

SENATE BILL No. 202

March 7, 1989, Introduced by Senators GEAKE, CARL, N. SMITH, SHINKLE, CROPSEY, POSTHUMUS and SCHWARZ and referred to the Committee on 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~~
7 OPERATED BY a local unit of government, OR OPERATED BY A PRIVATE
8 ENTITY UNDER THE ALTERNATIVE JAILS ACT, that is used for the
9 detention of 1 or more persons awaiting processing, booking,
10 court appearances, transportation to a jail or lockup, or dis-
11 charge for not ~~to exceed~~ MORE THAN 12 hours.

12 (b) "Holding center" means a facility that is operated by a
13 local unit of government, OR IS OPERATED BY A PRIVATE ENTITY
14 UNDER THE ALTERNATIVE JAILS ACT, AND IS USED for the detention of
15 persons awaiting processing, booking, court appearances, trans-
16 portation to a jail or lockup, or discharge; for not ~~to exceed~~
17 MORE THAN 24 hours.

18 (c) "Jail" means a facility that is operated by a local unit
19 of government, OR IS OPERATED BY A PRIVATE ENTITY UNDER THE
20 ALTERNATIVE JAILS ACT, for the detention FOR NOT MORE THAN 1 YEAR
21 of persons charged with, or convicted of, criminal offenses or
22 ordinance violations ~~—~~ OR persons found guilty of civil or
23 criminal contempt. ~~—; or a facility which houses prisoners pur-~~
24 ~~suant to an agreement authorized under Act No. 164 of the Public~~
25 ~~Acts of 1861, being sections 802.1 to 802.21 of the Michigan~~
26 ~~Compiled Laws, for not more than 1 year.~~

1 (d) "Local unit of government" means any county, city,
2 village, township, charter township, community college, college,
3 or university.

4 (e) "Lockup" means a facility that is operated by a local
5 unit of government for the detention of persons awaiting process-
6 ing, booking, court appearances, or transportation to a jail, for
7 not ~~to exceed~~ MORE THAN 72 hours.

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

10 (2) State correctional facilities shall be administered by
11 the bureau of prisons.

12 (3) The department shall supervise and inspect jails, and
13 THOSE lockups that are under the jurisdiction of the county sher-
14 iff, to obtain facts concerning the proper management of the
15 jails and lockups and their usefulness. The department shall
16 promulgate rules and standards promoting the proper, efficient,
17 and humane administration of jails and lockups that are under the
18 jurisdiction of the county sheriff pursuant to the administrative
19 procedures act of 1969, Act No. 306 of the Public Acts of 1969,
20 being sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled
21 Laws.

22 (4) The department may grant a variance to the rules and
23 standards promulgated under subsection (3).

24 (5) Except as provided in subsection (3), the department
25 shall not supervise and inspect, or promulgate rules and stan-
26 dards for the administration of, holding cells, holding centers,
27 or lockups. However, the department shall provide advice and

1 services concerning the efficient and humane administration of
2 holding cells, holding centers, and lockups at the request of a
3 local unit of government.

4 (6) The commission may enforce any reasonable order with
5 respect to jails and lockups subject to supervision and inspec-
6 tion pursuant to subsection (3) through mandamus or injunction in
7 the circuit court of the county where the jail is located through
8 proceedings instituted by the attorney general on behalf of the
9 commission.

10 (7) The county board of commissioners may determine whether
11 the sheriff's residence is to be part of ~~the~~ A county jail
12 OPERATED BY THE COUNTY.

13 (8) The sheriff or the administrator of a jail or lockup,
14 subject to supervision and inspection under subsection (3), shall
15 admit to the jail or lockup any member of the commission or an
16 authorized designee of the commission, for the purpose of visita-
17 tion and inspection.

18 (9) The sheriff or the administrator of a jail or lockup
19 subject to supervision and inspection under subsection (3) shall
20 keep records of a type and in a manner reasonably prescribed by
21 the commission. The commission shall provide the forms required
22 for keeping the records.

23 (10) Any person who violates subsections (8) or (9) shall be
24 guilty of a misdemeanor.

25 Section 2. This amendatory act shall not take effect unless
26 Senate Bill No. 216

27 of the 85th Legislature is enacted into law.