

Act No. 15
Public Acts of 2019
Approved by the Governor
May 22, 2019
Filed with the Secretary of State
May 23, 2019
EFFECTIVE DATE: August 21, 2019

**STATE OF MICHIGAN 100TH
LEGISLATURE REGULAR
SESSION OF 2019**

Introduced by Reps. Griffin, Tyrone Carter, Bolden and Filler

ENROLLED HOUSE BILL No. 4131

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 197d.

The People of the State of Michigan enact:

Sec. 197d. (1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) Sells, gives, or furnishes, either directly or indirectly, poison, a controlled substance, or a weapon to a medically frail parolee knowing that person is a medically frail parolee. This subdivision does not apply to a person who provides a controlled substance to a medically frail parolee if that controlled substance has been prescribed by a physician for use by a medically frail parolee.

(b) With the intent to assist a medically frail parolee in violating his or her parole, assist a medically frail parolee in absconding or attempting to abscond from supervision by leaving a medical facility in which the medically frail parolee has agreed to reside as a condition of his or her medically frail parole without the permission of the parolee’s supervising agent.

(c) Knowingly cause a medically frail parolee to have contact with a person with whom the medically frail parolee is prohibited from having contact as a condition of his or her medically frail parole or a valid personal protection order.

(2) This section does not apply to skilled nursing facility staff performing duties required of skilled nursing facilities under state and federal laws, rules, and regulations, including, but not limited to, section 20201(2) of the public health code, 1978 PA 368, MCL 333.20201, 42 CFR 483.10, and 42 CFR 483.12, that guarantee the rights of skilled nursing facility residents.

(3) This section does not apply to a person who aids or assists a medically frail parolee in leaving or attempting to leave a medical facility in which the medically frail parolee has been placed as a condition of his or her medically frail parole because of any of the following:

(a) The medically frail parolee requires a medical service that must be performed at a different medical facility.

(b) The medically frail parolee has a medical emergency that requires medical service at a different medical facility.

(c) There is a natural disaster, fire, or infrastructural failure at the medical facility in which the medically frail parolee has been placed that necessitates evacuating the medically frail parolee.

(4) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Medical facility" means a hospital, hospice, nursing home, or other housing accommodation providing medical treatment suitable to the condition or conditions rendering the parolee medically frail.

(c) "Medically frail parole" means a parole granted under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235.

(d) "Medically frail parolee" means an individual granted parole under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235.

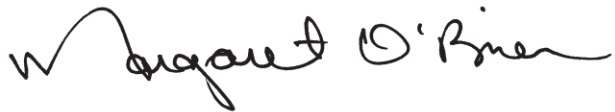
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4129 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 4129, referred to in enacting section 2, was filed with the Secretary of State May 23, 2019, and became 2019 PA 13, Eff. Aug. 21, 2019.