



**House
Legislative
Analysis
Section**

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VENUE OF TRIAL OF ESCAPEE

House Bill 5231 with committee amendments
First Analysis (3-23-88)

RECEIVED

APR 14 1988

Sponsor: Rep. Philip E. Hoffman
Committee: Judiciary

Mich. State Law Library

THE APPARENT PROBLEM:

The Michigan Penal Code says that a prison escapee must be tried in the county in which the administrative office of the prison is located. This requirement places a significant burden on Jackson County, and not only because of the number of prison facilities it contains. According to testimony in committee, the camp at Waterloo maintains the records and is the administrative locus for minimum security camps throughout the state. Thus, escape charges against walkaways from camps elsewhere in the state must be brought in Jackson County. Many believe that it would be fairer and more consistent with the original intent of the act for the act to specify prosecution in the county in which the escape occurred.

THE CONTENT OF THE BILL:

The bill would amend the penal code with regard to the venue of the trial of a prison escapee. At present, an escapee is to be tried in the county in which the administrative office of the prison or penal facility is located. The bill would delete the words "the administrative office of", so that the trial would take place where the facility itself was located.

MCL 750.193

FISCAL IMPLICATIONS:

Fiscal information is not available at present. (3-22-88)

ARGUMENTS:

For:

The bill would create a more equitable situation with regard to where prison escapes are tried, and therefore with regard to which counties bear the costs of those prosecutions. At present, Jackson County has a disproportionate share of such cases because it contains the administrative offices of facilities not within its borders, and the law says that the cases must be tried where the administrative offices are. By specifying prosecution in the county of a facility's location, rather than the administrative office's location, the bill would ease the burden for Jackson County and any other counties which might be in a similar situation.

POSITIONS:

The Prosecuting Attorneys Association of Michigan has no objection to the bill. (3-22-88)

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