

**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.