

SENATE BILL NO. 630

September 02, 2021, Introduced by Senators DALEY, BARRETT, OUTMAN, BIZON, JOHNSON, RUNESTAD and VANDERWALL and referred to the Committee on Judiciary and Public Safety.

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 the title and sections 1 and 2 (MCL 800.281 and

800.282), the title as amended by 2006 PA 540 and sections 1 and 2 as amended by 1982 PA 343.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to prohibit or limit the access by prisoners and by
 3 employees of correctional facilities to certain ~~weapons and~~
 4 ~~wireless communication devices and to alcoholic liquor, drugs,~~
 5 ~~medicines, poisons, and controlled~~ **items and** substances in, on, or
 6 outside of correctional facilities; to prohibit or limit the
 7 bringing into or onto certain facilities and real property, and the
 8 disposition of, certain ~~weapons, substances, and wireless~~
 9 ~~communication devices;~~ **items and substances;** to prohibit or limit
 10 the selling, giving, or furnishing of certain ~~weapons, substances,~~
 11 ~~and wireless communication devices~~ **items and substances** to
 12 prisoners; to prohibit the control or possession of certain
 13 ~~weapons, substances, and wireless communication devices~~ **items and**
 14 **substances** by prisoners; and to prescribe penalties.

15 Sec. 1. (1) Except as provided in section 2, a person shall
 16 not sell, give, or furnish, either directly or indirectly, any
 17 alcoholic liquor, prescription drug, poison, **explosive, acid,**
 18 **caustic substance, toxin, material for an incendiary device,**
 19 **detailed local map, bodily fluid stored in a container, tattoo**
 20 **device, critical or dangerous tool, electronic information device,**
 21 **electronic accessory, item containing personal information of an**
 22 **employee of the department, item used to facilitate any criminal**
 23 **enterprise,** or controlled substance to a prisoner who is in or on a
 24 correctional facility or dispose of ~~that~~ **any** liquor, drug, poison,
 25 or controlled substance in any manner that allows a prisoner or
 26 employee of the correctional facility who is in or on a

1 correctional facility access to it.

2 (2) Except as provided in section 2, a person who knows or has
3 reason to know that another person is a prisoner shall not sell,
4 give, or furnish, either directly or indirectly, any alcoholic
5 liquor, prescription drug, poison, **explosive, acid, caustic**
6 **substance, toxin, material for an incendiary device, detailed local**
7 **map, bodily fluid stored in a container, tattoo device, critical or**
8 **dangerous tool, electronic information device, electronic**
9 **accessory, item containing personal information of an employee of**
10 **the department, item used to facilitate any criminal enterprise, or**
11 controlled substance to that prisoner anywhere outside of a
12 correctional facility.

13 (3) Except as provided in section 2, a person shall not bring
14 any alcoholic liquor, prescription drug, poison, or controlled
15 substance into or onto a correctional facility.

16 (4) Except as provided in section 2, a prisoner shall not
17 possess any alcoholic liquor, prescription drug, poison, **explosive,**
18 **acid, caustic substance, toxin, material for an incendiary device,**
19 **detailed local map, bodily fluid stored in a container, tattoo**
20 **device, critical or dangerous tool, electronic information device,**
21 **electronic accessory, item containing personal information of an**
22 **employee of the department, item used to facilitate any criminal**
23 **enterprise, or controlled substance.**

24 (5) As used in this section and section 2:

25 (a) "Critical or dangerous tool" means a critical tool or
26 dangerous tool as those terms are defined in department of
27 corrections, *Tool Control*, PD 04.04.120 (July 1, 2018).

28 (b) "Detailed local map" means a detailed road map for any
29 area within this state, an adjacent state to this state, or

1 Ontario, Canada.

2 (c) "Electronic accessory" means an accessory for a cellular
3 telephone, including, but not limited to, a cord or battery.

4 (d) "Electronic information device" means a device that is not
5 a cellular telephone or wireless communication device and is used
6 to store, create, transfer, or transmit data, including, but not
7 limited to, a video, photo, or other electronic information.

8 (e) "Personal information" means a home address, a telephone
9 number, or any financial information.

10 Sec. 2. (1) A person is not in violation of section 1 for the
11 sale, giving, furnishing, bringing, or possession of alcoholic
12 liquor, a prescription drug, or a controlled substance if all of
13 the following occur:

14 (a) A licensed physician certifies in writing that the
15 alcoholic liquor, prescription drug, or controlled substance is
16 necessary for the health of the prisoner or employee.

17 (b) The certificate contains the following information:

18 (i) The quantity of the alcoholic liquor, prescription drug, or
19 controlled substance which is to be furnished to the prisoner or
20 employee.

21 (ii) The name of the prisoner or employee.

22 (iii) The time when the alcoholic liquor, prescription drug, or
23 controlled substance is to be furnished.

24 (iv) The reason why the alcoholic liquor, prescription drug, or
25 controlled substance is needed.

26 (c) The certificate has been delivered to the chief
27 administrator of the correctional facility to which the prisoner is
28 assigned or at which the employee works.

29 (d) The chief administrator of the correctional facility or

1 the designee of the chief administrator approves in advance the
2 sale, giving, furnishing, bringing, or possession of the alcoholic
3 liquor, prescription drug, or controlled substance.

4 (e) The sale, giving, furnishing, bringing, or possession of
5 the alcoholic liquor, prescription drug, or controlled substance is
6 in compliance with the certificate.

7 (2) Not more than 2 ounces of wine for the use of the clergy
8 may be brought into or onto a correctional facility by a person of
9 the clergy of any religious denomination for clergy purposes.

10 (3) Section 1(3) ~~shall~~**does** not apply to the bringing of
11 alcoholic liquor, prescription drugs, or controlled substances into
12 or onto a correctional facility for the ordinary hospital supply of
13 the correctional facility.

14 (4) Section 1(3) ~~shall~~**does** not apply to the bringing of any
15 alcoholic liquor, prescription drug, poison, or controlled
16 substance into or onto a privately operated community corrections
17 center or resident home ~~which~~**that** houses prisoners for the use of
18 the owner, operator, or nonprisoner resident of that center or home
19 if the owner or operator lives in the center or home, or for the
20 use of a nonprisoner guest of the owner, operator, or nonprisoner
21 resident.

22 (5) **Section 1 does not apply to the giving, furnishing, or**
23 **possession of a tattoo device, critical or dangerous tool,**
24 **electronic information device, electronic accessory, or item**
25 **containing personal information of an employee of the department if**
26 **all of the following apply:**

27 (a) **The department authorizes the giving, furnishing, or**
28 **possession in a written policy.**

29 (b) **The prisoner is under the supervision of an employee of**

1 the department while the prisoner possesses or is provided the
2 tool, device, or item.