

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.265 Transfer or re-transfer of prisoner; confinement in secure correctional facility; "offender" defined; transfer of offenders to country of citizenship; notification to judge and prosecutor; objections; "secure correctional facility" defined.

Sec. 65.

(1) Under rules promulgated by the director of the department, the assistant director in charge of the bureau of correctional facilities, except as otherwise provided in this section, may cause the transfer or re-transfer of a prisoner from a correctional facility to which he or she was committed to any other correctional facility, or temporarily to a state institution for medical or surgical treatment. In effecting a transfer, the assistant director of the bureau of correctional facilities may utilize the services of an executive or employee within the department and of a law enforcement officer of the state.

(2) A prisoner who is subject to disciplinary time and is committed to the jurisdiction of the department must be confined in a secure correctional facility for the duration of his or her minimum sentence, except for periods when the prisoner is away from the secure correctional facility while being supervised by an employee of the department or by an employee of a private contractor that operates a facility or institution that houses prisoners under the jurisdiction of the department for 1 of the following purposes:

- (a) Visiting a critically ill relative.
- (b) Attending the funeral of a relative.
- (c) Obtaining medical services not otherwise available at the secure correctional facility.
- (d) Participating in a work detail.

(3) As used in this section, "offender" means a citizen of the United States or a foreign country who has been convicted of a crime and been given a sentence in a country other than the country of which he or she is a citizen. If a treaty is in effect between the United States and a foreign country, which provides for the transfer of offenders from the jurisdiction of 1 of the countries to the jurisdiction of the country of which the offender is a citizen, and if the offender requests the transfer, the governor of this state or a person designated by the governor may give the approval of this state to a transfer of an offender, if the conditions of the treaty are satisfied.

(4) Not less than 45 days before approval of a transfer under subsection (3) from this state to another country, the governor, or the governor's designee, shall notify the sentencing judge and the prosecuting attorney of the county having original jurisdiction, or their successors in office, of the request for transfer. The notification must indicate any name changes of the offender subsequent to sentencing. Within 20 days after receiving notification under this subsection, the judge or prosecutor may send to the governor, or the governor's designee, information about the criminal action against the offender or objections to the transfer. Objections to the transfer must not preclude approval of the transfer.

(5) As used in this section, "secure correctional facility" means a facility that houses prisoners under the jurisdiction of the department according to the following requirements:

- (a) The facility is enclosed by a locked fence or wall that is designed to prevent prisoners from leaving the enclosed premises and that is patrolled by correctional officers.
- (b) Prisoners in the facility are restricted to the area inside the fence or wall.
- (c) Prisoners are under guard by correctional officers 7 days per week, 24 hours per day.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1980, Act 150, Imd. Eff. June 10, 1980 ;-- Am. 1982, Act 179, Imd. Eff. June 14, 1982 ;-- Am. 1994, Act 217, Eff. Dec. 15, 1998 ;-- Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999 ;-- Am. 2012, Act 599, Eff. Mar. 28, 2013 ;-- Am. 2019, Act 16, Eff. Aug. 21, 2019

Popular Name: Department of Corrections Act

Admin Rule: R 791.1101 et seq. of the Michigan Administrative Code.