

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.262 Definitions; administration of state correctional facilities; supervision and inspection of jails and lockups; rules and standards; variance; advice and services; enforcement of orders; residence of sheriff as part of county jail; visitation and inspection by member of commission or designee; records; forms; violation as misdemeanor.

Sec. 62.

(1) As used in this section:

(a) "Holding cell" means a cell or room in a facility of a local unit of government that is used for the detention of 1 or more persons awaiting processing, booking, court appearances, transportation to a jail or lockup, or discharge for not to exceed 12 hours.

(b) "Holding center" means a facility that is operated by a local unit of government for the detention of persons awaiting processing, booking, court appearances, transportation to a jail or lockup, or discharge; for not to exceed 24 hours.

(c) "Jail" means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations; persons found guilty of civil or criminal contempt; or a facility which houses prisoners pursuant to an agreement authorized under Act No. 164 of the Public Acts of 1861, being sections 802.1 to 802.21 of the Michigan Compiled Laws, for not more than 1 year.

(d) "Local unit of government" means any county, city, village, township, charter township, community college, college, or university.

(e) "Lockup" means a facility that is operated by a local unit of government for the detention of persons awaiting processing, booking, court appearances, or transportation to a jail, for not to exceed 72 hours.

(f) "State correctional facility" means a facility or institution maintained and operated by the department.

(2) State correctional facilities shall be administered by the bureau of prisons.

(3) The department shall supervise and inspect jails and lockups that are under the jurisdiction of the county sheriff to obtain facts concerning the proper management of the jails and lockups and their usefulness. The department shall promulgate rules and standards promoting the proper, efficient, and humane administration of jails and lockups that are under the jurisdiction of the county sheriff pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(4) The department may grant a variance to the rules and standards promulgated under subsection (3).

(5) Except as provided in subsection (3), the department shall not supervise and inspect, or promulgate rules and standards for the administration of, holding cells, holding centers, or lockups. However, the department shall provide advice and services concerning the efficient and humane administration of holding cells, holding centers, and lockups at the request of a local unit of government.

(6) The commission may enforce any reasonable order with respect to jails and lockups subject to supervision and inspection pursuant to subsection (3) through mandamus or injunction in the circuit court of the county where the jail is located through proceedings instituted by the attorney general on behalf of the commission.

(7) The county board of commissioners may determine whether the sheriff's residence is to be part of the county jail.

(8) The sheriff or the administrator of a jail or lockup, subject to supervision and inspection under subsection (3), shall admit to the jail or lockup any member of the commission or an authorized designee of the commission, for the purpose of visitation and inspection.

(9) The sheriff or the administrator of a jail or lockup subject to supervision and inspection under subsection (3) shall keep records of a type and in a manner reasonably prescribed by the commission. The commission shall provide the forms required for keeping the records.

(10) Any person who violates subsections (8) or (9) shall be guilty of a misdemeanor.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1964, Act 111, Eff. Aug. 28, 1964 ;-- Am. 1984, Act 102, Imd. Eff. May 8, 1984 ;-- Am. 1987, Act 251, Eff. Jan. 1, 1988

Popular Name: Department of Corrections Act

Admin Rule: R 791.701 et seq. of the Michigan Administrative Code.