

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.193 Breaking prison, escaping, attempting to break prison, or attempting to escape as felony; penalty; place of trial; "prison" defined; escaping from lawful custody outside confines of prison; escape from mental health facility; violation by person released under work pass program; person violating parole not escapee.

Sec. 193. (1) A person imprisoned in a prison of this state who breaks prison and escapes, breaks prison though an escape is not actually made, escapes, leaves the prison without being discharged by due process of law, attempts to break prison, or attempts to escape from prison, is guilty of a felony, punishable by further imprisonment for not more than 5 years. The term of the further imprisonment shall be served after the termination, pursuant to law, of the sentence or sentences then being served. A prisoner who breaks prison, escapes, attempts to break prison, or attempts to escape, shall be charged with that offense and tried in the courts of the county in which the prison or penal facility to which the prisoner was committed or transferred is located at the time of the breaking, escape, or attempt to break or escape.

(2) As used in this section, "prison" means a facility that houses prisoners committed to the jurisdiction of the department of corrections and includes the grounds, farm, shop, road camp, or place of employment operated by the facility or under control of the officers of the facility, the department of corrections, a police officer of this state, or any other person authorized by the department of corrections to have a prisoner under care, custody, or supervision, either in a facility or outside a facility, whether for the purpose of work, medical care, or any other reason.

(3) A person who escapes from the lawful custody of a guard, prison official, or an employee while outside the confines of a prison is guilty of a violation of this section. A person, admitted to a facility of the department of mental health from a prison pursuant to sections 1001 to 1006 of the mental health code, 1974 PA 258, MCL 330.2001 to 330.2006, who escapes from the mental health facility is guilty of a violation of this section. A person released from prison under a work pass program who violates the terms of the release or fails to return to the place of imprisonment within the time provided is guilty of a violation of this section. A person violating the conditions of a parole is not an escapee under this act.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1943, Act 56, Eff. July 30, 1943;—CL 1948, 750.193;—Am. 1955, Act 264, Eff. Oct. 14, 1955;—Am. 1956, Act 6, Imd. Eff. Mar. 9, 1956;—Am. 1958, Act 215, Eff. Sept. 13, 1958;—Am. 1967, Act 103, Eff. Nov. 2, 1967;—Am. 1978, Act 631, Imd. Eff. Jan. 8, 1979;—Am. 1988, Act 167, Eff. July 1, 1988;—Am. 1998, Act 510, Imd. Eff. Jan. 8, 1999.

Former law: See section 24 of Ch. 156 of R.S. 1846, being CL 1857, § 5843; CL 1871, § 7676; How., § 9258; CL 1897, § 11328; CL 1915, § 14995; CL 1929, § 16586; Act 100 of 1925; and Act 7 of 1927.