



# SENATE BILL No. 44

January 17, 1995, Introduced by Senator V. SMITH and referred to the Committee on Judiciary.

A bill to amend sections 183 and 188 of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," being sections 750.183 and 750.188 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 183 and 188 of Act No. 328 of the  
2 Public Acts of 1931, being sections 750.183 and 750.188 of the  
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 183. (1) ~~Aiding escape of and rescuing~~  
5 ~~prisoners—Any~~ A person ~~who~~ shall ~~convey~~ NOT DO ANY OF THE  
6 FOLLOWING:

7 (A) CONVEY into ~~any~~ A jail, prison, or other ~~like~~  
8 SIMILAR place of confinement ~~, any~~ A disguise or ~~any~~ AN

1 instrument, tool, weapon, or other thing ~~—~~ THAT IS adapted or  
2 useful to aid ~~any~~ OR ASSIST A prisoner ~~in making his~~ TO  
3 escape FROM THAT JAIL, PRISON, OR OTHER SIMILAR PLACE OF  
4 CONFINEMENT, with THE intent to facilitate the escape of any  
5 prisoner ~~there~~ lawfully committed or detained ~~, or shall by~~  
6 ~~any means whatever, aid~~ IN THAT JAIL, PRISON, OR OTHER SIMILAR  
7 PLACE OF CONFINEMENT.

8 (B) AID or assist ~~any such~~ A prisoner ~~in his endeavor~~  
9 LAWFULLY COMMITTED OR DETAINED IN A JAIL, PRISON, OR OTHER SIMI-  
10 LAR PLACE OF CONFINEMENT to ~~make his~~ escape ~~therefrom, whether~~  
11 ~~such escape be effected or attempted, or not, and every person~~  
12 ~~who shall forcibly rescue any~~ OR ATTEMPT TO ESCAPE FROM THAT  
13 JAIL, PRISON, OR OTHER SIMILAR PLACE OF CONFINEMENT.

14 (C) FORCIBLY REMOVE A prisoner ~~, held in~~ CHARGED WITH OR  
15 CONVICTED OF AN OFFENSE FROM THE custody ~~upon any conviction or~~  
16 ~~charge of an offense, shall be~~ OF A PERSON HAVING THE LEGAL DUTY  
17 TO MAINTAIN THAT PRISONER IN CUSTODY.

18 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO VIO-  
19 LATES THIS SECTION IS guilty of a felony ~~—~~ punishable by  
20 imprisonment ~~in the state prison~~ FOR not LESS THAN 10 YEARS OR  
21 more than ~~7~~ 15 years. ~~—; or, if~~

22 (3) IF the ~~person~~ PRISONER whose escape or rescue was  
23 effected or intended ~~, was~~ IS charged with ~~an offense not cap-~~  
24 ~~ital, nor punishable by imprisonment in~~ A MISDEMEANOR, the  
25 ~~state prison, then the offense mentioned in this section shall~~  
26 ~~be~~ PERSON IS GUILTY OF a misdemeanor ~~and shall be~~ punishable

1 by imprisonment ~~in the county jail~~ FOR not more than 1 year ~~,~~  
2 or by fine of not more than ~~500 dollars~~ \$500.00, OR BOTH.

3       Sec. 188. (1) ~~Voluntarily suffering prisoner to~~  
4 ~~escape--Any jailor, or other officer~~ A PERSON HAVING THE LEGAL  
5 DUTY TO MAINTAIN A PRISONER CHARGED WITH OR CONVICTED OF A FELONY  
6 IN CUSTODY who ~~shall~~ voluntarily ~~suffer any~~ ALLOWS THAT pris-  
7 oner ~~in his custody, upon conviction, or upon any criminal~~  
8 ~~charge,~~ to escape ~~,~~ ~~shall suffer the like punishment and penal-~~  
9 ~~ties as the prisoner so suffered to escape was sentenced to, or~~  
10 ~~would be liable to suffer upon conviction, for the crime or~~  
11 ~~offense wherewith he stood charged.~~ IS GUILTY OF A FELONY PUN-  
12 ISHABLE BY IMPRISONMENT FOR NOT LESS THAN 10 YEARS OR MORE THAN  
13 15 YEARS.

14       (2) A PERSON HAVING THE LEGAL DUTY TO MAINTAIN A PRISONER  
15 CHARGED WITH OR CONVICTED OF A MISDEMEANOR IN CUSTODY WHO VOLUN-  
16 TARIY ALLOWS THAT PRISONER TO ESCAPE IS GUILTY OF A MISDEMEANOR  
17 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BY A FINE  
18 OF NOT MORE THAN \$500.00, OR BOTH.