

# SENATE BILL No. 49

January 11, 1989, Introduced by Senators DINGELL and WELBORN and referred to the Committee on Criminal Justice, Urban Affairs, and Economic Development.

A bill to amend section 62 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 251 of the Public Acts of 1987, being section 791.262 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Section 62 of Act No. 232 of the Public Acts of  
2 1953, as amended by Act No. 251 of the Public Acts of 1987, being  
3 section 791.262 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 62. (1) As used in this section:

6       (a) "Holding cell" means a cell or room in a facility of a  
7 local unit of government that is used for the detention of 1 or  
8 more persons awaiting processing, booking, court appearances,  
9 transportation to a jail or lockup, or discharge for not to  
10 exceed 12 hours.

11       (b) "Holding center" means a facility that is operated by a  
12 local unit of government for the detention of persons awaiting  
13 processing, booking, court appearances, transportation to a jail  
14 or lockup, or discharge; for not to exceed 24 hours.

15       (c) "Jail" means a facility that is operated by a local unit  
16 of government for the detention, FOR NOT MORE THAN 1 YEAR, of  
17 persons charged with, or convicted of, criminal offenses or ordi-  
18 nance violations ~~— AND persons found guilty of civil or crimi-~~  
19 ~~nal contempt. —, or a facility which houses prisoners pursuant~~  
20 ~~to an agreement authorized under Act No. 164 of the Public Acts~~  
21 ~~of 1961, being sections 802.1 to 802.21 of the Michigan Compiled~~  
22 ~~Laws, for not more than 1 year.~~

23       (d) "Local unit of government" means any county, city, vil-  
24 lage, township, charter township, community college, college, or  
25 university.

26       (e) "Lockup" means a facility that is operated by a local  
27 unit of government for the detention of persons awaiting

1 processing, booking, court appearances, or transportation to a  
2 jail, for not to exceed 72 hours.

3 (f) "State correctional facility" means a facility or insti-  
4 tution maintained and operated by the department.

5 (2) State correctional facilities shall be administered by  
6 the bureau of prisons.

7 ~~(3) The department shall supervise and inspect jails and~~  
8 ~~lockups that are under the jurisdiction of the county sheriff to~~  
9 ~~obtain facts concerning the proper management of the jails and~~  
10 ~~lockups and their usefulness. The department shall promulgate~~  
11 ~~rules and standards promoting the proper, efficient, and humane~~  
12 ~~administration of jails and lockups that are under the jurisdic-~~  
13 ~~tion of the county sheriff pursuant to the administrative proce-~~  
14 ~~dures act of 1969, Act No. 306 of the Public Acts of 1969, being~~  
15 ~~sections 24.201 to 24.315 of the Michigan Compiled Laws.~~

16 ~~(4) The department may grant a variance to the rules and~~  
17 ~~standards promulgated under subsection (3).~~

18 (3) ~~(5) Except as provided in subsection (3), the~~ THE  
19 department shall not supervise ~~and~~ OR inspect, or promulgate  
20 rules and standards for the administration of, JAILS, holding  
21 cells, holding centers, or lockups. However, the department  
22 shall provide advice and services concerning the efficient and  
23 humane administration of JAILS, holding cells, holding centers,  
24 and lockups at the request of a local unit of government.

25 ~~(6) The commission may enforce any reasonable order with~~  
26 ~~respect to jails and lockups subject to supervision and~~  
27 ~~inspection pursuant to subsection (3) through mandamus or~~

1 ~~injunction in the circuit court of the county where the jail is~~  
2 ~~located through proceedings instituted by the attorney general on~~  
3 ~~behalf of the commission.~~

4 ~~(7) The county board of commissioners may determine whether~~  
5 ~~the sheriff's residence is to be part of the county jail.~~

6 ~~(8) The sheriff or the administrator of a jail or lockup,~~  
7 ~~subject to supervision and inspection under subsection (3), shall~~  
8 ~~admit to the jail or lockup any member of the commission or an~~  
9 ~~authorized designee of the commission, for the purpose of visita-~~  
10 ~~tion and inspection.~~

11 ~~(9) The sheriff or the administrator of a jail or lockup~~  
12 ~~subject to supervision and inspection under subsection (3) shall~~  
13 ~~keep records of a type and in a manner reasonably prescribed by~~  
14 ~~the commission. The commission shall provide the forms required~~  
15 ~~for keeping the records.~~

16 ~~(10) Any person who violates subsections (8) or (9) shall be~~  
17 ~~guilty of a misdemeanor.~~

18 Section 2. This amendatory act shall not take effect unless  
19 Senate Bill No. 50  
20 of the 85th Legislature is enacted into law.