

HOUSE BILL No. 4103

January 26, 2017, Introduced by Reps. VerHeulen, Pagel, Garcia, Victory, Lucido, LaGrand, Howrylak, Chang, Schor, Robinson, Ellison, Love, Whiteford, Wittenberg, Calley, Rabhi and Lilly and referred to the Committee on Appropriations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 197d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 197D. (1) A PERSON WHO DOES ANY OF THE FOLLOWING IS
2 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
3 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH:

4 (A) SELLS, GIVES, OR FURNISHES, EITHER DIRECTLY OR INDIRECTLY,
5 POISON, A CONTROLLED SUBSTANCE, OR A WEAPON TO A MEDICALLY FRAIL
6 PAROLEE KNOWING THAT PERSON IS A MEDICALLY FRAIL PAROLEE. THIS
7 SUBDIVISION DOES NOT APPLY TO A PERSON WHO PROVIDES A CONTROLLED
8 SUBSTANCE TO A MEDICALLY FRAIL PAROLEE IF THAT CONTROLLED SUBSTANCE
9 HAS BEEN PRESCRIBED BY A PHYSICIAN FOR USE BY A MEDICALLY FRAIL
10 PAROLEE.

1 (B) WITH THE INTENT TO ASSIST A MEDICALLY FRAIL PAROLEE
2 ABSCOND FROM PAROLE, ASSIST A MEDICALLY FRAIL PAROLEE IN LEAVING OR
3 ATTEMPTING TO LEAVE A MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL
4 PAROLEE HAS BEEN PLACED AS A CONDITION OF HIS OR HER MEDICALLY
5 FRAIL PAROLE.

6 (C) KNOWINGLY CAUSE A MEDICALLY FRAIL PAROLEE TO HAVE CONTACT
7 WITH A PERSON WITH WHOM THE MEDICALLY FRAIL PAROLEE IS PROHIBITED
8 FROM HAVING CONTACT AS A CONDITION OF HIS OR HER MEDICALLY FRAIL
9 PAROLE OR A VALID PERSONAL PROTECTION ORDER.

10 (2) THIS SECTION DOES NOT APPLY TO A PERSON WHO AIDS OR
11 ASSISTS A MEDICALLY FRAIL PAROLEE IN LEAVING OR ATTEMPTING TO LEAVE
12 A MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL PAROLEE HAS BEEN
13 PLACED AS A CONDITION OF HIS OR HER MEDICALLY FRAIL PAROLE BECAUSE
14 OF ANY OF THE FOLLOWING:

15 (A) THE MEDICALLY FRAIL PAROLEE REQUIRES A MEDICAL SERVICE
16 THAT MUST BE PERFORMED AT A DIFFERENT MEDICAL FACILITY.

17 (B) THE MEDICALLY FRAIL PAROLEE HAS A MEDICAL EMERGENCY THAT
18 REQUIRES MEDICAL SERVICE AT A DIFFERENT MEDICAL FACILITY.

19 (C) THERE IS A NATURAL DISASTER, FIRE, OR INFRASTRUCTURAL
20 FAILURE AT THE MEDICAL FACILITY IN WHICH THE MEDICALLY FRAIL
21 PAROLEE HAS BEEN PLACED THAT NECESSITATES EVACUATING THE MEDICALLY
22 FRAIL PAROLEE.

23 (3) AS USED IN THIS SECTION:

24 (A) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
25 SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104.

26 (B) "MEDICAL FACILITY" MEANS A HOSPITAL, HOSPICE, NURSING
27 HOME, OR OTHER HOUSING ACCOMMODATION SUITABLE TO THE CONDITION OR

1 CONDITIONS RENDERING THE PAROLEE MEDICALLY FRAIL.

2 (C) "MEDICALLY FRAIL PAROLE" MEANS A PAROLE GRANTED UNDER
3 SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL
4 791.235.

5 (D) "MEDICALLY FRAIL PAROLEE" MEANS AN INDIVIDUAL GRANTED
6 PAROLE UNDER SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953
7 PA 232, MCL 791.235.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. ____ or House Bill No. 4101 (request no.
12 01425'17) of the 99th Legislature is enacted into law.