

SENATE BILL No. 213

March 7, 1989, Introduced by Senators GEAKE, CARL, SHINKLE, CROPSEY, POSTHUMUS, SCHWARZ and FAUST and referred to the Committee on Economic Development.

A bill to amend sections 1, 5, 10, 11, and 12 of chapter 148 of the Revised Statutes of 1846, entitled "General provisions relating to jails, and the confinement of prisoners therein," section 5 as amended by Act No. 156 of the Public Acts of 1986, being sections 801.101, 801.105, 801.110, 801.111, and 801.112 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 5, 10, 11, and 12 of chapter 148 of
2 the Revised Statutes of 1846, section 5 as amended by Act No. 156
3 of the Public Acts of 1986, being sections 801.101, 801.105,
4 801.110, 801.111, and 801.112 of the Michigan Compiled Laws, are
5 amended to read as follows:

6 Sec. 1. (1) The ~~sheriffs~~ SHERIFF of ~~the several counties~~
7 ~~of this state~~ A COUNTY OR THE KEEPER OF A JAIL shall receive

1 into their respective jails and keep ~~all prisoners~~ ANY PRISONER
2 who ~~are~~ IS committed to the ~~same,~~ JAIL by virtue of any civil
3 process ~~,~~ issued by any court of record ~~instituted under the~~
4 ~~authority~~ of the United States, until ~~they are~~ THE PRISONER IS
5 discharged by the due course of the laws of the United States, in
6 the same manner as if ~~such~~ THE prisoner had been committed by
7 virtue of process in civil actions issued under the authority of
8 this state. ~~,~~ ~~and every such~~ A sheriff OR KEEPER may receive
9 ~~to his own use such~~ ANY sums of money ~~as shall be payable by~~
10 THAT the United States PAYS for the use of the jails.

11 (2) AS USED IN THIS ACT, "KEEPER" OR "KEEPER OF A JAIL"
12 MEANS THE PERSON DESIGNATED BY CONTRACT AS BEING RESPONSIBLE FOR
13 THE OPERATIONS OF A JAIL THAT IS OPERATED BY A PRIVATE ENTITY
14 UNDER A CONTRACT WITH THE COUNTY PURSUANT TO THE ALTERNATIVE
15 JAILS ACT.

16 Sec. 5. A sheriff or other officer, OR A KEEPER OF A JAIL,
17 who violates the provisions of either section 3 or section 4
18 shall be liable to the party injured for damages and, in addi-
19 tion, is guilty of a misdemeanor.

20 Sec. 10. If any prisoner confined on civil process ~~,~~
21 ~~shall have been~~ IS admitted to the liberties of the jail of the
22 county for which ~~such~~ designation ~~shall have~~ HAS been made ~~,~~
23 ~~previous to such~~ UNDER SECTION 7, BEFORE THAT designation ~~,~~
24 ~~they~~ WAS MADE, THE PRISONER shall, notwithstanding, be entitled
25 to remain within ~~such~~ THOSE liberties, but may be removed to
26 the jail ~~so~~ OF THE OTHER COUNTY AS designated UNDER SECTION 7,
27 and MAY BE confined ~~therein~~ IN THE OTHER COUNTY'S JAIL, by the

1 sheriff OR KEEPER of the FIRST county ~~in which they were~~
2 ~~admitted to the liberties of the jail,~~ in the same cases, and in
3 the same manner, as ~~such~~ THE sheriff OR KEEPER OF THE FIRST
4 COUNTY might by law confine them in the jail of his OR HER own
5 county.

6 Sec. 11. ~~If any~~ ANY persons ~~shall be~~ in the custody of
7 the sheriff OR KEEPER of the county for which ~~such~~ A designa-
8 tion ~~shall have~~ UNDER SECTION 7 HAS been made, WHO IS PLACED IN
9 THAT CUSTODY subsequent to ~~such~~ THE designation, and ~~shall be~~
10 WHO IS entitled, according to law, to the liberties of the jail,
11 ~~thereof, they~~ shall be admitted to the liberties of such jail,
12 in the same manner, and in the same cases, as if no such designa-
13 tion had been made, but may be removed by ~~such~~ THE sheriff OR
14 KEEPER to the jail so designated, and confined therein, in the
15 same cases and in the same manner, as such sheriff OR KEEPER
16 might by law confine ~~them~~ THE PERSON in the jail of his OR HER
17 own county.

18 Sec. 12. If any persons confined in the jail ~~so~~ desig-
19 nated UNDER SECTION 7 on civil process, or removed there, as
20 ~~hereinbefore~~ provided ~~, shall~~ IN THIS ACT, ARE by law ~~be~~
21 entitled to the liberties of the jail, the sheriff OR KEEPER OF
22 THE JAIL of the county in which the jail so designated ~~shall~~
23 ~~be,~~ UNDER SECTION 7 shall admit them to the liberties of such
24 jail, in the same manner and in the same cases, as if they had
25 been originally ~~arrested by such~~ COMMITTED TO THE CUSTODY OF
26 THE sheriff OR KEEPER OF THE DESIGNATED COUNTY, on process
27 directed to him OR HER.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. 216
3 of the 85th Legislature is enacted into law.