

SENATE BILL NO. 103

January 27, 1999, Introduced by Senators V. SMITH, VAUGHN,
YOUNG, MURPHY, CHERRY, LELAND, SCHUETTE, EMMONS and
MC MANUS and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 183 and 188 (MCL 750.183 and 750.188).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 183. (1) ~~Aiding escape of and rescuing~~
2 ~~prisoners—Any~~ A person ~~who~~ shall ~~convey~~ NOT DO ANY OF THE
3 FOLLOWING:
4 (A) CONVEY into ~~any~~ A jail, prison, or other ~~like~~
5 SIMILAR place of confinement ~~, any~~ A disguise or ~~any~~ AN
6 instrument, tool, weapon, or other thing ~~,~~ THAT IS adapted or
7 useful to aid ~~any~~ OR ASSIST A prisoner ~~in making his~~ TO
8 escape FROM THAT JAIL, PRISON, OR OTHER SIMILAR PLACE OF
9 CONFINEMENT, with THE intent to facilitate the escape of any
10 prisoner ~~there~~ lawfully committed or detained ~~, or shall by~~

1 ~~any means whatever, aid~~ IN THAT JAIL, PRISON, OR OTHER SIMILAR
2 PLACE OF CONFINEMENT.

3 (B) AID or assist ~~any such~~ A prisoner ~~in his endeavor~~
4 LAWFULLY COMMITTED OR DETAINED IN A JAIL, PRISON, OR OTHER SIMI-
5 LAR PLACE OF CONFINEMENT to ~~make his~~ escape ~~therefrom, whether~~
6 ~~such escape be effected or attempted, or not, and every person~~
7 ~~who shall forcibly rescue any~~ OR ATTEMPT TO ESCAPE FROM THAT
8 JAIL, PRISON, OR OTHER SIMILAR PLACE OF CONFINEMENT.

9 (C) FORCIBLY REMOVE A prisoner ~~, held in~~ CHARGED WITH OR
10 CONVICTED OF AN OFFENSE FROM THE custody ~~upon any conviction or~~
11 ~~charge of an offense, shall be~~ OF A PERSON HAVING THE LEGAL DUTY
12 TO MAINTAIN THAT PRISONER IN CUSTODY.

13 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO VIO-
14 LATES THIS SECTION IS guilty of a felony ~~, punishable by~~
15 imprisonment ~~in the state prison~~ FOR not LESS THAN 10 YEARS OR
16 more than ~~7~~ 15 years. ~~; or, if~~

17 (3) IF the ~~person~~ PRISONER whose escape or rescue was
18 effected or intended ~~, was~~ IS charged with ~~an offense not cap-~~
19 ~~ital, nor punishable by imprisonment in~~ A MISDEMEANOR, the
20 ~~state prison, then the offense mentioned in this section shall~~
21 ~~be~~ PERSON IS GUILTY OF a misdemeanor ~~and shall be~~ punishable
22 by imprisonment ~~in the county jail~~ FOR not more than 1 year ~~,~~
23 or by fine of not more than ~~500 dollars~~ \$500.00, OR BOTH.

24 Sec. 188. (1) ~~Voluntarily suffering prisoner to~~
25 ~~escape--Any jailor, or other officer~~ A PERSON HAVING THE LEGAL
26 DUTY TO MAINTAIN A PRISONER CHARGED WITH OR CONVICTED OF A FELONY
27 IN CUSTODY who ~~shall~~ voluntarily ~~suffer any~~ ALLOWS THAT

1 prisoner ~~in his custody, upon conviction, or upon any criminal~~
2 ~~charge, to escape , shall suffer the like punishment and penal-~~
3 ~~ties as the prisoner so suffered to escape was sentenced to, or~~
4 ~~would be liable to suffer upon conviction, for the crime or~~
5 ~~offense wherewith he stood charged.~~ IS GUILTY OF A FELONY PUN-
6 ISHABLE BY IMPRISONMENT FOR NOT LESS THAN 10 YEARS OR MORE THAN
7 15 YEARS.

8 (2) A PERSON HAVING THE LEGAL DUTY TO MAINTAIN A PRISONER
9 CHARGED WITH OR CONVICTED OF A MISDEMEANOR IN CUSTODY WHO VOLUN-
10 TARIPLY ALLOWS THAT PRISONER TO ESCAPE IS GUILTY OF A MISDEMEANOR
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BY A FINE
12 OF NOT MORE THAN \$500.00, OR BOTH.