendance at an educational institution.

(e) Medical treatment, substance abuse treatment, mental health counseling, or psychological counseling.

(2) A person may petition the court for a privilege described in subsection (1) at the time of sentence or commitment, and in the discretion of the court may renew his or her petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) A person shall not be granted the privileges described in subsection (1), except for the privilege of leaving the jail during necessary and reasonable hours for the purpose of medical treatment, substance abuse treatment, mental health counseling, or psychological counseling, if the person is housed in the jail while serving all or any part of a sentence of imprisonment for any of the following crimes:

(a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520b, 750.520c, 750.520d, and 750.520g.

(b) Murder in connection with sexual misconduct.

(c) An attempt to commit a crime described in subdivision (a) or (b).

(4) As used in this act, "jail" means a facility that is operated by a county for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations, or persons found guilty of civil or criminal contempt, for not more than 1 year.

History: 1962, Act 60, Eff. Mar. 28, 1963;—Am. 1987, Act 146, Imd. Eff. Oct. 26, 1987;—Am. 2012, Act 613, Eff. Mar. 1, 2013;—Am. 2014, Act 21, Imd. Eff. Feb. 25, 2014.

801.251a Verification of employment or school enrollment; definitions.

Sec. 1a. (1) Before an individual convicted of a felony is released from jail under section 1 to attend work or school, the court, at the time of sentencing, shall order the department of corrections to verify that the individual is currently employed or currently enrolled in school, as applicable. However, the requirement for verification of employment or school enrollment by the department of corrections does not apply if the county sheriff has provided or will provide that verification. If required, the department of corrections shall provide the verification to the court within 7 days after the order is issued. The court shall not order an individual to be released to attend work or school unless the county sheriff or the department has determined that the individual is currently employed or currently enrolled in school, as applicable. The order of release shall provide that release is contingent at all times upon the approval of the county sheriff.

(2) As used in this section:

(a) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(b) "School" means any of the following:

(i) A school of secondary education.

(ii) A community college, college, or university.

(iii) A state-licensed technical or vocational school or program.

(iv) A program that prepares the person for the general education development (GED) test.

History: Add. 2012, Act 613, Eff. Mar. 1, 2013.

801.252 Employed prisoner; collection of wages; garnishment.

Sec. 2. The sheriff, or friend of the court in alimony or nonsupport cases, shall collect the wages or salary of an employed prisoner, or require him to turn over his wages or salary in full when received. The officer shall deposit the same in a trust checking account and keep a ledger showing the status of the account of each prisoner. The wages or salary are not subject to garnishment in the hands of the employer or the officer during the prisoner's term.

History: 1962, Act 60, Eff. Mar. 28, 1963.

801.253 Prisoner liability for board; prisoner transportation.

Sec. 3. A gainfully employed prisoner is liable for the cost of his board in the jail as fixed by the sheriff. If necessarily absent from jail at a meal time, he shall at his request be furnished with an adequate nourishing lunch to carry to work. The sheriff or friend of the court shall charge his account, if he has one, for such board. If the prisoner is gainfully self-employed, he shall pay the sheriff for such board, in default of which his employment privilege is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay the board payments to the county treasurer. The board of supervisors by ordinance may provide that the county furnish or pay for the transportation of employed prisoners to and from their place of employment.

History: 1962, Act 60, Eff. Mar. 28, 1963.

801.254 Employed prisoner; disbursement of wages; priority.

Sec. 4. The sheriff or friend of the court shall disburse the wages or salary of an employed prisoner for only the following purposes in the order stated:

- (a) Board of the prisoner;
- (b) Necessary travel expense to and from work and other incidental expenses of the prisoner;
- (c) Support of the prisoner's dependents, if any;
- (d) Payment, either in full or ratably, of the prisoner's obligations, acknowledged by him in writing, or which have been reduced to judgment;
- (e) The balance, if any, to the prisoner upon his discharge.

History: 1962, Act 60, Eff. Mar. 28, 1963.

