

## 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.