

SENATE BILL No. 216

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

A bill to provide for the establishment of privately operated jails; to allow local governmental entities to commit inmates to a privately operated jail; and to provide for the powers and duties of certain local officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "alternative jails act".

3 Sec. 2. A privately operated jail may be established in any
4 city, village, or township in this state.

5 Sec. 3. (1) Any person who could lawfully be incarcerated
6 in a jail operated by a city or county for conviction of a misde-
7 meanor violation or an ordinance violation having a maximum pen-
8 alty of 1 year or less, or for civil contempt, may be committed
9 instead, by order of the sentencing court, to a privately
10 operated jail for the term of his or her sentence.

1 (2) A commitment of a person to a privately operated jail
2 shall be made pursuant to a contract between the privately oper-
3 ated jail and a city, village, township, or county from which the
4 prisoner is committed.

5 (3) A county shall not commit persons to a privately oper-
6 ated jail unless the county continues to maintain in its county
7 jail at least as many bed spaces available for prisoners as were
8 available for prisoners on the effective date of this act.

9 (4) A privately operated jail shall not house any inmate
10 committed from a jurisdiction outside this state.

11 Sec. 4. (1) A privately operated jail shall comply with
12 rules and minimum standards established by the department of cor-
13 rections under section 62(3) of Act No. 232 of the Public Acts of
14 1953, being section 791.262 of the Michigan Compiled Laws.

15 (2) A contract between a privately operated jail and a city,
16 village, township, or county shall comply with all of the
17 following:

18 (a) The contract shall require that a performance bond be
19 provided by the operator.

20 (b) The contract shall provide that the operator assumes all
21 liability for damages or injury caused by or arising out of any
22 aspect of the operation of the jail.

23 (c) The contract shall require that the operator provide
24 liability insurance covering the operator, its officers, jailers,
25 employees, and agents in an amount sufficient to cover all
26 liability for damages or injury caused by or arising out of the
27 operation of the jail.