

HOUSE BILL No. 4378

February 26, 1991, Introduced by Reps. Pitoniak, Kilpatrick, Hoffman, Walberg, DeMars, Nye, McNutt, Barns, Knight and Robertson and referred to the Committee on House Oversight.

A bill to amend section 1 of Act No. 325 of the Public Acts of 1982, entitled

"An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency,"

being section 801.51 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 325 of the Public Acts of
2 1982, being section 801.51 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. As used in this act:

5 (a) "Chief circuit judge" means any of the following:

6 (i) The circuit judge in a judicial circuit having only 1
7 circuit judge.

1 (ii) Except in the county of Wayne, the chief judge of the
2 circuit court in a judicial circuit having 2 or more circuit
3 judges.

4 (iii) In the county of Wayne, the executive chief judge of
5 the circuit court in the third judicial circuit and the
6 recorder's court of the city of Detroit.

7 (b) "Chief district judge" means the chief district judge or
8 only district judge in a district court district.

9 ~~(c) "Commission of corrections" means the state commission~~
10 ~~of corrections.~~

11 (C) ~~(d)~~ "County jail" means a facility operated by a
12 county for the physical detention and correction of persons
13 charged with or convicted of criminal offenses and ordinance vio-
14 lations, persons found guilty of civil or criminal contempt, and
15 juveniles detained by court order. ~~, or a facility which houses~~
16 ~~prisoners pursuant to an agreement authorized under Act No. 164~~
17 ~~of the Public Acts of 1861, as amended, being sections 802.1 to~~
18 ~~802.21 of the Michigan Compiled Laws.~~

19 (D) ~~(e)~~ "Department of corrections" means the state
20 department of corrections.

21 (E) ~~(f)~~ "Prisoner" means a person who is currently being
22 physically detained in a county jail.

23 (F) ~~(g)~~ "Rated design capacity" means the actual available
24 bed space of the general population of a county jail as deter-
25 mined by the department of corrections, subject to applicable
26 rules including variances to those rules. ~~granted by the~~
27 ~~commission of corrections.~~

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4370 (request
3 no. 02155'91) of the 86th Legislature is enacted into law.