

HOUSE BILL NO. 4033

January 27, 2021, Introduced by Rep. VanSingel and referred to the Committee on Judiciary.

A bill to amend 1909 PA 17, entitled

"An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by

prisoners; and to prescribe penalties,"
 by amending sections 1a and 3a (MCL 800.281a and 800.283a), section
 1a as amended by 1998 PA 514 and section 3a as amended by 2012 PA
 255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alcoholic liquor" means any spirituous, vinous, malt, or
 3 fermented liquor, liquid, or compound whether or not medicated,
 4 containing 1/2 of 1% or more of alcohol by volume and which is or
 5 readily can be made suitable for beverage purposes.

6 (b) "Chief administrator" means the warden, superintendent, or
 7 other employee approved or designated by the department of
 8 corrections as the chief administrative officer of a correctional
 9 facility, **or the facility administrator of a correctional facility**
 10 **described under subdivision (e) (iv).**

11 (c) "Controlled substance" means a drug, substance, or
 12 immediate precursor in schedules 1 to 5 of part 72 of **the public**
 13 **health code**, 1978 PA 368, MCL 333.7201 to 333.7231.

14 (d) "Department" means the department of corrections.

15 (e) "Correctional facility" means any of the following:

16 (i) A state prison, reformatory, work camp, or community
 17 corrections center.

18 (ii) A youth correctional facility operated by the department
 19 or a private vendor under section 20g of **the corrections code of**
 20 **1953**, 1953 PA 232, MCL ~~791.232~~-**791.220g**.

21 (iii) A privately operated community corrections center or
 22 resident home which houses prisoners committed to the jurisdiction
 23 of the department.

24 (iv) **A facility operated by a private contractor under section**

1 20i of the corrections code of 1953, 1953 PA 232, MCL 791.220i, for
 2 the housing, custody, and care of detainees or inmates from a
 3 federal agency.

4 (v) ~~(iv)~~—The land on which a facility described in subparagraph
 5 (i), (ii), ~~or (iii)~~, or (iv) is located.

6 (f) "Prescription drug" means prescription drug as defined in
 7 section 17708 of **the public health code**, 1978 PA 368, MCL
 8 333.17708.

9 (g) "Prisoner" means ~~a person~~**an individual who meets either**
 10 **of the following:**

11 (i) **Is** committed to the jurisdiction of the department ~~who~~**and**
 12 has not been released on parole or discharged.

13 (ii) **Is detained by and under the custody of a federal agency**
 14 **and housed in a correctional facility described under subdivision**
 15 **(e) (iv) .**

16 Sec. 3a. (1) A person shall not sell, give, or furnish, or aid
 17 in the selling, giving, or furnishing of, a cellular telephone or
 18 other wireless communication device to a prisoner in a correctional
 19 facility, or dispose of a cellular telephone or other wireless
 20 communication device in or on the grounds of a correctional
 21 facility.

22 (2) A prisoner shall not possess or use a cellular telephone
 23 or other wireless communication device in a correctional facility
 24 or on the grounds of a correctional facility except as authorized
 25 by ~~the~~**1 of the following:**

26 (a) **Except as provided under subdivision (b), the** department
 27 of corrections.

28 (b) **If the use is in or on the grounds of a facility that is a**
 29 **correctional facility described under section 1a(e) (iv), the chief**

1 **administrator of that correctional facility.**

2 (3) A cellular telephone or other wireless communication
3 device sold, given, furnished, possessed, or used in violation of
4 this section is subject to confiscation and disposal under this
5 section as contraband. If a cellular telephone or other wireless
6 communication device is confiscated under this section, and the
7 cellular telephone or other wireless device is serviceable but no
8 longer needed for purposes of a criminal prosecution under this
9 section, the cellular telephone or other wireless device ~~shall~~**must**
10 be donated to a nonprofit organization that provides cellular
11 telephones and other wireless communication devices to military
12 personnel, or to any other charity approved by the warden of the
13 facility where the device was confiscated, **if applicable.**

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 4034 (request no.
16 01408'21) of the 101st Legislature is enacted into law.