# CHAPTER 800. PRISONS

## PRISON CODE
## Act 118 of 1893

AN ACT to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith.

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—Am. 1978, Act 80, Eff. Sept. 1, 1978.

**Popular name:** Prison Code

*The People of the State of Michigan enact:*

### 800.1-800.32 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

**Compiler's note:** The repealed sections pertained to the maintenance, government, and discipline of state penal institutions.

**Popular name:** Prison Code

### 800.33 Record of major misconduct charges as part of parole eligibility report; reduction from sentence; good time, disciplinary credits, or special disciplinary credits; forfeiture; disciplinary credit committee; rules; good time committee; powers of warden and parole board; prisoner subject to disciplinary time; reduction of credits by court order.

Sec. 33. (1) A record of all major misconduct charges for which a prisoner has been found guilty shall be maintained and given to the parole board as part of the parole eligibility report prepared for each prisoner pursuant to section 35 of 1953 PA 232, MCL 791.235.

(2) Except as otherwise provided in this section, a prisoner who is serving a sentence for a crime committed before April 1, 1987, and who has not been found guilty of a major misconduct or had a violation of the laws of this state recorded against him or her shall receive a reduction from his or her sentence as follows:

(a) During the first and second years of his or her sentence, 5 days for each month.

(b) During the third and fourth years, 6 days for each month.

(c) During the fifth and sixth years, 7 days for each month.

(d) During the seventh, eighth, and ninth years, 9 days for each month.

(e) During the tenth, eleventh, twelfth, thirteenth, and fourteenth years, 10 days for each month.

(f) During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years, 12 days for each month.

(g) From and including the twentieth year, up to and including the period fixed for the expiration of the sentence, 15 days for each month.

(3) Except as provided in section 34, all prisoners serving a sentence for a crime that was committed on or after April 1, 1987 are eligible to earn disciplinary and special disciplinary credits as provided in subsection (5). Disciplinary credits shall be earned, forfeited, and restored as provided in this section. Accumulated disciplinary credits shall be deducted from a prisoner's minimum and maximum sentence in order to determine his or her parole eligibility date and discharge date.

(4) This section shall not be construed to allow good time, disciplinary credits, or special disciplinary credits in cases of commuted sentences unless so stipulated in the executive order commuting the sentence.

(5) Except as provided in section 34, all prisoners serving a sentence on December 30, 1982, or incarcerated after December 30, 1982, for the conviction of a crime enumerated in section 33b(a) to (cc) of 1953 PA 232, MCL 791.233b, are eligible to earn a disciplinary credit of 5 days per month for each month served after December 30, 1982. Accumulated disciplinary credits shall be deducted from a prisoner's minimum and maximum sentence in order to determine his or her parole eligibility dates.

A prisoner shall not earn disciplinary credits under this subsection during any month in which the prisoner is found guilty of having committed a major misconduct. The amount of disciplinary credits not earned as a result of being found guilty of a major misconduct shall be limited to the disciplinary credits that would have been earned for the month in which the major misconduct occurred. Any disciplinary credits not earned as a result of the prisoner being found guilty of a major misconduct shall never be earned or restored. The warden may order that a prisoner found guilty of a major misconduct, including but not limited to charges of rioting, inciting to riot, escape, homicide, or assault and battery, forfeit all or a portion of the disciplinary credits accumulated prior to the month in which the misconduct occurred. An order forfeiting accumulated disciplinary credits shall be based upon a review of the prisoner's institutional record.


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The disciplinary credit committee, which is comprised of the prisoner's resident unit manager, custody officers in the resident unit with direct supervisory responsibilities over the prisoner, and the appropriate work or school assignment supervisor, shall be a part of the reclassification process and shall review, at least annually, the status of each prisoner in the housing unit who has forfeited disciplinary credits. The committee may recommend to the warden whether any forfeited disciplinary credits should be restored to the prisoner.

In addition to disciplinary credits, a prisoner eligible for disciplinary credits under this subsection may be awarded 2 days per month special disciplinary credits for good institutional conduct on the recommendation of the disciplinary credit committee and the concurrence of the warden based on an annual review of the prisoner's institutional record. Special disciplinary credits shall not be awarded for any month in which a prisoner has been found guilty of a major misconduct.

The department of corrections shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement this subsection not more than 180 days after December 30, 1982.

(6) On and after April 1, 1987, a prisoner shall not earn good time under this section during any month in which the prisoner is found guilty of having committed a major misconduct. The amount of good time not earned as a result of being found guilty of a major misconduct shall be limited to the amount of good time that would have been earned during the month in which the major misconduct occurred. Any good time not earned as a result of the prisoner being found guilty of a major misconduct shall never be earned or restored.

(7) The department of corrections shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, prescribing how much of his or her accumulated good time or accumulated disciplinary credits the prisoner may forfeit if found guilty of 1 or more major misconducts.

(8) The warden may order that a prisoner found guilty of a major misconduct forfeit all or a portion of the good time accumulated prior to the month in which the misconduct occurred.

(9) The good time committee, which is comprised of the prisoner's resident unit manager, custody officer in the resident unit with direct supervisory responsibility over the prisoner, and the appropriate work or school assignment supervisor, shall be part of the reclassification process. The good time committee shall recommend to the warden the amount of special good time to be awarded and the restoration of any accumulated good time that has been forfeited.

(10) The warden, as a reward for good conduct, may restore to a prisoner the whole or any portion of the good time or disciplinary credits forfeited because of a finding of guilty for a major misconduct. However, forfeited good time or disciplinary credits shall not be restored without the recommendation of the disciplinary credit committee or good time committee and the prior written approval of the deputy director in charge of the bureau of correctional facilities or the deputy director in charge of the bureau of field services. Disciplinary credits or good time allowances that have not been earned because of institutional misconduct shall not be restored.

(11) A prisoner who has been sentenced concurrently for separate convictions shall have his or her good time or disciplinary credits computed on the basis of the longest of the concurrent sentences. If a prisoner is serving consecutive sentences for separate convictions, his or her good time or disciplinary credits shall be computed and accumulated on each sentence individually and all good time or disciplinary credits that have been earned on any of the sentences shall be subject to forfeiture pursuant to subsections (5) and (8).

(12) The warden of an institution may grant special good time allowances to eligible prisoners who are convicted of a crime that is committed before April 1, 1987. Special good time credit shall not exceed 50% of the good time allowances under the schedule in subsection (2). Special good time shall be awarded for good conduct only and shall not be awarded for any month in which a prisoner has been found guilty of a major misconduct.

(13) The parole board shall be exclusively empowered to cause the forfeiture of good time or disciplinary credits earned by a prisoner at the time of a parole violation.

(14) A prisoner subject to disciplinary time is not eligible for good time, special good time, disciplinary credits, or special disciplinary credits.

(15) The court may order the reduction or forfeiture of 1 or more of the following credits pursuant to section 5513 of the revised judicature act of 1961, 1961 PA 236, MCL 600.5513:

(a) Good time.

(b) Disciplinary.

(c) Special disciplinary.

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2112;—CL 1915, 1732;—Am. 1917, Act 17, Eff. Aug. 10, 1917;—Am. 1921, Act 256, Imd. Eff. May 18, 1921;—Am. 1929, Act 300, Imd. Eff. May 23, 1929;—CL 1929, 17576;—Am. 1931, Act 86, Imd. Eff. May 11, 1931;—Am. 1933, Act 252, Eff. Oct. 17, 1933;—CL 1948, 800.33;—Am. 1953, Act 105, Eff. Oct. 2, 1953;—Am. 1978, Act 80,


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Eff. Sept. 1, 1978;—Am. 1982, Act 442, Imd. Eff. Dec. 30, 1982;—Am. 1986, Act 322, Eff. Apr. 1, 1987;—Am. 1994, Act 218, Eff. Dec. 15, 1998;—Am. 1999, Act 148, Imd. Eff. Nov. 1, 1999.

**Compiler's note:** Section 2 of 1994 PA 218, which provides that "This amendatory act shall take effect on the date that sentencing guidelines are enacted into law after the sentencing commission submits its report to the secretary of the senate and the clerk of the house of representatives pursuant to sections 31 to 34 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, as added by the amendatory act resulting from House Bill No. 4782 of the 87th Legislature." was repealed by 1998 PA 316, effective Dec. 15, 1998.

**Popular name:** Prison Code

**Administrative rules:** R 791.5501 et seq. of the Michigan Administrative Code.

## 800.34 Disciplinary time; receipt for each major misconduct; accumulation; consideration for concurrent or consecutive sentences; reduction; "prisoner subject to disciplinary time" defined.

Sec. 34. (1) A prisoner subject to disciplinary time shall receive disciplinary time for each major misconduct for which he or she is found guilty as prescribed by rule pursuant to section 35.

(2) Accumulated disciplinary time shall be submitted to the parole board for the parole board's consideration at the prisoner's parole review or interview. A prisoner's minimum sentence, plus disciplinary time, shall not exceed his or her maximum sentence.