801.255 County department of social welfare; clerk of court; duties.

Sec. 5. The board of supervisors by resolution may direct that the functions of the officer under sections 2 or 4, or both, be performed by the county department of social welfare; or, if the board has not so directed, a court of record may order that the prisoner's earnings be collected and disbursed by the clerk of the court. The order shall remain in force until rescinded by the board or the court, whichever made it.

History: 1962, Act 60, Eff. Mar. 28, 1963.

801.256 County department of social welfare; report on prisoner's dependents.

Sec. 6. The county department of social welfare shall at the request of the court investigate and report to the sheriff or friend of the court the amount necessary for support of the prisoner's dependents.

History: 1962, Act 60, Eff. Mar. 28, 1963.

801.257 Reduction of term.

Sec. 7. Except as provided in section 5 of the prisoner reimbursement to the county act and section 5a of chapter 171 of the Revised Statutes of 1846, being section 801.5a of the Michigan Compiled Laws, a prisoner may receive, if approved by the court, a reduction of 1/4 of his or her term if his or her conduct, diligence, and general attitude merit such reduction.

History: 1962, Act 60, Eff. Mar. 28, 1963;—Am. 1982, Act 15, Imd. Eff. Feb. 25, 1982;—Am. 1984, Act 120, Imd. Eff. June 1, 1984

801.258 Violation of conditions; confinement, forfeiture of earned reduction.

Sec. 8. A prisoner who violates any condition specified by the court for his conduct, custody or employment shall be reported by the sheriff to the court, which may then order that the balance of his sentence or commitment be spent in actual confinement and that any earned reduction of his term be forfeited.

History: 1962, Act 60, Eff. Mar. 28, 1963.

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.

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.

REIMBURSEMENT OF CITIES FOR MEDICAL SUPPLIES OR CARE OF PRISONERS
Act 14 of 1982

AN ACT to provide for the reimbursement of expenses incurred by cities in providing medical supplies for or medical treatment or attendance of prisoners in city jails; and to provide civil fines for a violation of this act.

History: 1982, Act 14, Imd. Eff. Feb. 25, 1982.

The People of the State of Michigan enact:

801.301 Reimbursement for medical expenses incurred by city for prisoner; cooperation by prisoner required; violation; penalty.

Sec. 1. (1) A city may seek reimbursement for expenses incurred in providing medical supplies and medical care and treatment for prisoners. If a city seeks reimbursement pursuant to this act, reimbursement shall be sought only in the following order:

(a) From the prisoner or person charged.

(b) From insurance companies, health care corporations, or other sources if the prisoner or person charged is covered by an insurance policy, a certificate issued by a health care corporation, or other source for those expenses.

(2) A prisoner in a city jail shall cooperate with the city in seeking reimbursement under subsection (1) for medical expenses incurred by the city for that prisoner.

(3) A prisoner who violates subsection (2) is subject to a civil fine of not more than \$100.00 and may be required by the court to make restitution to the city in the amount of the medical expenses incurred for that prisoner by the city.

History: 1982, Act 14, Imd. Eff. Feb. 25, 1982.

INMATE REIMBURSEMENT TO MUNICIPALITIES ACT

Act 88 of 2006

AN ACT to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

The People of the State of Michigan enact:

801.311 Short title.

Sec. 1. This act shall be known and may be cited as the "inmate reimbursement to municipalities act".

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.312 Definitions; inmate housing expense.

Sec. 2. (1) As used in this act:

(a) "Municipal jail" means a jail or lockup operated by a city, village, or township.

(b) "Municipality" means any city, village, or township.

(2) This act, consistent with section 4a of 1846 RS 171, MCL 801.4a, does not create any responsibility for a municipality in a district court district of the first or second class to incur the expense of housing an inmate in the county jail for an ordinance violation.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006;—Am. 2012, Act 136, Imd. Eff. May 16, 2012.

