

HOUSE BILL No. 5427

January 17, 2018, Introduced by Reps. Green, Moss, Hoadley, Elder, Hertel, Yanez, Cambensy, Yaroch, Lucido, LaGrand, Kelly, Frederick, Barrett, Sowerby, Lasinski and Gay-Dagnogo and referred to the Committee on Communications and Technology.

A bill to amend 1909 PA 17, entitled

"An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,"

by amending sections 1, 1a, and 3 (MCL 800.281, 800.281a, and 800.283), sections 1 and 3 as amended by 1982 PA 343 and section 1a as amended by 1998 PA 514.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as provided in section 2, a person shall

1 not sell, give, or furnish, either directly or indirectly, any
2 alcoholic liquor, prescription drug, poison, or controlled
3 substance to a prisoner who is in or on a correctional facility or
4 dispose of that liquor, drug, poison, or controlled substance in
5 any manner that allows a prisoner or employee of the correctional
6 facility who is in or on a correctional facility access to it.

7 (2) Except as provided in section 2, a person who knows or has
8 reason to know that another person is a prisoner shall not sell,
9 give, or furnish, either directly or indirectly, any alcoholic
10 liquor, prescription drug, poison, or controlled substance to that
11 prisoner anywhere outside of a correctional facility.

12 (3) Except as provided in section 2, a person shall not
13 **DELIVER BY UNMANNED AIRCRAFT OR** bring any alcoholic liquor,
14 prescription drug, poison, or controlled substance into or onto a
15 correctional facility.

16 (4) Except as provided in section 2, a prisoner shall not
17 possess any alcoholic liquor, prescription drug, poison, or
18 controlled substance.

19 Sec. 1a. As used in this act:

20 (a) "Alcoholic liquor" means any spirituous, vinous, malt, or
21 fermented liquor, liquid, or compound whether or not medicated,
22 containing 1/2 of 1% or more of alcohol by volume and ~~which~~**THAT** is
23 or readily can be made suitable for beverage purposes.

24 (b) "Chief administrator" means the warden, superintendent, or
25 other employee approved or designated by the department of
26 corrections as the chief administrative officer of a correctional
27 facility.

1 (c) "Controlled substance" means a drug, substance, or
2 immediate precursor in schedules 1 to 5 of part 72 of **THE PUBLIC**
3 **HEALTH CODE**, 1978 PA 368, MCL 333.7201 to 333.7231.

4 (d) "Department" means the department of corrections.

5 (e) "Correctional facility" means any of the following:

6 (i) A state prison, reformatory, work camp, or community
7 corrections center.

8 (ii) A youth correctional facility operated by the department
9 or a private vendor under section 20g of **THE CORRECTIONS CODE OF**
10 **1953**, 1953 PA 232, MCL ~~791.232~~**.791.220G**.

11 (iii) A privately operated community corrections center or
12 resident home which houses prisoners committed to the jurisdiction
13 of the department.

14 (iv) The land on which a facility described in subparagraph
15 (i), (ii), or (iii) is located.

16 (f) "Prescription drug" means prescription drug as defined in
17 section 17708 of **THE PUBLIC HEALTH CODE**, 1978 PA 368, MCL
18 333.17708.

19 (g) "Prisoner" means a person committed to the jurisdiction of
20 the department who has not been released on parole or discharged.

21 **(H) "UNMANNED AIRCRAFT" MEANS THAT TERM AS DEFINED UNDER**
22 **SECTION 3 OF THE UNMANNED AIRCRAFT SYSTEMS ACT, 2016 PA 436, MCL**
23 **259.303.**

24 Sec. 3. (1) Unless authorized by the chief administrator of
25 the correctional facility, **A PERSON SHALL NOT SELL, GIVE, OR**
26 **FURNISH, EITHER DIRECTLY OR INDIRECTLY**, a weapon or other implement
27 ~~which~~**THAT** may be used to injure a prisoner or other person, or in

1 assisting a prisoner to escape from imprisonment, ~~shall not be~~
2 ~~sold, given, or furnished, either directly or indirectly,~~ to a
3 prisoner who is in or on the correctional facility, or ~~be disposed~~
4 **DISPOSE** of **THAT WEAPON OR OTHER IMPLEMENT** in a manner or in a place
5 that it may be secured by a prisoner who is in or on the
6 correctional facility.

7 (2) Unless authorized by the chief administrator of the
8 correctional facility, a person, who knows or has reason to know
9 that another person is a prisoner, shall not sell, give, or
10 furnish, either directly or indirectly, to that prisoner anywhere
11 outside of a correctional facility a weapon or other implement
12 ~~which~~**THAT** may be used to injure a prisoner or other person or in
13 assisting a prisoner to escape from imprisonment.

14 (3) Unless authorized by the chief administrator of the
15 correctional facility, a **PERSON SHALL NOT DELIVER BY UNMANNED**
16 **AIRCRAFT OR BRING A** weapon or other implement ~~which~~**THAT** may be
17 used to injure a prisoner or other person, or in assisting a
18 prisoner to escape from imprisonment, ~~shall not be brought into or~~
19 onto any correctional facility.

20 (4) Unless authorized by the chief administrator of the
21 correctional facility, a prisoner shall not have in his or her
22 possession or under his or her control a weapon or other implement
23 ~~which~~**THAT** may be used to injure a prisoner or other person, or to
24 assist a prisoner to escape from imprisonment.

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