(3) A prisoner who has been sentenced concurrently for separate convictions shall have his or her disciplinary time considered by the parole board on each sentence individually. If a prisoner is serving consecutive sentences for separate convictions, his or her disciplinary time shall be considered by the parole board on each sentence individually.

(4) A prisoner subject to disciplinary time may have any or all of his or her accumulated disciplinary time reduced by the department if he or she has demonstrated exemplary good conduct during the term of imprisonment. Disciplinary time deducted pursuant to this section may be restored if the prisoner is found guilty of a major misconduct.

(5) As used in this act, "prisoner subject to disciplinary time" includes both of the following:

(a) A prisoner sentenced to an indeterminate term of imprisonment for any of the following crimes committed on or after December 15, 1998:

(*i*) A violation of section 625(4) or (5) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(*ii*) A violation of section 80176(4) or (5) of part 801 (marine safety) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176.

(*iii*) A violation of section 72, 73, 80, 82, 83, 84, 86, 87, 88, 89, 90, 110a(2), 112, 136b(2), 145c, 204, 204a, 205, 205a, 206, 207, 208, 210, 211, 211a, 213, 316, 317, 319, 321, 322, 327, 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, 750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b, 750.145c, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207, 750.208, 750.210, 750.211, 750.211a, 750.213, 750.316, 750.317, 750.319, 750.321, 750.322, 750.327, 750.328, 750.329, 750.349, 750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and 750.531.

(*iv*) A violation of section 1 of 1931 PA 214, MCL 752.191.

(*v*) A violation of section 1, 2, or 2a of 1968 PA 302, MCL 752.541, 752.542, and 752.542a.

(*vi*) Any offense not listed in subparagraphs (*i*) to (*v*) that is punishable by life imprisonment.

(*vii*) An attempt, conspiracy, or solicitation to commit an offense described in subparagraphs (*i*) to (*vi*).

(b) A prisoner sentenced to an indeterminate term of imprisonment for any crime not listed in subdivision (a), if that crime was committed on or after December 15, 2000.

**History:** Add. 1994, Act 218, Eff. Dec. 15, 1998;—Am. 1996, Act 83, Eff. July 30, 1998;—Am. 1998, Act 316, Eff. Dec. 15, 1998.

**Popular name:** Prison Code

## 800.35 Rules.

Sec. 35. The department shall promulgate rules prescribing the amount of disciplinary time to be submitted to the parole board for the parole board's consideration for each type of major misconduct for which a prisoner subject to disciplinary time is found guilty. The rules shall be promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

**History:** Add. 1994, Act 218, Eff. Mar. 30, 1995;—Am. 1998, Act 316, Eff. Dec. 15, 1998.

**Compiler's note:** Former MCL 800.35, which pertained to employment of prisoners, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.


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**Popular name:** Prison Code

**Administrative rules:** R 791.5501 et seq. of the Michigan Administrative Code.

### 800.36-800.40 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

**Compiler's note:** The repealed sections pertained to employment of prisoners.

**Popular name:** Prison Code

### 800.41 Enforcement of discipline; attempted escapes; “correctional facility” and "corrections officer" defined.

Sec. 41. (1) If a prisoner assaults or batters a corrections officer or any other person, damages or attempts to damage any part of a correctional facility, attempts to escape, or resists or disobeys a lawful command, the corrections officers of the correctional facility shall use all suitable means to defend themselves, to enforce discipline, to secure offenders, and to prevent any escape.

(2) As used in this section:

(a) "Correctional facility" means any of the following:

(*i*) A state facility that houses prisoners committed to the jurisdiction of the department of corrections.

(*ii*) A state youth correctional facility operated by the department of corrections.

(*iii*) A correctional facility operated by a private vendor authorized under the laws of this state to receive prisoners.

(b) "Corrections officer" means either of the following:

(*i*) A state correctional officer as defined in section 2 of the correctional officers' training act of 1982, 1982 PA 415, MCL 791.502.

(*ii*) A correctional officer employed by a correctional facility described in subdivision (a)(*ii*).

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2120;—CL 1915, 1739;—CL 1929, 17583;—CL 1948, 800.41;—Am. 1998, Act 513, Imd. Eff. Jan. 8, 1999;—Am. 2006, Act 533, Imd. Eff. Dec. 29, 2006.

**Popular name:** Prison Code

### 800.42 Prisoner in correctional facility having security classification of I, II, III, IV, V, or VI; personal property; disposal; definitions.

Sec. 42. (1) A prisoner in a correctional facility assigned to a housing unit having a security classification of IV, V, or VI shall not have in his or her living area any personal clothing, except that a prisoner in a correctional facility assigned to a housing unit having a security classification of IV may keep 1 set of personal clothing as determined by the department in his or her living area and may wear such clothing for court appearances or during visits. A prisoner in a correctional facility assigned to a housing unit having a security classification of V or VI shall be provided civilian clothing by the institution for jury trials or as ordered by the court for other court appearances.

(2) A prisoner in a correctional facility assigned to a housing unit having a security classification of I, II, or III, may have personal clothing in his or her living area and may wear such clothing as approved by the department of corrections.

(3) Except as provided in subsection (4), the amount of personal property a prisoner may have in his or her living area, including personal clothing, shall not exceed the following limits:

(a) For a prisoner in a correctional facility assigned to a housing unit having a security classification of IV, V, or VI, not more than the amount that can be contained in 1 duffel bag or 1 footlocker or similarly sized container as approved by the department of corrections.

(b) For a prisoner in a correctional facility assigned to a housing unit having a security classification of I, II, or III, not more than the amount that can be contained in 1 duffel bag and 1 footlocker or similarly sized container as approved by the department of corrections.

(4) A prisoner may possess property in excess of the amounts set forth in subsection (3) if that property consists of legal materials that are not available in the institutional law library to which the prisoner has access. This subsection does not require that a prisoner be allowed physical access to a law library.

(5) This section does not allow a prisoner to possess personal property of a type otherwise prohibited by the department of corrections for any reason.

(6) Within 121 days after the effective date of the 1997 amendatory act that amended this section, any personal clothing in the possession of or in the living area of a prisoner that is not permitted under this section shall be disposed of by the prisoner using 1 of the following methods:

(a) Sent home with visitors.

(b) Mailed at the department's expense, to a person identified by the prisoner and approved of by the department.


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(c) Donated to charity.

If the prisoner does not dispose of the personal clothing within the 121-day period as provided in this subsection, the department shall dispose of the clothing in a manner determined by the department.

(7) As used in this section and section 44:

(a) "Legal materials" means either of the following:

(*i*) Pleadings and other documents ordinarily filed with a court, letters, research notes, necessary exhibits, books, periodicals, and similar items that are needed for litigation which the prisoner is currently pursuing on his or her own behalf, or on behalf of another prisoner if that assistance has been approved by the institution head.

(*ii*) Pleadings, transcripts, court orders, and court opinions arising out of the offense for which the prisoner is currently incarcerated.

(b) "Personal clothing" means any clothing that is not a uniform or other standardized clothing issued by the department but does not include undergarments.

(c) "Security classification" means 1 of 6 levels of restrictiveness enforced in housing units at each correctional facility, as determined by the department of corrections, with security level I being the least restrictive and security level VI being the most restrictive.

**History:** Add. 1989, Act 168, Imd. Eff. Aug. 21, 1989;—Am. 1998, Act 376, Imd. Eff. Oct. 21, 1998.

**Compiler's note:** Former MCL 800.42, which pertained to liquor or drugs, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.

**Popular name:** Prison Code

### 800.43 Receipt or possession of certain material; prohibition; list; notice; appeal; limits on amount.

Sec. 43. (1) The department may prohibit a prisoner from receiving or possessing any material that the department determines under this section is detrimental to the security, good order, or discipline of the institution, or that may facilitate or encourage criminal activity, or that may interfere with the rehabilitation of any prisoner. The department shall not prohibit a prisoner from receiving or possessing any material solely because the content of that material is religious, philosophical, political, social, or sexual, or because it is unpopular or repugnant. Material that may be prohibited under this section includes, but is not limited to, any of the following:

(a) Material that depicts or describes procedures for constructing or using weapons, ammunition, bombs, or incendiary devices.

(b) Material that depicts, encourages, or describes methods of escaping from correctional facilities or that contains blueprints, drawings, or similar descriptions of department institutions or facilities.

(c) Material that depicts or describes procedures for manufacturing alcoholic beverages or drugs.

(d) Material that is written in code.

(e) Material that depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.

(f) Material that encourages or provides instruction in criminal activity.

(g) Material that is sexually explicit and that by its nature or content poses a threat to the security, good order, or discipline of the institution, facilitates criminal activity, or interferes with the rehabilitation of any prisoner.

(2) The department of corrections shall not establish a list of material that may be prohibited under this section before the material is reviewed. This subsection does not prevent the department from prohibiting other prisoners from receiving or possessing identical copies of the material without review after the material has been initially reviewed.

