

SENATE BILL No. 552

June 30, 2011, Introduced by Senators HANSEN, PROOS, MARLEAU, BRANDENBURG, PAPPAGEORGE, JONES, ROCCA, NOFS and BOOHER and referred to the Committee on Judiciary.

A bill to amend 1981 PA 7, entitled

"An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,"

(MCL 801.261 to 801.267) by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2A. (1) A PERSON SHALL NOT SELL, GIVE, OR FURNISH, OR AID
2 IN THE SELLING, GIVING, OR FURNISHING OF, A CELLULAR TELEPHONE OR
3 OTHER WIRELESS COMMUNICATION DEVICE TO A PRISONER IN A JAIL OR A
4 BUILDING APPURTENANT TO A JAIL OR ON GROUNDS USED FOR JAIL
5 PURPOSES, OR DISPOSE OF A CELLULAR TELEPHONE OR OTHER WIRELESS
6 COMMUNICATION DEVICE IN A JAIL OR A BUILDING APPURTENANT TO A JAIL
7 OR ON GROUNDS USED FOR JAIL PURPOSES.

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Senate Bill No. 552 as amended September 27, 2011

1 (2) A PRISONER SHALL NOT POSSESS OR USE A CELLULAR TELEPHONE
2 OR OTHER WIRELESS COMMUNICATION DEVICE IN A JAIL OR A BUILDING
3 APPURTENANT TO A JAIL OR ON GROUNDS USED FOR JAIL PURPOSES EXCEPT
4 AS AUTHORIZED BY THE PERSON IN CHARGE OF THE JAIL.

5 (3) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

6 (A) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL
7 SUBDIVISION OF THIS STATE WHILE LAWFULLY ENGAGED IN HIS OR HER
8 DUTIES AS A POLICE OFFICER.

9 (B) A LAW ENFORCEMENT OFFICER OF THE FEDERAL GOVERNMENT WHILE
10 LAWFULLY ENGAGED IN HIS OR HER DUTIES AS A LAW ENFORCEMENT OFFICER.

11 (C) A JAIL EMPLOYEE WHO IS AUTHORIZED BY THE PERSON IN CHARGE
12 OF THE JAIL TO POSSESS OR USE A CELLULAR TELEPHONE OR OTHER
13 WIRELESS COMMUNICATION DEVICE IN THAT JAIL OR A BUILDING
14 APPURTENANT TO THAT JAIL OR ON GROUNDS USED FOR JAIL PURPOSES OR
15 WHO ALLOWS A PRISONER TO POSSESS OR USE A CELLULAR TELEPHONE OR
16 OTHER WIRELESS COMMUNICATION DEVICE IN THAT JAIL OR A BUILDING
17 APPURTENANT TO THAT JAIL OR ON GROUNDS USED FOR JAIL PURPOSES AS
18 AUTHORIZED BY THE PERSON IN CHARGE OF THE JAIL.

<<(4) A CELLULAR TELEPHONE OR OTHER WIRELESS COMMUNICATION
DEVICE SOLD, GIVEN, FURNISHED, POSSESSED, OR USED IN VIOLATION OF
THIS SECTION IS SUBJECT TO CONFISCATION AND DISPOSAL UNDER THIS
SECTION AS CONTRABAND. IF A CELLULAR TELEPHONE OR OTHER WIRELESS
COMMUNICATION DEVICE IS CONFISCATED UNDER THIS SECTION, AND THE
CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE IS SERVICEABLE BUT NO
LONGER NEEDED FOR PURPOSES OF A CRIMINAL PROSECUTION UNDER THIS
SECTION, THE CELLULAR TELEPHONE OR OTHER WIRELESS DEVICE SHALL BE
DONATED TO CELL PHONES FOR SOLDIERS INC., OR ITS SUCCESSOR
ORGANIZATION.>>