

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4103

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 197d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 197D. (1) A PERSON WHO DOES ANY OF THE FOLLOWING IS  
2        GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
3        THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH:

4        (A) SELLS, GIVES, OR FURNISHES, EITHER DIRECTLY OR INDIRECTLY,  
5        POISON, A CONTROLLED SUBSTANCE, OR A WEAPON TO A MEDICALLY FRAIL  
6        PAROLEE KNOWING THAT PERSON IS A MEDICALLY FRAIL PAROLEE. THIS  
7        SUBDIVISION DOES NOT APPLY TO A PERSON WHO PROVIDES A CONTROLLED  
8        SUBSTANCE TO A MEDICALLY FRAIL PAROLEE IF THAT CONTROLLED SUBSTANCE  
9        HAS BEEN PRESCRIBED BY A PHYSICIAN FOR USE BY A MEDICALLY FRAIL  
10       PAROLEE.

1 (B) WITH THE INTENT TO ASSIST A MEDICALLY FRAIL PAROLEE IN  
2 VIOLATING HIS OR HER PAROLE, ASSIST A MEDICALLY FRAIL PAROLEE IN  
3 ABSCONDING OR ATTEMPTING TO ABSCOND FROM SUPERVISION BY LEAVING A  
4 MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL PAROLEE HAS AGREED TO  
5 RESIDE AS A CONDITION OF HIS OR HER MEDICALLY FRAIL PAROLE WITHOUT  
6 THE PERMISSION OF THE PAROLEE'S SUPERVISING AGENT.

7 (C) KNOWINGLY CAUSE A MEDICALLY FRAIL PAROLEE TO HAVE CONTACT  
8 WITH A PERSON WITH WHOM THE MEDICALLY FRAIL PAROLEE IS PROHIBITED  
9 FROM HAVING CONTACT AS A CONDITION OF HIS OR HER MEDICALLY FRAIL  
10 PAROLE OR A VALID PERSONAL PROTECTION ORDER.

11 (2) THIS SECTION DOES NOT APPLY TO A PERSON WHO AIDS OR  
12 ASSISTS A MEDICALLY FRAIL PAROLEE IN LEAVING OR ATTEMPTING TO LEAVE  
13 A MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL PAROLEE HAS BEEN  
14 PLACED AS A CONDITION OF HIS OR HER MEDICALLY FRAIL PAROLE BECAUSE  
15 OF ANY OF THE FOLLOWING:

16 (A) THE MEDICALLY FRAIL PAROLEE REQUIRES A MEDICAL SERVICE  
17 THAT MUST BE PERFORMED AT A DIFFERENT MEDICAL FACILITY.

18 (B) THE MEDICALLY FRAIL PAROLEE HAS A MEDICAL EMERGENCY THAT  
19 REQUIRES MEDICAL SERVICE AT A DIFFERENT MEDICAL FACILITY.

20 (C) THERE IS A NATURAL DISASTER, FIRE, OR INFRASTRUCTURAL  
21 FAILURE AT THE MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL  
22 PAROLEE HAS BEEN PLACED THAT NECESSITATES EVACUATING THE MEDICALLY  
23 FRAIL PAROLEE.

24 (3) AS USED IN THIS SECTION:

25 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN  
26 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

27 (B) "MEDICAL FACILITY" MEANS A HOSPITAL, HOSPICE, NURSING

1 HOME, OR OTHER HOUSING ACCOMMODATION SUITABLE TO THE CONDITION OR  
2 CONDITIONS RENDERING THE PAROLEE MEDICALLY FRAIL.

3 (C) "MEDICALLY FRAIL PAROLE" MEANS A PAROLE GRANTED UNDER  
4 SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL  
5 791.235.

6 (D) "MEDICALLY FRAIL PAROLEE" MEANS AN INDIVIDUAL GRANTED  
7 PAROLE UNDER SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953  
8 PA 232, MCL 791.235.

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect  
12 unless House Bill No. 4101 of the 99th Legislature is enacted into  
13 law.