(3) If a publication is prohibited by the department, the department shall promptly notify the prisoner in writing that the material is prohibited and the reasons it is prohibited. The notice shall state the specific content upon which the prohibition is based. The department shall allow the prisoner to review the material to determine whether he or she wishes to administratively appeal the department's decision to prohibit the material unless the review would threaten the security, good order, or discipline of the institution, encourage or provide instruction in criminal activity, or interfere with the rehabilitation of any prisoner.

(4) This section does not prohibit the department from setting limits on the amount of material an inmate may receive or retain in his or her quarters for fire, sanitation, or housekeeping reasons.

**History:** Add. 1996, Act 549, Imd. Eff. Jan. 15, 1997.

**Compiler's note:** Former MCL 800.43, which pertained to prison books and papers as public property, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.


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**Popular name:** Prison Code

### 800.44 Uniform; color.

Sec. 44. A prisoner in a correctional facility assigned to a housing unit having a security classification of I to VI shall wear a uniform provided by the department at all times except when personal clothing may be worn as provided in section 42. The color of a prisoner's uniform shall be determined by the department.

**History:** Add. 1998, Act 376, Imd. Eff. Oct. 21, 1998.

**Compiler's note:** Former MCL 800.44, which pertained to practice of economy and duplicate receipts, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.

**Popular name:** Prison Code

### 800.45-800.47 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

**Compiler's note:** The repealed sections pertained to monthly audit, warrant, and inventory or settlement of accounts.

**Popular name:** Prison Code

### 800.48 Conveyance of convict to prison; duty of sheriff.

Sec. 48. It shall be the duty of the sheriff of every county in which any criminal is sentenced to confinement in a prison, to cause the convict to be removed from the county jail without needless delay after sentence, and conveyed to the proper prison and delivered to the warden of that prison.

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2127;—CL 1915, 1746;—CL 1929, 17590;—CL 1948, 800.48;—Am. 1986, Act 114, Imd. Eff. May 27, 1986.

**Popular name:** Prison Code

### 800.49 Conveyance of convict to prison; fees and expenses; payment.

Sec. 49. The fees and actual expenses of sheriffs in conveying convicts to a prison shall be made out in a bill containing the fees or expenses, and shall be presented to the warden when the prisoner is delivered at the prison. The warden shall certify on it that the prisoner has been received, and the bill, including the sheriff's actual expenses in returning to the county from where the prisoner was sent, shall be audited by the state treasurer and paid from the state treasury. Before drawing his or her warrant the state treasurer shall correct any errors in the bill as to form, items, or amount, and the sheriff shall be paid for the services, his or her actual traveling expenses and the expenses of the convict, and the sum of $3.00 for each and every day so employed.

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2128;—CL 1915, 1747;—CL 1929, 17591;—CL 1948, 800.49;—Am. 2002, Act 89, Imd. Eff. Mar. 26, 2002.

**Popular name:** Prison Code

### 800.50 Conveyance of convict to prison; certified copy of sentence; delivery to warden, use as evidence.

Sec. 50. When any convict shall be delivered to the warden of either prison, the officer having such convict in his charge shall deliver to such warden the certified copy of the sentence, received by such officer from the clerk of the court, and shall take from such warden a certificate of the delivery of such convict; and such certified copy of the sentence of any convict shall be evidence of the facts therein contained.

**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2129;—CL 1915, 1748;—CL 1929, 17592;—CL 1948, 800.50.

**Popular name:** Prison Code

### 800.51-800.60 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

**Compiler's note:** The repealed sections pertained to letters, visitors, prison schools and libraries, health, and fires.

**Popular name:** Prison Code

### 800.61 Escaped convicts; measures for apprehension; reward; sentence.

Sec. 61. Whenever any convict shall escape from a prison, the warden shall take all proper measures for the apprehension of the convict, and for that purpose he or she may offer a reward not exceeding $50.00 for the apprehension and delivery of that convict; but with the consent of his or her board the reward may be increased to a sum not exceeding $500.00. All suitable rewards and other sums of money, necessarily paid for advertising and apprehending any convict who may escape from prison, shall be audited by the state treasurer, and paid out of the state treasury. If any prisoner shall be retaken, the time between the escape and his or her recommittal shall not be computed as part of the term of imprisonment, but he or she shall remain in the prison a sufficient length of time after the term of his or her sentence would have expired, if he or she had not escaped, to equal the period of time he or she may have been absent by reason of the escape.


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**History:** 1893, Act 118, Imd. Eff. May 26, 1893;—CL 1897, 2140;—CL 1915, 1759;—CL 1929, 17603;—CL 1948, 800.61;—Am. 2002, Act 89, Imd. Eff. Mar. 26, 2002.

**Popular name:** Prison Code

### 800.62-800.66 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

**Compiler's note:** The repealed sections pertained to released prisoners, liens, and contracts.

**Popular name:** Prison Code

## PRISON OVERCROWDING EMERGENCY POWERS ACT
## Act 519 of 1980

### 800.71-800.79 Repealed. 1987, Act 100, Eff. Jan. 1, 1988;—1987, Act 101, Eff. Jan. 1, 1988;—1988, Act 469, Imd. Eff. Dec. 27, 1988.

## MICHIGAN REFORMATORY
## Act 75 of 1901

### 800.91 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.


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## EMPLOYMENT OF CONVICTS FOR PUBLIC PROJECTS
## Act 181 of 1911

AN ACT to provide for employing the convicts in the custody of the department of corrections upon public projects other than construction within any county.

**History:** 1911, Act 181, Eff. Aug. 1, 1911;—Am. 1970, Act 54, Imd. Eff. July 10, 1970.

*The People of the State of Michigan enact:*

### 800.101 Convicts; work on public projects.

Sec. 1. Upon the written request of a majority of the board of commissioners, the department of corrections may detail such able bodied convicts as in its discretion shall seem proper, not exceeding the number specified in the written request, to work upon public projects of a county. The county shall pay to the general fund a certain fixed amount of money per day for each man so detailed, which amount shall be decided upon by the corrections commission. The amount to be paid shall be a fair and just compensation for such labor. The county shall pay expenses of transportation to and from the county and shall provide or pay for the lodging and food of the convicts while employed by it and shall furnish all tools and materials necessary in the performance of the work. The convicts employed upon the public projects shall be under the care and custody of officers as the department of corrections shall designate, and the expense of guarding if guards are necessary shall be borne by the county. Where 2 or more applications shall be on file they shall be filled pro rata. All moneys collected under the provisions of this section shall be turned over to the state treasurer and credited to the general fund.

**History:** 1911, Act 181, Eff. Aug. 1, 1911;—CL 1915, 1814;—CL 1929, 17637;—CL 1948, 800.101;—Am. 1970, Act 54, Imd. Eff. July 10, 1970.

### 800.101a Convicts; employment on state highways; control, compensation.

Sec. 1-a. Any convicts mentioned in section 1 of this act may be employed by the state highway department in this state in construction work upon the public highways of this state. The state highway commissioner shall make requisition for convicts desired for employment and in such requisition shall state the number desired, the place of such work and the time when desired. Such requisition shall be made to the commissioner of pardons and paroles who shall thereupon determine which of such convicts may be used for such employment. At the direction of the governor, the commissioner of pardons and paroles shall issue an order authorizing the transfer of such convicts from their place of confinement to such place of highway employment or prison camp, a copy of which order shall be authority to the warden for the temporary transfer of such convicts. In their employment in highway construction such convicts shall be under the direction of the state highway commissioner or his designated agents and employes. The wardens shall furnish at each place of employment sufficient guards to prevent insubordination or escape. The compensation for such employment shall be determined by the state highway commissioner and the commissioner of pardons and paroles. Such officers shall determine the amount to be paid to each convict and the amount to be paid the prison from which such convict is obtained. All sums so paid or allowed to the prison therefor shall be paid or credited to the fund of such prison.

**History:** Add. 1927, Act 316, Eff. Sept. 5, 1927;—CL 1929, 17638;—CL 1948, 800.101a.

### 800.102 Convicts; class of labor prohibited.

Sec. 2. Said convicts when employed under the provisions of section 1 of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor.

**History:** 1911, Act 181, Eff. Aug. 1, 1911;—CL 1915, 1815;—CL 1929, 17639;—CL 1948, 800.102.

### 800.103 Repealed. 1986, Act 322, Eff. Apr. 1, 1987.

**Compiler's note:** The repealed section pertained to good time allowance.

## RESTRICTION ON COMMITMENT TO STATE HOUSE OF CORRECTION AND REFORMATORY AT IONIA
## Act 2 of 1885

### 800.151 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

## PROSECUTING ATTORNEY OF IONIA COUNTY


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**Act 176 of 1877**

**800.167 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.**

**BERTILLON SYSTEM**
**Act 183 of 1891**

**800.201-800.203 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.**

**BUREAU OF CRIMINAL RECORDS**
**Act 27 of 1903**

**800.231-800.234 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.**


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## LIQUOR, NARCOTICS, AND WEAPONS PROHIBITED IN PRISONS
## Act 17 of 1909

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.

