

SENATE BILL No. 214

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

A bill to amend sections 1, 2, 3, 4, and 8 of Act No. 60 of the Public Acts of 1962, entitled as amended

"An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment,"

section 1 as amended by Act No. 146 of the Public Acts of 1987, being sections 801.251, 801.252, 801.253, 801.254, and 801.258 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 2, 3, 4, and 8 of Act No. 60 of the
2 Public Acts of 1962, section 1 as amended by Act No. 146 of the
3 Public Acts of 1987, being sections 801.251, 801.252, 801.253,
4 801.254, and 801.258 of the Michigan Compiled Laws, are amended
5 to read as follows:

1 Sec. 1. (1) Except as otherwise provided in subsection
2 ~~—(2)—~~ (3), a sentence or commitment of a person to a county jail
3 for any reason may grant to the person the privilege of leaving
4 the jail during necessary and reasonable hours for any of the
5 following purposes:

6 (a) Seeking employment.

7 (b) Working at his or her employment.

8 (c) Conducting his or her own self-employed business or
9 occupation, including housekeeping and caring for the needs of
10 his or her family.

11 (d) Attendance at an educational institution.

12 (e) Medical treatment, substance abuse treatment, mental
13 health counseling, or psychological counseling.

14 (2) A person may petition the court for ~~such~~ A privilege
15 DESCRIBED IN SUBSECTION (1) at the time of sentence or commit-
16 ment, and in the discretion of the court may renew his or her
17 petition. The court may withdraw the privilege at any time by
18 order entered with or without notice.

19 (3) ~~—(2)—~~ A person shall not be granted the privileges
20 described in subsection (1), except for the privilege of leaving
21 the jail during necessary and reasonable hours for the purpose of
22 medical treatment, substance abuse treatment, mental health coun-
23 seling, or psychological counseling, if the person is housed in
24 the jail while serving all or any part of a sentence of imprison-
25 ment for any of the following crimes:

26 (a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan
27 penal code, Act No. 328 of the Public Acts of 1931, being

1 sections 750.145c, 750.520b, 750.520c, 750.520d, and 750.520g of
2 the Michigan Compiled Laws.

3 (b) Murder in connection with sexual misconduct.

4 (c) An attempt to commit a crime described in subdivision
5 (a) or (b).

6 (4) ~~-(3)-~~ As used in this act: ~~-, "jail"~~

7 (A) "JAIL" means a facility that is operated by a county, OR
8 IS OPERATED BY A PRIVATE ENTITY UNDER CONTRACT WITH A COUNTY PUR-
9 SUANT TO THE ALTERNATIVE JAILS ACT, for the detention of persons
10 charged with, or convicted of, criminal offenses or ordinance
11 violations, or persons found guilty of civil or criminal con-
12 tempt, for not more than 1 year.

13 (B) "KEEPER" OR "KEEPER OF A JAIL" MEANS 1 OF THE
14 FOLLOWING:

15 (i) THE SHERIFF, IN THE CASE OF A JAIL THAT IS UNDER THE
16 JURISDICTION OF THE SHERIFF.

17 (ii) THE PERSON DESIGNATED BY CONTRACT AS BEING RESPONSIBLE
18 FOR THE OPERATION OF THE JAIL, IN THE CASE OF A JAIL OPERATED BY
19 A PRIVATE ENTITY UNDER A CONTRACT WITH THE COUNTY PURSUANT TO THE
20 ALTERNATIVE JAILS ACT.

21 Sec. 2. The ~~sheriff~~ KEEPER OF A JAIL, or friend of the
22 court in alimony or nonsupport cases, shall collect the wages or
23 salary of an employed prisoner, or require ~~him~~ THE PRISONER to
24 turn over his OR HER wages or salary in full when received. The
25 officer shall deposit the ~~same~~ WAGES OR SALARY in a trust
26 checking account and keep a ledger showing the status of the
27 account of each prisoner. The wages or salary are not subject to

1 garnishment in the hands of the employer or the officer during
2 the prisoner's term.

3 Sec. 3. A gainfully employed prisoner is liable for the
4 cost of his OR HER board in the jail as fixed by the ~~sheriff~~
5 KEEPER OF THE JAIL. If necessarily absent from jail at a ~~meal~~
6 ~~time, he~~ MEALTIME, THE PRISONER shall, at his OR HER request, be
7 furnished with an adequate nourishing lunch to carry to work.
8 The ~~sheriff~~ KEEPER OF THE JAIL or friend of the court shall
9 charge ~~his~~ THE PRISONER'S account, if he OR SHE has one, for
10 ~~such~~ HIS OR HER board. If the prisoner is gainfully
11 self-employed, he OR SHE shall pay the ~~sheriff~~ KEEPER for
12 ~~such~~ HIS OR HER board, in default of which ~~his~~ THE PRISONER'S
13 employment privilege is automatically forfeited. If the jail
14 food is furnished directly by the county, the ~~sheriff~~ KEEPER
15 shall account for and pay the board payments to the county
16 treasurer. The COUNTY board of ~~supervisors~~ COMMISSIONERS by
17 ordinance may provide that the county furnish or pay for the
18 transportation of employed prisoners to and from their place of
19 employment.

20 Sec. 4. The ~~sheriff~~ KEEPER OF A JAIL or friend of the
21 court shall disburse the wages or salary of an employed prisoner
22 for only the following purposes in the order stated:

23 (a) Board of the prisoner. ~~—~~

24 (b) Necessary travel expense to and from work and other
25 incidental expenses of the prisoner. ~~—~~

26 (c) Support of the prisoner's dependents, if any. ~~—~~

1 (d) Payment, either in full or ratably, of the prisoner's
2 obligations, acknowledged by ~~him~~ THE PRISONER in writing, or
3 which have been reduced to judgment. ~~+~~

4 (e) The balance, if any, to the prisoner upon his OR HER
5 discharge.

6 Sec. 8. A prisoner who violates any condition specified by
7 the court for his OR HER conduct, custody, or employment shall be
8 reported by the ~~sheriff~~ KEEPER OF A JAIL to the court, which
9 may then order that the balance of his OR HER sentence or commit-
10 ment be spent in actual confinement and that any earned reduction
11 of his OR HER term be forfeited.

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