801.313 Reimbursement.

Sec. 3. (1) A municipality may seek reimbursement from any person who is or was a convicted inmate in the municipal jail or in a county jail for expenses incurred by the municipality in relation to the incarceration of that person, as follows:

(a) Not more than \$60.00 per day for the expenses of maintaining that inmate or the actual per diem cost of maintaining that inmate, whichever is less, for the entire period of time the inmate was confined in the municipal jail, including any period of pretrial detention.

(b) The per-day cost charged to the municipality by a county for housing the inmate in that county's jail, but not more than \$60.00 per day, for the entire period during which the inmate was housed in that county's jail.

(c) The cost of providing medical treatment, prescription drugs, dental care, and other medical examinations or procedures.

(d) To investigate the financial status of the person.

(e) Any other expenses incurred by the municipality to collect payments under this act.

(2) Reimbursement under this act may be ordered as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(3) Before seeking any reimbursement under this act, the municipality shall develop a form to be used for determining the financial status of inmates. The form shall provide for obtaining the age and marital status of an inmate, number and ages of children of an inmate, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The municipality shall use the form when investigating the financial status of inmates.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.314 List of inmates.

Sec. 4. At, and in accordance with, the request of the legislative body of a municipality, the chief of police of the municipality or, if there is no chief of police, the municipal clerk shall forward to the legislative body of the municipality a list containing the name of each sentenced inmate and each pretrial detainee whose prosecution resulted in conviction from whom reimbursement may be sought under section 3, the term of sentence or the period of pretrial detention, and the date of admission to the municipal jail or a county jail, together with information regarding the financial status of each inmate, as required by the legislative body.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.315 Cooperation of inmate.

Sec. 5. (1) An inmate in a municipal or county jail shall cooperate with the municipality in seeking reimbursement under this act for expenses incurred by the municipality for that inmate.

(2) An inmate who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under section 7 of 1962 PA 60, MCL 801.257. If an inmate is ordered to reimburse the municipality under this act as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, the inmate is subject to probation revocation as provided in section 4 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.316 Reports; investigation to secure reimbursement.

Sec. 6. The legislative body of a municipality may investigate or cause to be investigated all the reports under section 4 furnished by the chief of police or municipal clerk for the purpose of securing reimbursement as provided for under this act.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.317 Civil action; filing; considerations.

Sec. 7. (1) Within 12 months after the release from a municipal or county jail of a sentenced inmate or a pretrial detainee whose prosecution resulted in conviction, an attorney for a municipality may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in the jail, for costs charged to the municipality by a county for housing that person in the county jail, and for any other expense for which the municipality may be reimbursed under section 3, as provided in this section and sections 8 to 10.

(2) A civil action brought under this act shall be instituted in the name of the municipality and shall state the following, as applicable:

(a) In the case of an inmate sentenced to the municipal or county jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the municipality pursuant to section 3.

(b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction, the length of pretrial detention and the amount or amounts due to the municipality pursuant to section 3.

(3) Before entering any order on behalf of the municipality against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as an inmate and for other expenses reimbursable under section 3.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.318 Civil action; jurisdiction; disposal of property; restraining order; appointment of receiver.

Sec. 8. (1) Consistent with section 7, the municipality may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still an inmate in the municipal jail or county jail or is a prisoner in a state correctional facility, venue in a district of the first class is proper in the county where the municipal jail, county jail, or state correctional facility is located and in a district of the second or third class is proper in the judicial district where the municipal jail, county jail, or state correctional facility is located.

(2) If necessary to protect the municipality's right to obtain reimbursement under this act against the disposition of known property, the municipality, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the municipality for the maintenance and support of the defendant as an inmate.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.319 Enforcement; execution against homestead; prohibition.

Sec. 9. The municipality shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.320 Furnishing information and assistance to municipality.

Sec. 10. The sentencing judge and the sheriff of any county in which an inmate's property is located shall furnish to the attorney for the municipality all information and assistance possible to enable the attorney to secure reimbursement for the municipality under this act.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.321 Disposition of reimbursements; determination by municipal treasurer.

Sec. 11. The reimbursements secured under this act shall be credited to the general fund of the municipality to be available for general fund purposes. The municipal treasurer may determine the amount due the municipality under this act and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.