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—Am. 1977, Act 164, Imd. Eff. Nov. 10, 1977;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982;—Am. 2006, Act 540, Imd. Eff. Dec. 29, 2006.

*The People of the State of Michigan enact:*

### 800.281 Alcoholic liquor, prescription drug, poison, or controlled substance; prohibitions.

Sec. 1. (1) Except as provided in section 2, a person shall not sell, give, or furnish, either directly or indirectly, any alcoholic liquor, prescription drug, poison, or controlled substance to a prisoner who is in or on a correctional facility or dispose of that liquor, drug, poison, or controlled substance in any manner that allows a prisoner or employee of the correctional facility who is in or on a correctional facility access to it.

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

(3) Except as provided in section 2, a person shall not bring any alcoholic liquor, prescription drug, poison, or controlled substance into or onto a correctional facility.

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

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—CL 1915, 1827;—CL 1929, 17653;—CL 1948, 800.281;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982.

### 800.281a Definitions.

Sec. 1a. As used in this act:

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

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

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

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

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

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

(*ii*) A youth correctional facility operated by the department or a private vendor under section 20g of 1953 PA 232, MCL 791.232.

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

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

(f) "Prescription drug" means prescription drug as defined in section 17708 of 1978 PA 368, MCL 333.17708.

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

**History:** Add. 1982, Act 343, Imd. Eff. Dec. 21, 1982;—Am. 1998, Act 514, Imd. Eff. Jan. 8, 1999.

### 800.282 Persons not in violation of § 800.281; limitation on wine for use of clergy; applicability of § 800.281(3).

Sec. 2. (1) A person is not in violation of section 1 if all of the following occur:

(a) A licensed physician certifies in writing that the alcoholic liquor, prescription drug, or controlled substance is necessary for the health of the prisoner or employee.


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(b) The certificate contains the following information:

(*i*) The quantity of the alcoholic liquor, prescription drug, or controlled substance which is to be furnished to the prisoner or employee.

(*ii*) The name of the prisoner or employee.

(*iii*) The time when the alcoholic liquor, prescription drug, or controlled substance is to be furnished.

(*iv*) The reason why the alcoholic liquor, prescription drug, or controlled substance is needed.

(c) The certificate has been delivered to the chief administrator of the correctional facility to which the prisoner is assigned or at which the employee works.

(d) The chief administrator of the correctional facility or the designee of the chief administrator approves in advance the sale, giving, furnishing, bringing, or possession of the alcoholic liquor, prescription drug, or controlled substance.

(e) The sale, giving, furnishing, bringing, or possession of the alcoholic liquor, prescription drug, or controlled substance is in compliance with the certificate.

(2) Not more than 2 ounces of wine for the use of the clergy may be brought into or onto a correctional facility by a person of the clergy of any religious denomination for clergy purposes.

(3) Section 1(3) shall not apply to the bringing of alcoholic liquor, prescription drugs, or controlled substances into or onto a correctional facility for the ordinary hospital supply of the correctional facility.

(4) Section 1(3) shall not apply to the bringing of any alcoholic liquor, prescription drug, poison, or controlled substance into or onto a privately operated community corrections center or resident home which houses prisoners for the use of the owner, operator, or nonprisoner resident of that center or home if the owner or operator lives in the center or home, or for the use of a nonprisoner guest of the owner, operator, or nonprisoner resident.

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—CL 1915, 1828;—CL 1929, 17654;—CL 1948, 800.282;—Am. 1977, Act 164, Imd. Eff. Nov. 10, 1977;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982.

### 800.283 Weapons; prohibitions.

Sec. 3. (1) Unless authorized by the chief administrator of the correctional facility, a weapon or other implement which may be used to injure a prisoner or other person, or in assisting a prisoner to escape from imprisonment, shall not be sold, given, or furnished, either directly or indirectly, to a prisoner who is in or on the correctional facility, or be disposed of in a manner or in a place that it may be secured by a prisoner who is in or on the correctional facility.

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

(3) Unless authorized by the chief administrator of the correctional facility, a weapon or other implement which may be used to injure a prisoner or other person, or in assisting a prisoner to escape from imprisonment, shall not be brought into or onto any correctional facility.

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

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—CL 1915, 1829;—CL 1929, 17655;—CL 1948, 800.283;—Am. 1972, Act 105, Imd. Eff. Mar. 29, 1972;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982.

**Constitutionality:** In People v. Stanton, 400 Mich. 192, 253 N.W.2d 650 (1977), the Michigan supreme court declared Act No. 105 of the Public Acts of 1972, which amended this section, unconstitutional due to a defect in the title to Act No. 17 of the Public Acts of 1909. The law as embodied in the 1972 amendment was voided, not the act title. The amendment of the title by Act No. 164 of the Public Acts of 1977 following the declaration of unconstitutionality of a portion of the act itself did not suffice to resurrect the voided portion. If the voided portion is to be once again considered a part of the law, it must be "revised, altered, or amended" and "re-enacted and published at length" pursuant to Const. 1963, Art. 4, § 25. People v. Clabin, 411 Mich. 472, 307 N.W.2d 682 (1981). This section and the title to Act 17 of 1909 were subsequently amended by Act No. 343 of the Public Acts of 1982.

### 800.283a Cellular telephone or wireless communication device to prisoner prohibited.

Sec. 3a. A person shall not sell, give, or furnish, or aid in the selling, giving, or furnishing of, a cellular telephone or other wireless communication device to a prisoner in a correctional facility, or dispose of a cellular telephone or other wireless communication device in or on the grounds of a correctional facility.

**History:** Add. 2006, Act 540, Imd. Eff. Dec. 29, 2006.

### 800.284 Search of persons coming to correctional facility.


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Sec. 4. The chief administrator of a correctional facility may search, or have searched, any person coming to the correctional facility as a visitor, or in any other capacity, who is suspected of having any weapon or other implement which may be used to injure a prisoner or other person or in assisting a prisoner to escape from imprisonment, or any alcoholic liquor, prescription drug, poison, or controlled substance upon his or her person.

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—CL 1915, 1830;—CL 1929, 17656;—CL 1948, 800.284;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982.

### 800.285 Violation as felony; penalty; prosecution for delivery or possession of controlled substance.

Sec. 5. (1) Except as provided in subsection (2), a person violating this act is guilty of a felony, punishable by a fine of not more than $1,000.00, or imprisonment for not more than 5 years, or both.

(2) If the delivery of a controlled substance is a felony punishable by imprisonment for more than 5 years under part 74 of Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7415 of the Michigan Compiled Laws, a person who gives, sells, or furnishes a controlled substance in violation of section 1 of this act shall not be prosecuted under this section for that giving, selling, or furnishing. If the possession of a controlled substance is a felony punishable by imprisonment for more than 5 years under part 74 of Act No. 368 of the Public Acts of 1978, a person who possesses, or brings into a correctional facility, a controlled substance in violation of section 1 of this act shall not be prosecuted under this section for that possession.

**History:** 1909, Act 17, Eff. Sept. 1, 1909;—CL 1915, 1831;—CL 1929, 17657;—CL 1948, 800.285;—Am. 1982, Act 343, Imd. Eff. Dec. 21, 1982.


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## ADMISSION OF CLERGYMEN TO VISIT PRISONERS
## Act 185 of 1859

AN ACT to provide for the admission of clergymen to visit prisoners confined in any jail or prison in this state.

**History:** 1859, Act 185, Eff. May 18, 1859.

*The People of the State of Michigan enact:*

### 800.291 Admission of clergymen.

Sec. 1. That it shall be the duty of the keeper, or other persons having the control of any prison, jail, alms-house, house of correction, hospital or poor-house in the state of Michigan, to fix and appoint some suitable and convenient time, in each week, during which clergymen of all religious denominations may visit the inmates of such prison, jail, alms-house, house of correction, hospital or poor-house; and when any inmate of any jail, prison, alms-house, house of correction, hospital or poor-house, is dangerously sick and desires religious counsel, the clergyman of his choice shall be admitted to visit such inmate, and be permitted to administer to such inmate the rites of his church.

**History:** 1859, Act 185, Eff. May 18, 1859;—CL 1871, 8189;—How. 9901;—CL 1897, 2153;—CL 1915, 1832;—CL 1929, 17658;—CL 1948, 800.291.

### 800.292 Duty of keeper.

Sec. 2. It shall be the duty of such keeper or other person in control, during the time fixed, in pursuance of the first section of this act, to give free access to any clergyman of any religious denomination, and to furnish such clergyman all reasonable facilities for interviews with the inmates, named in the first section: Provided, however, That the keeper or other persons, having the control of said prison or jail, alms-house, work-house, house of correction, hospital or poor-house shall first be satisfied that such clergymen are in good and regular standing in their profession, and are pastors of any church or religious congregation in this state.

