DAY PAROLE OF PRISONERS

Act 60 of 1962

AN ACT to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment.

History: 1962, Act 60, Eff. Mar. 28, 1963 ;-- Am. 1982, Act 15, Imd. Eff. Feb. 25, 1982

The People of the State of Michigan enact:

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801.251 Privilege of leaving jail during necessary and reasonable hours; purposes; limitations; "jail" defined.

Sec. 1.

(1) Except as otherwise provided in subsection (3) and subject to section 1a, a sentence or commitment of a person to a county jail for any reason may grant to the person the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

(a) Seeking employment.

(b) Working at his or her employment.

(c) Conducting his or her own self-employed business or occupation, including housekeeping and caring for the needs of his or her family.

(d) Attendance at an educational institution.

(e) Medical treatment, substance abuse treatment, mental health counseling, or psychological counseling.

(2) A person may petition the court for a privilege described in subsection (1) at the time of sentence or commitment, and in the discretion of the court may renew his or her petition. The court may withdraw the privilege at any time by order entered with or without notice.

(3) A person shall not be granted the privileges described in subsection (1), except for the privilege of leaving the jail during necessary and reasonable hours for the purpose of medical treatment, substance abuse treatment, mental health counseling, or psychological counseling, if the person is housed in the jail while serving all or any part of a sentence of imprisonment for any of the following crimes:

(a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520b, 750.520c, 750.520d, and 750.520g.

(b) Murder in connection with sexual misconduct.

(c) An attempt to commit a crime described in subdivision (a) or (b).

(4) As used in this act, "jail" means a facility that is operated by a county for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations, or persons found guilty of civil or criminal contempt, for not more than 1 year.

History: 1962, Act 60, Eff. Mar. 28, 1963 ;-- Am. 1987, Act 146, Imd. Eff. Oct. 26, 1987 ;-- Am. 2012, Act 613, Eff. Mar. 1, 2013 ;-- Am. 2014, Act 21, Imd. Eff. Feb. 25, 2014

801.251a Verification of employment or school enrollment; definitions.

Sec. 1a.

(1) Before an individual convicted of a felony is released from jail under section 1 to attend work or school, the court, at the time of sentencing, shall order the department of corrections to verify that the individual is currently employed or currently enrolled in school, as applicable. However, the requirement for verification of employment or school enrollment by the department of corrections does not apply if the county sheriff has provided or will provide that verification. If required, the department of corrections shall provide the verification to the court within 7 days after the order is issued. The court shall not order an individual to be released to attend work or school unless the county sheriff or the department has determined that the individual is currently employed or currently enrolled in school, as applicable. The order of release shall provide that release is contingent at all times upon the approval of the county sheriff.

(2) As used in this section:

(a) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

(b) "School" means any of the following:

(i) A school of secondary education.

(ii) A community college, college, or university.

(iii) A state-licensed technical or vocational school or program.

(iv) A program that prepares the person for the general education development (GED) test.

History: Add. 2012, Act 613, Eff. Mar. 1, 2013

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801.252 Employed prisoner; collection of wages; garnishment.

Sec. 2.

The sheriff, or friend of the court in alimony or nonsupport cases, shall collect the wages or salary of an employed prisoner, or require him to turn over his wages or salary in full when received. The officer shall deposit the same in a trust checking account and keep a ledger showing the status of the account of each prisoner. The wages or salary are not subject to garnishment in the hands of the employer or the officer during the prisoner's term.

History: 1962, Act 60, Eff. Mar. 28, 1963

801.253 Prisoner liability for board; prisoner transportation.

Sec. 3.

A gainfully employed prisoner is liable for the cost of his board in the jail as fixed by the sheriff. If necessarily absent from jail at a meal time, he shall at his request be furnished with an adequate nourishing lunch to carry to work. The sheriff or friend of the court shall charge his account, if he has one, for such board. If the prisoner is gainfully self-employed, he shall pay the sheriff for such board, in default of which his employment privilege is automatically forfeited. If the jail food is furnished directly by the county, the sheriff shall account for and pay the board payments to the county treasurer. The board of supervisors by ordinance may provide that the county furnish or pay for the transportation of employed prisoners to and from their place of employment.

History: 1962, Act 60, Eff. Mar. 28, 1963

801.254 Employed prisoner; disbursement of wages; priority.

Sec. 4.

The sheriff or friend of the court shall disburse the wages or salary of an employed prisoner for only the following purposes in the order stated:

(a) Board of the prisoner;

(b) Necessary travel expense to and from work and other incidental expenses of the prisoner;

(c) Support of the prisoner's dependents, if any;

(d) Payment, either in full or ratably, of the prisoner's obligations, acknowledged by him in writing, or which have been reduced to judgment;

(e) The balance, if any, to the prisoner upon his discharge.

History: 1962, Act 60, Eff. Mar. 28, 1963

801.255 County department of social welfare; clerk of court; duties.

Sec. 5.

The board of supervisors by resolution may direct that the functions of the officer under sections 2 or 4, or both, be performed by the county department of social welfare; or, if the board has not so directed, a court of record may order that the prisoner's earnings be collected and disbursed by the clerk of the court. The order shall remain in force until rescinded by the board or the court, whichever made it.

History: 1962, Act 60, Eff. Mar. 28, 1963

801.256 County department of social welfare; report on prisoner's dependents.

Sec. 6.

The county department of social welfare shall at the request of the court investigate and report to the sheriff or friend of the court the amount necessary for support of the prisoner's dependents.

History: 1962, Act 60, Eff. Mar. 28, 1963

801.257 Reduction of term.

Sec. 7.

Except as provided in section 5 of the prisoner reimbursement to the county act and section 5a of chapter 171 of the Revised Statutes of 1846, being section 801.5a of the Michigan Compiled Laws, a prisoner may receive, if approved by the court, a reduction of 1/4 of his or her term if his or her conduct, diligence, and general attitude merit such reduction.

History: 1962, Act 60, Eff. Mar. 28, 1963 ;-- Am. 1982, Act 15, Imd. Eff. Feb. 25, 1982 ;-- Am. 1984, Act 120, Imd. Eff. June 1, 1984

801.258 Violation of conditions; confinement, forfeiture of earned reduction.

Sec. 8.

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A prisoner who violates any condition specified by the court for his conduct, custody or employment shall be reported by the sheriff to the court, which may then order that the balance of his sentence or commitment be spent in actual confinement and that any earned reduction of his term be forfeited.

History: 1962, Act 60, Eff. Mar. 28, 1963

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