

HOUSE BILL No. 5158

October 9, 1989, Introduced by Reps. Kilpatrick, DeMars, Profit, Murphy, Gubow, Wallace, Bartnik, Gire, Martin, Jaye, Bender, Perry Bullard, Emerson and Saunders and referred to the Committee on House Oversight.

A bill to amend section 1 of Act No. 325 of the Public Acts of 1982, entitled

"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,"

being section 801.51 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 325 of the Public Acts of
2 1982, being section 801.51 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. As used in this act:

5 (a) "Chief circuit judge" means any of the following:

6 (i) The circuit judge in a judicial circuit having only 1
7 circuit judge.

1 (ii) Except in the county of Wayne, the chief judge of the
2 circuit court in a judicial circuit having 2 or more circuit
3 judges.

4 (iii) In the county of Wayne, the executive chief judge of
5 the circuit court in the third judicial circuit and the
6 recorder's court of the city of Detroit.

7 (b) "Chief district judge" means the chief district judge or
8 only district judge in a district court district.

9 ~~(c) "Commission of corrections" means the state commission~~
10 ~~of corrections.~~

11 (C) ~~(d)~~ "County jail" means a facility operated by a
12 county for the physical detention and correction of persons
13 charged with or convicted of criminal offenses and ordinance vio-
14 lations, persons found guilty of civil or criminal contempt, and
15 juveniles detained by court order. ~~, or a facility which houses~~
16 ~~prisoners pursuant to an agreement authorized under Act No. 164~~
17 ~~of the Public Acts of 1861, as amended, being sections 802.1 to~~
18 ~~802.21 of the Michigan Compiled Laws.~~

19 (D) ~~(e)~~ "Department of corrections" means the state
20 department of corrections.

21 (E) ~~(f)~~ "Prisoner" means a person who is currently being
22 physically detained in a county jail.

23 (F) ~~(g)~~ "Rated design capacity" means the actual available
24 bed space of the general population of a county jail as deter-
25 mined by the department of corrections, subject to applicable
26 rules including variances to those rules. ~~granted by the~~
27 ~~commission of corrections.~~

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5150 (request
3 no. 03623'89) of the 85th Legislature is enacted into law.