**History:** 1859, Act 185, Eff. May 18, 1859;—CL 1871, 8190;—How. 9902;—CL 1897, 2154;—CL 1915, 1833;—CL 1929, 17659;—CL 1948, 800.292.

## THE PRISON INDUSTRIES ACT
## Act 210 of 1935

### 800.301-800.319 Repealed. 1968, Act 15, Imd. Eff. Apr. 5, 1968.


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## CORRECTIONAL INDUSTRIES ACT
## Act 15 of 1968

AN ACT to provide for the employment of inmate labor in the correctional institutions of this state; to provide for the employment of inmate labor in certain private enterprises under certain conditions; to provide for certain powers and duties of the department of corrections, the governor, and other officers and agencies in relation to correctional institutions; to provide for the requisitioning and disbursement of correctional industries products; to provide for the disposition of the proceeds of correctional industries and farms; to provide for purchasing and accounting procedures; to regulate the sale or disposition of inmate labor and products; to provide for the requisitioning, purchases, and supply of correctional industries products; to provide penalties for violations of this act; and to repeal acts and parts of acts.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1990, Act 24, Imd. Eff. Mar. 7, 1990;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

*The People of the State of Michigan enact:*

### 800.321 Correctional industries act; short title.

Sec. 1. This act shall be known and may be cited as the "correctional industries act".

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968.

### 800.322 "Correctional industries products" and "youth correctional facility" defined.

Sec. 2. As used in this act:

(a) "Correctional industries products" means all services provided, goods, wares, and merchandise manufactured or produced, wholly or in part, by inmates in any state correctional institution, but does not include products manufactured with inmate labor or services rendered with inmate labor in a private manufacturing or service enterprise established under section 7a.

(b) "Youth correctional facility" means a facility established under section 20g of Act No. 232 of the Public Acts of 1953, being section 791.220g of the Michigan Compiled Laws.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.323 Commission of corrections; authority and duties.

Sec. 3. The authority and duties contained in this act are vested in the commission of corrections.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980.

### 800.324 Commission of corrections; powers.

Sec. 4. The department of corrections may do any of the following:

(a) Construct, use, equip, and maintain buildings, machinery, boilers, and equipment that may be necessary to provide for the employment of inmate labor in the state correctional institutions for the manufacture of goods, wares, and merchandise and the operation of services.

(b) Purchase new material to be used in the manufacture of goods, wares, merchandise, and operation of services.

(c) Dispose of the manufactured products or provide services in the manner provided by law.

(d) Continue to use and maintain the buildings, machinery, boilers, and equipment in the manufacture of goods, wares, and merchandise in the manner in the operation on April 5, 1968 and use the facilities in the operation of service programs.

(e) Recruit and employ agents and assistants through the department of civil service as may be necessary to carry out the purposes of this act and recommend to the department of civil service classes and selection procedures that recognize the unique needs of correctional industries in this state.

(f) Establish an advisory council for correctional industries in this state, which shall include representatives of organized labor, private industry, state government, and the general public.

(g) Enter into any agreements necessary for assigning inmates to employment in private manufacturing or service enterprises under section 7a.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

**Compiler's note:** For establishment of a new Michigan State Industries Advisory Board within the Department of Corrections, see E.R.O. No. 1993-8, compiled at § 800.341 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the Michigan State Industries Advisory Council to the new Michigan State Industries Advisory Board, and the abolishment of the Michigan State Industries Advisory Council, see E.R.O. No. 1993-8 compiled at MCL 800.341 of the Michigan Compiled Laws.


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### 800.325 Correctional industries revolving fund; crediting money collected from inmate labor; expenditures.

Sec. 5. Except as provided in section 7a, all money collected from the sale or disposition of goods, wares, and merchandise manufactured by inmate labor, or received for services provided by labor in the correctional institutions pursuant to this act, shall be turned over to the state treasurer and credited to the correctional industries revolving fund, and shall be paid out only for the cost of doing business incurred in carrying out the purpose of this act. An expenditure for a structure from the revolving fund that would otherwise require the approval of the joint capital outlay subcommittee of the legislature shall be submitted for approval to that subcommittee before the commencement of any construction.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.326 Sale, exchange, or purchase of correctional industries products; availability of agricultural products to nonprofit charitable organizations or family independence agency; use of inmate labor.

Sec. 6. (1) Correctional industries products may be sold, exchanged, or purchased by any of the following:

(a) An institution of this or any other state or political subdivision of this or any other state, the federal government or agencies of the federal government, a foreign government or agencies of a foreign government, or a private vendor that operates a correctional facility in this state.

(b) Any organization that is a tax exempt organization under section 501(c)(3) of the internal revenue code.

(c) Any private business or individual, if the products are cut and sewn textiles, but only if the same or a comparable in style product is not manufactured by a private business in this state.

(2) An agricultural product that is produced on a correctional farm may be utilized within the correctional institutions or within a correctional facility in this state notwithstanding its operation by a private vendor or sold to an institution, governmental agency, or organization described in subsection (1) or sold for utilization in the food production facilities of the department of corrections notwithstanding the operation of those facilities by a private vendor. An agricultural product that is not utilized or sold as provided in this subsection shall be made available without charge to nonprofit charitable organizations or to the family independence agency for use in food banks, bulk food distributions, or similar charitable food distribution programs. This subsection does not apply to an agricultural product that is not in a form suitable for use in the manner prescribed in this section, such as bulk grain, live cattle, and hogs, which may be sold on the open market.

(3) Except as provided in subsections (4) and (5), the labor of inmates shall not be sold, hired, leased, loaned, contracted for, or otherwise used for private or corporate profit or for any purpose other than the construction, maintenance, or operation of public works, ways, or property as directed by the governor. This act does not prohibit the sale at retail of articles made by inmates for the personal benefit of themselves or their dependents or the payment to inmates for personal services rendered in the correctional institutions, subject to regulations approved by the department of corrections, or the use of inmate labor upon agricultural land that has been rented or leased by the department of corrections upon a sharecropping or other basis.

(4) If more than 80% of a particular product sold in the United States is manufactured outside the United States and none of that product is manufactured in this state, or if a particular service is not performed in this state, as determined by the department of corrections in conjunction with the advisory council for correctional industries, inmate labor may be used in the manufacture of that product or the rendering of that service in a private manufacturing or service enterprise established under section 7a. A determination by the department of corrections under this subsection shall be made at the time the individual or business entity applies to the department for approval to produce that product or render that service pursuant to section 7a.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1990, Act 24, Imd. Eff. Mar. 7, 1990;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997;—Am. 2007, Act 102, Imd. Eff. Oct. 1, 2007.

### 800.327 Employment of inmates; types of employment.

Sec. 7. The department of corrections shall provide as fully as practicable for the employment of inmates in tasks consistent with the penal and rehabilitative purposes of their imprisonment and with the public economy. The types of employment shall be as follows:

(a) Routine maintenance and operation of correctional institutions.

(b) Educational and rehabilitation activities, whether formal or through productive or socialized activities, determined on the basis of individual needs and educability.

(c) Productive or maintenance labor on or in connection with the institution farms, or other land rented or leased by the department of corrections, factories, shops, or other available facilities for the production and distribution of correctional industries products and services.


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(d) Labor assignments on state public works, ways, or properties when and as requisitioned by the governor or on county, township, or district roads when requested by the county board of commissioners pursuant to section 1 of Act No. 181 of the Public Acts of 1911, being section 800.101 of the Michigan Compiled Laws.

(e) Labor assignments in private manufacturing or service enterprises established under section 7a.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.327a Assignment of inmates to work in private manufacturing or service enterprise.

Sec. 7a. (1) Inmates may be assigned to work in a private manufacturing or service enterprise that meets all of the following requirements:

(a) The enterprise is suitably designed for the utilization of inmate labor. Prisoners shall not be granted access to any employee, customer or client information including, but not limited to, personal addresses, telephone numbers, e-mail addresses, credit card information or other financial information, health records, or any information contained in personnel, client or customer files.

(b) The enterprise either is located within 10 miles of a correctional facility or is located within a correctional facility pursuant to a lease agreement executed between the department of corrections and the enterprise. If the enterprise is located within a correctional facility, the enterprise shall pay to the local taxing authority an amount in lieu of ad valorem property taxes equivalent to the amount of ad valorem property taxes that would have been required if the enterprise had been located outside the correctional facility.

(c) The enterprise manufactures products or renders services that are permitted to be manufactured or rendered using inmate labor, as determined under section 6(4).

(d) The ratio of the number of employees of the enterprise to the number of inmates assigned to work in the enterprise shall not be less than 1 employee to 3 inmates.

(2) Only those inmates who reside in a correctional institution having a security designation of level I, who are not serving a sentence of life imprisonment, and who volunteer for the assignment are eligible to be assigned to work in a private manufacturing or service enterprise. As used in this subsection, “security designation” means 1 of 6 levels of restrictiveness enforced at each correctional institution, as determined by the department, with security level I being the least restrictive and security level VI being the most restrictive.

