

SUBSTITUTE FOR
HOUSE BILL NO. 4131

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 197d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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



1 parolee.

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

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

12 (2) This section does not apply to skilled nursing facility
13 staff performing duties required of skilled nursing facilities
14 under state and federal laws, rules, and regulations, including,
15 but not limited to, section 20201(2) of the public health code,
16 1978 PA 368, MCL 333.20201, 42 CFR 483.10, and 42 CFR 483.12, that
17 guarantee the rights of skilled nursing facility residents.

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

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

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

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



1 frail parolee.

2 (4) As used in this section:

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

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

9 (c) "Medically frail parole" means a parole granted under
10 section 35(10) of the corrections code of 1953, 1953 PA 232, MCL
11 791.235.

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

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

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