(3) The contract between the department and the private manufacturing or service enterprise shall ensure that a wage that is the higher of the prevailing wage or the minimum wage established pursuant to the minimum wage law of 1964, Act No. 154 of the Public Acts of 1964, being sections 408.381 to 408.398 of the Michigan Compiled Laws, shall be paid by the department to the inmate for work performed by the inmate in the private manufacturing or service enterprise. The wages of an inmate under this section shall be distributed in the following order:

(a) The department shall withhold and pay the inmate's applicable state and local income taxes and federal income, social security, and medicare taxes.

(b) Of the balance remaining:

(*i*) If the inmate has been ordered by the court to pay restitution to the victim of his or her crime, 20% shall be paid for that restitution on the inmate's behalf, in accordance with the court order, until the amount of restitution is satisfied. If restitution is satisfied or if the inmate was not made subject to restitution, 10% shall be added to the escrow account under subparagraph (*iv*) and 10% shall be deposited with the state treasurer and credited to the crime victims rights fund created in section 4 of Act No. 196 of the Public Acts of 1989, being section 780.904 of the Michigan Compiled Laws, in addition to the amount in subparagraph (*v*).

(*ii*) If the inmate has a spouse or children, 20% shall be paid to the inmate's spouse or children for the purpose of family support. If the inmate's spouse or children receive aid to families with dependent children or general assistance under the social welfare act, Act No. 280 of the Public Acts of 1939, being sections 400.1 to 400.119b of the Michigan Compiled Laws, while the inmate is incarcerated, the 20% designated in this subdivision shall be deposited with the state treasurer and credited to the general fund as repayment of that aid or assistance, until that amount of aid or assistance is repaid.

(*iii*) Ten percent shall be paid to the inmate for his or her personal use while incarcerated.

(*iv*) Ten percent shall be held by the department in an escrow account for the inmate, and shall be returned to the inmate upon his or her release.

(*v*) The balance remaining after the deductions specified in subparagraphs (*i*) to (*iv*) shall be deposited with the state treasurer and credited to the general fund, as partial reimbursement to the state for the cost of that inmate's imprisonment and care.

(*vi*) The inmate shall not be eligible for unemployment compensation or retirement benefits upon his or her release from a work assignment or from imprisonment.


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(4) The contract between the department and the private manufacturing or service enterprise shall provide that the department shall pay the applicable employer's share of federal social security and medicare taxes and state worker's disability compensation payments or contributions.

(5) The contract between the department and the private manufacturing or service enterprise shall provide that the enterprise shall reimburse the department for the amounts paid by the department for the purposes described in subsections (3) and (4). The contract also shall require the enterprise to pay to the department an annual administrative fee equal to 1% of the total amounts paid annually to the department by the enterprise for the purposes described in subsections (3) and (4).

(6) The contract provisions created in this section shall not be construed as making the prisoner an employee of the state of Michigan.

**History:** Add. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.328 Correctional industries products; duties of director of department of management and budget.

Sec. 8. The director of the department of management and budget shall prescribe specifications, standards, quality tests, methods, and conditions of packaging and conditions and times of delivery for correctional industries products purchased by this state, and may inspect, accept, or reject correctional industries products to the same extent as if they were purchased from other sources.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980.

### 800.329 Purchase and sale of similar finished goods, materials, or equipment.

Sec. 9. Correctional industries, with the approval of the department of management and budget, may purchase finished goods, materials, or equipment of the same type as ordinarily produced by correctional industries. The industries may then sell the items to those entities for whom production by correctional industries is permitted by this act. The purpose of this section is to provide for the completing of orders when production is not sufficient or for other reasons of economy and good business practice which may make the purchases beneficial to the state.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980.

### 800.330 Correctional institution maintained by political subdivision; sale or disposal of products; §§ 800.328 and 800.329 inapplicable.

Sec. 10. A correctional institution now maintained by a political subdivision of this state may sell or otherwise dispose of its correctional institution products to the institutions or departments of the county or political subdivision in which the institution is located. The provisions of sections 8 and 9 shall not apply to a correctional institution of a political subdivision.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1985, Act 55, Imd. Eff. June 14, 1985.

### 800.331 Intent of act; correctional industries as total self-supporting system; methods of purchasing and accounting.

Sec. 11. (1) It is the intent of this act to do all of the following:

(a) Provide adequate, regular, diversified, and suitable employment for inmates of the state for the purpose of enhancing job skills consistent with proper penal purposes.

(b) Utilize the labor of inmates for self-maintenance and for reimbursing the state for expenses incurred by reason of their crimes and imprisonment, and for employment in private manufacturing or service enterprises established under section 7a.

(c) Provide a means for inmates to earn wages for support of their families, reimbursement to the state for part of the cost of their imprisonment, restitution to crime victims, and other purposes consistent with their imprisonment.

(d) Effect the requisitioning and disbursement of correctional industries products and services directly through established state authorities without possibility of private profits and without any intermediating financial considerations, appropriations, or expenditures.

(e) Permit the management of correctional industries to operate in a manner as similar as possible to similar private industrial operations.

(2) Within 5 years after October 1, 1980, correctional industries shall be changed from a system that requires intermediating financial assistance to a total self-supporting system.

(3) The governor shall require the director of the department of management and budget to establish suitable methods of purchasing and accounting, which shall provide as may be necessary or advisable for all of the following:


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(a) The purchasing and supply of supplies and materials necessary for the institutional manufacture or production of correctional industries products.

(b) Crediting correctional industries accounts and debiting accounts of consuming institutions or departments for products requisitioned and disbursed, at prices fixed to recapture all direct and indirect costs. In addition, the methods of purchasing, accounting, and pricing may provide for the setting of a margin in excess of direct and indirect costs, which may be expended for purposes consistent with this act.

(c) The purchase of all commodities or requirements other than correctional industries products as provided in this act, by competitive bidding or other methods established by law or approved practice. All agencies, offices, and departments of this state shall order goods from correctional industries if the goods are produced by correctional industries of this state, are comparable in price and quality to the goods normally purchased by governmental agencies, and can be supplied in a reasonable time period as determined by the department of management and budget.

(d) An equitable basis to be proposed by the department of corrections and approved by the department of management and budget for determining costs between the correctional institutions and correctional industries that requires the institutions to absorb that portion of the supervisory costs that directly relate to custody and security responsibilities.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.332 Schedule of payments or allowances to inmates or dependents.

Sec. 12. The department of corrections may adopt a schedule of payments or allowances to inmates or to their dependents from the funds as may be provided for the payment. This section does not apply to the payment of wages to inmates assigned to work in private manufacturing or service enterprises under section 7a.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968;—Am. 1980, Act 245, Eff. Oct. 1, 1980;—Am. 1996, Act 537, Imd. Eff. Jan. 13, 1997.

### 800.333 Violation of act by public officer; penalty.

Sec. 13. Wilful violations of any of the provisions of this act by an officer of the state or of any political subdivision thereof, or by any officer of any institution of either, shall be sufficient cause for removal from office, and subject such officer to prosecution as provided in section 14.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968.

### 800.334 Violation of act; misdemeanor.

Sec. 14. Any person, firm or corporation who wilfully violates any of the provisions of this act is guilty of a misdemeanor.

**History:** 1968, Act 15, Imd. Eff. Apr. 5, 1968.

### 800.335 Repealed. 1980, Act 245, Eff. Oct. 1, 1980.

**Compiler's note:** The repealed section repealed §§800.301 to 800.319 of the Michigan Compiled Laws.


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**EXECUTIVE REORGANIZATION ORDER**
**E.R.O. No. 1993-8**

### 800.341 Transfer of powers and duties of the Michigan state industries advisory council to the Michigan state industries advisory board by a type III transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan State Industries Advisory Council was created by Act No. 245 of the Public Acts of 1980, as amended, being Section 800.324(f) of the Michigan Compiled Laws, in the Corrections Commission, now the Department of Corrections; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan State Industries Advisory Council can be more effectively carried out by the new Michigan State Industries Advisory Board; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. There is hereby established a new Michigan State Industries Advisory Board (the "Board") within the Department of Corrections on the following terms and conditions:

(a) The Board shall consist of the following eleven members:

i. Two representatives of labor unions;

ii. One representative of a financial institution;

iii. Two representatives of small business;

iv. Two representatives of manufacturers;

v. One public member;

vi. The Director of the Department of Corrections or his/her designee;

vii. The Business Ombudsman; and

viii. One representative from the Department of Management and Budget.

(b) Each member of the Board shall be appointed by the Governor and shall serve for a term of three years, except that of the members first appointed, three shall be appointed for a term of one year, four shall be appointed for a term of two years and four shall be appointed for a term of three years. The Governor shall appoint one member of the Board as Chairperson and that member shall serve as Chairperson at the pleasure of the Governor.

(c) The Board shall make recommendations to the Governor and the Director of the Department of Corrections on ways to better integrate Michigan State Industries into the business community and foster its growth while ensuring that competition with the private sector is minimized.

(d) The duties of the Board shall be consistent with the above recommendations, including, but not limited to:

i. Meet with Michigan State Industries management and the Director of the Department of Corrections to review operations;

ii. Assist in making capital expenditure recommendations;

iii. Review the annual report and operating statements;

iv. Assist in developing Michigan State Industries' five-year plan;

v. Assist in product development; and

vi. Assist in developing marketing plans to advise the Director of the Department of Corrections on matters related to Michigan State Industries.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Michigan State Industries Advisory Council are hereby transferred to the new Michigan State Industries Advisory Board created by Section l of this Order by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws, and the Michigan State Industries Advisory Council is hereby abolished. The transfer shall take place under the following conditions:

(a) The Director of the Department of Corrections shall provide executive direction and supervision for the implementation of the transfer.

(b) All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan State Industries Advisory Council for the activities transferred to the Michigan State Industries Advisory Board by this Order are hereby


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transferred to the new Michigan State Industries Advisory Board.

(c) All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this order shall continue to be effective until revised, amended, or repealed.

(d) Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

The provisions of the Order shall become effective immediately upon filing.

**History:** 1993, E.R.O. No. 1993-8, Eff. Oct. 9, 1993.


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**EXECUTIVE REORGANIZATION ORDER**
**E.R.O. No. 2001-3**

### 800.351 Transfer of powers and duties of Michigan state industries advisory board to director of Michigan department of corrections by Type III transfer.

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan State Industries Advisory Board ("Board") was created within the Michigan Department of Corrections pursuant to Executive Order 1993-15, being Section 800.341 of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Board can more effectively be carried out by the Director of the Michigan Department of Corrections in consultation with the businesses and workers of the state; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities of the Michigan State Industries Advisory Board are hereby transferred to the Director of the Michigan Department of Corrections by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Department of Corrections shall provide executive direction and supervision for the implementation of the transfer made under this Order. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Corrections.

3. The Director of the Michigan Department of Corrections shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records of the Michigan State Industries Advisory Board are hereby transferred to the Michigan Department of Corrections.

5. The Michigan State Industries Advisory Board is hereby abolished.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

**History:** 2001, E.R.O. No. 2001-3, Eff. Dec. 2, 2001.


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## THE STATE CORRECTIONAL FACILITY REIMBURSEMENT ACT
## Act 253 of 1935

AN ACT to provide procedures for securing reimbursement to the state of the expenses incurred by the state for the cost of care of certain prisoners in state correctional facilities; to provide procedures for securing the reimbursement of expenses to be incurred by the state in regard to the future cost of care of such prisoners; and to prescribe certain powers and duties of certain state and local public officers and officials.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

*The People of the State of Michigan enact:*

### 800.401 Short title.

Sec. 1. This act shall be known and may be cited as "the state correctional facility reimbursement act."

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.401;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.401a Definitions.

Sec. 1a. As used in this act:

(a) "Assets" means property, tangible or intangible, real or personal, belonging to or due a prisoner or former prisoner including income or payments to such prisoner from social security, worker's compensation, veteran's compensation, pension benefits, previously earned salary or wages, bonuses, annuities, retirement benefits, or from any other source whatsoever, but does not include any of the following:

(*i*) The homestead of the prisoner up to $50,000.00 in value.

(*ii*) Money saved by the prisoner from wages and bonuses paid the prisoner while he or she was confined to a state correctional facility.

(b) "Cost of care" means the cost to the department for providing transportation, room, board, clothing, security, medical, and other normal living expenses of prisoners, and the cost to the department for providing college-level classes or programs to prisoners, as determined by the department.

(c) "Department" means the department of corrections of this state.

(d) "Director" means the director of the department.

(e) "Prisoner" means any person who is under the jurisdiction of the department and is either confined in any state correctional facility or is under the continuing jurisdiction of the department.

(f) "State correctional facility" means a facility or institution which houses a prisoner population under the jurisdiction of the department. State correctional facility includes a correctional camp, community correction center, state prison, and a state reformatory.

**History:** Add. 1984, Act 282, Imd. Eff. Dec. 20, 1984;—Am. 1996, Act 286, Imd. Eff. June 17, 1996.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.401b Assets of prisoners; form.

Sec. 1b. (1) The department shall develop a form which shall be used by the department to obtain information from all prisoners regarding assets of the prisoners.

(2) Upon being developed, the form shall be submitted to each person who is a prisoner as of the date the form is developed and to every person who thereafter is sentenced to imprisonment under the jurisdiction of the department. The form may be resubmitted to a prisoner by the department for purposes of obtaining current information regarding assets of the prisoner.

(3) Every prisoner shall complete the form or provide for completion of the form and the prisoner shall swear or affirm under oath that to the best of his or her knowledge the information provided is complete and accurate.

(4) The department shall have developed the form provided for under this section not later than 30 days after the effective date of this section.

**History:** Add. 1984, Act 282, Imd. Eff. Dec. 20, 1984.


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**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.402 Forwarding information to attorney general.

Sec. 2. The director shall forward to the attorney general a report on each prisoner containing a completed form under section 1b together with all other information available on the assets of the prisoner and an estimate of the total cost of care for that prisoner.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.402;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.403 Investigation by attorney general; securing reimbursement for cost of care; limitation.

Sec. 3. (1) The attorney general shall investigate or cause to be investigated all reports furnished under section 2.

(2) If the attorney general upon completing the investigation under subsection (1) has good cause to believe that a prisoner has sufficient assets to recover not less than 10% of the estimated cost of care of the prisoner or 10% of the estimated cost of care of the prisoner for 2 years, whichever is less, the attorney general shall seek to secure reimbursement for the expense of the state of Michigan for the cost of care of that prisoner.

(3) Not more than 90% of the value of the assets of the prisoner may be used for purposes of securing costs and reimbursement under this act.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.403;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.403a Cooperation of prisoner.

Sec. 3a. (1) A prisoner shall fully cooperate with the state by providing complete financial information for purposes under this act.

(2) The failure of a prisoner to fully cooperate as provided in subsection (1) may be considered for purposes of a parole determination under section 35 of Act No. 232 of the Public Acts of 1953, being section 791.235 of the Michigan Compiled Laws.

**History:** Add. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.404 Exclusive jurisdiction of circuit court; complaint; order to show cause; hearing; order requiring reimbursement; amount; obligation of defendant to support dependents; neglect or refusal to comply with order; contempt; liability of assets; time limitations.

Sec. 4. (1) The circuit court shall have exclusive jurisdiction over all proceedings under this act. The attorney general may file a complaint in the circuit court for the county from which a prisoner was sentenced, stating that the person is or has been a prisoner in a state correctional facility, that there is good cause to believe that the prisoner has assets, and praying that the assets be used to reimburse the state for the expenses incurred or to be incurred, or both, by the state for the cost of care of the person as a prisoner.

(2) Upon the filing of the complaint under subsection (1), the court shall issue an order to show cause why the prayer of the complainant should not be granted. The complaint and order shall be served upon the prisoner personally or, if the prisoner is confined in a state correctional facility, by registered mail addressed to the prisoner in care of the chief administrator of the state correctional facility where the prisoner is housed, at least 30 days before the date of hearing on the complaint and order.

(3) At the time of the hearing on the complaint and order, if it appears that the prisoner has any assets which ought to be subjected to the claim of the state under this act, the court shall issue an order requiring any person, corporation, or other legal entity possessed or having custody of those assets to appropriate and apply the assets or a portion thereof toward reimbursing the state as provided for under this act.

(4) The amount of reimbursement under this act shall not be in excess of the per capita cost of care for maintaining prisoners in the state correctional facility in which the prisoner is housed.


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(5) At the hearing on the complaint and order and before entering any order on behalf of the state against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(6) If the person, corporation, or other legal entity shall neglect or refuse to comply with an order under subsection (3), the court shall order the person, corporation, or other legal entity to appear before the court at such time as the court may direct and to show cause why the person, corporation, or other legal entity should not be considered in contempt of court.

(7) If, in the opinion of the court, the assets of the prisoner are sufficient to pay the cost of the proceedings under this act, the assets shall be liable for those costs upon order of the court.

(8) The state may recover the expenses incurred or to be incurred, or both, by the state for the cost of care of the prisoner during the entire period or periods the person is a prisoner in a state correctional facility. The state may commence proceedings under this act until the prisoner has been finally discharged on the sentence and is no longer under the jurisdiction of the department.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.404;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.404a Remedy, interim order, or enforcement procedure; receiver; execution against homestead prohibited.

Sec. 4a. (1) Except as provided in subsection (3), in seeking to secure reimbursement under this act, the attorney general may use any remedy, interim order, or enforcement procedure allowed by law or court rule including an ex parte restraining order to restrain the prisoner or any other person or legal entity in possession or having custody of the estate of the prisoner from disposing of certain property pending a hearing on an order to show cause why the particular property should not be applied to reimburse the state as provided for under this act.

(2) To protect and maintain assets pending resolution of an action under this act, the court, upon request, may appoint a receiver.

(3) The attorney general or a prosecuting attorney shall not enforce any judgment obtained under this act by means of execution against the homestead of the prisoner.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.404a;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.404b Enforcement of act; investigation or assistance of prosecuting attorney; prisoners in work camps.

Sec. 4b. (1) The attorney general of this state shall enforce the provisions of this act except that the attorney general may request the prosecuting attorney of the county in which the prisoner was sentenced or the prosecuting attorney of the county in which any asset of a prisoner is located to make an investigation or assist in legal proceedings under this act.

(2) The attorney general shall not seek reimbursement under this act for the cost of care of a prisoner in a work camp if the department is being or has been reimbursed for those costs by the prisoner pursuant to section 65c of Act No. 232 of the Public Acts of 1953, being section 791.265c of the Michigan Compiled Laws.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.404b;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.405 Information and assistance.

Sec. 5. The sentencing judge, the sheriff of the county, the chief administrator of the state correctional facility, and the department of treasury shall furnish to the attorney general or prosecuting attorney all information and assistance possible to enable the attorney general or prosecuting attorney to secure reimbursement for the state under this act.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.405;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the


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constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.406 Disposition of reimbursements; determination of amount due; statements.

Sec. 6. (1) The costs of any investigations under this act shall be paid from the reimbursements secured under this act, and the balance of the reimbursements shall be credited to the general fund of the state to be available for general fund purposes.

(2) The department of treasury may determine the amount due the state in cases under this act and render statements thereof, and such sworn statements shall be considered prima facie evidence of the amount due.

**History:** 1935, Act 253, Imd. Eff. June 8, 1935;—CL 1948, 800.406;—Am. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Constitutionality:** The Prison Reimbursement Act was intended to apply to all inmates of the state penal system and was not limited to the inmates of the three penal institutions named in the act and in existence at the time of its passage; nor is the act violative of the constitutional guarantee of equal protection. State Treasurer v. Wilson, 423 Mich. 138, 347 N.W.2d 770 (1985).

### 800.407 Repealed. 1984, Act 282, Imd. Eff. Dec. 20, 1984.

**Compiler's note:** This section pertained to applicability of act.


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## REIMBURSEMENT TO COUNTIES FOR CERTAIN EXPENSES
## Act 16 of 1978

AN ACT to provide reimbursement to counties for expenses relating to certain felonies, for expenses incurred by implementing special jurisdictional duties, and for expenses incurred in maintaining escapees from correctional institutions; and to require reports.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

*The People of the State of Michigan enact:*

### 800.451 "State correctional facility" defined.

Sec. 1. As used in this act, "state correctional facility" means a facility or institution which houses an inmate population under the jurisdiction of the department of corrections. State correctional facility includes a correctional camp, community correction center, state prison, and a state reformatory.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978.

### 800.452 Reimbursement for fees.

Sec. 2. (1) The state shall reimburse each county in which a state correctional facility is located for the reasonable and actual costs incurred by the county for juror's fees, witness fees, fees of attorneys appointed by the court for the defendant, transcript fees, and for a proportion of the fees for the office of the prosecuting attorney as determined under subsection (3), in cases of new felony offenses committed by inmates of state correctional facilities during a period of state incarceration, new felonies committed during escape and cases of escape from custody as prescribed in section 65a(3) of Act No. 232 of the Public Acts of 1953, being section 791.265 of the Michigan Compiled Laws.

(2) Each county shall submit monthly its itemized costs as described in this section to the state agency designated in subsection (3). After determination by the state agency designated in subsection (3) of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the state agency designated in subsection (3) shall be conclusive.

(3) The state agency responsible for the duties prescribed in subsections (2) and (4) shall be as follows:

(a) Before October 1, 1988, the department of corrections.

(b) On and after October 1, 1988, the department of management and budget.

(4) The amount of reimbursement for the fees of the prosecuting attorney under subsection (1) for any case, subject to the determination of reasonableness by the state agency designated in subsection (3), shall be based upon the actual time spent in prosecuting the case, and shall be calculated at a rate equal to 70% of the hourly rate or flat fee paid to court-appointed defense attorneys in the county. However, the reimbursement for a single case shall not exceed $1,000.00 unless the case is either of the following:

(a) A felony offense for which the maximum punishment is life imprisonment, in which case the reimbursement shall not exceed $10,000.00.

(b) A case that involves 12 or more hours of actual trial time, in which case the reimbursement shall not exceed $10,000.00. As used in this subdivision, "actual trial time" means the trial hours recorded on the court record beginning when juror selection begins and ending when the jury begins deliberation in the case. If there is no jury in the case, actual trial time means the trial hours recorded on the court record.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities, including the functions of budgeting, procurement, and management-related functions, of the County Escaped Prisoner Prosecution Program from the Department of Management and Budget to the Department of Corrections, see E.R.O. No. 1993-4, compiled at MCL 800.461 of the Michigan Compiled Laws.

### 800.453 Implementing additional jurisdictional duties; reimbursement of costs.

Sec. 3. (1) The state shall reimburse each county for the reasonable and actual costs incurred by that county for implementing additional jurisdictional duties in the circuit court imposed upon that county by law because that county is specifically named in the law as having jurisdiction.

(2) Each county shall submit quarterly its itemized costs as described in this section to the state court administrative office. After determination by the state court administrator of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the state court administrator shall be conclusive.


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**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978.

### 800.454 Prisoners escaping, not returning, or violating parole; apprehension; reimbursing costs of holding in county jail; exception; monthly submission of itemized costs; determination of reasonableness; payment.

Sec. 4. (1) When a state committed prisoner who was incarcerated in a state correctional facility has escaped, not returned pursuant to agreement, or violated the terms of his or her parole and has been apprehended pursuant to an order of the department of corrections and is held in a county jail awaiting disposition of his or her case, the department of corrections shall reimburse the county holding the prisoner for the actual and reasonable daily costs, not to exceed $35.00 per day, incurred by the county in holding the prisoner. This section shall not apply to the holding of prisoners awaiting prosecution on new felony charges.

(2) Each county shall submit monthly its itemized costs as described in this section to the department of corrections. After determination of reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the department of corrections shall be conclusive.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

### 800.455 Implementing jurisdictional duties in probate court; reimbursement of costs; quarterly submission of itemized costs; determination of reasonableness; payment.

Sec. 5. (1) The state shall reimburse each county in which a state correctional facility is located for the reasonable and actual costs of the following expenses incurred by that county for implementing jurisdictional duties in the probate court imposed upon that county by chapter 10 of the mental health code, Act No. 258 of the Public Acts of 1974, being sections 330.2001 to 330.2050 of the Michigan Compiled Laws, with respect to proceedings for the transfer of an allegedly mentally ill prisoner who is confined in a state correctional facility in that county, to the center for forensic psychiatry program for treatment, or with respect to proceedings for the treatment of an allegedly mentally ill prisoner within a state correctional facility:

(a) The expense of legal counsel appointed to represent an indigent prisoner in the proceeding.

(b) Compensation paid to each juror who is either summoned for voir dire or impaneled on a jury, if a jury trial is demanded in the proceeding.

(c) Compensation paid to each witness subpoenaed to the proceeding by the prisoner.

(d) The expense of the preparation of a transcript of the proceeding.

(2) Each county shall submit quarterly its itemized costs as described in subsection (1) to the chief probate judge of the county. After determination by the chief probate judge of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the chief probate judge shall be conclusive.

**History:** Add. 1984, Act 409, Eff. Mar. 29, 1985.


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**EXECUTIVE REORGANIZATION ORDER**
**E.R.O. No. 1993-4**

### 800.461 Transfer of powers and duties of the county escaped prisoner prosecution program from the department of management and budget to the department of corrections by a type II transfer.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the County Escaped Prisoner Prosecution Program was created within the Department of Management and Budget by Act No. 272 of the Public Acts of 1987, as amended, being Section 800.452 et seq. of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the County Escaped Prisoner Prosecution Program can be more effectively organized and carried out under the supervision and direction of the head of the Department of Corrections; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the County Escaped Prisoner Prosecution Program are hereby transferred from the Department of Management and Budget to the Department of Corrections, by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Office of Contract Management of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Department of Corrections, and all prescribed functions of rule making, reimbursements and maintaining records shall be transferred to the Department of Corrections.

3. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the County Escaped Prisoner Prosecution Program for the activities transferred are hereby transferred to the Department of Corrections to the extent required to provide for the efficient and effective operation of the County Escaped Prisoner Prosecution Program.

4. The Director of the Department of Corrections shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

5. The Director of the Office of Contract Management of the Department of Management and Budget and the Director of the Department of Corrections shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or obligations to be resolved by the County Escaped Prisoner Prosecution Program.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after the filing of this Order.

**History:** 1993 E.R.O. No. 1993-4, Eff. July 27, 1993.


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