

## **Revised Statutes of 1846**

### **R.S. of 1846**

#### **Chapter 171**

#### **Chapter 171. Of county jails and the regulation thereof.**

##### **801.1 County jails; use as prisons.**

###### **Sec. 1.**

The common jails in the several counties of this state in charge of the respective sheriffs shall be used as prisons:

First, For the detention of persons charged with offenses and duly committed for trial;

Second, For the confinement of persons committed pursuant to a sentence upon conviction of an offense, and of all other persons duly committed for any cause authorized by law; and the provisions of this section shall extend to persons detained in or committed to any such jail when duly authorized by or under the authority of any court or officer of the United States, as well as by the courts and magistrates of this state: Provided, however, That all persons detained or committed to such jails by the authority of the courts of the United States, or any officer of the United States, shall be received in said county jails only in cases where the cost of the care and maintenance of such persons shall be paid by the United States, at actual cost thereof, to be fixed and determined by the Michigan welfare commission upon application of the sheriffs of the respective counties of this state, and not otherwise.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6129 ;-- CL 1871, 8018 ;-- Am. 1875, Act 125, Eff. Aug. 3, 1875 ;-- How. 9634 ;-- CL 1897, 2650 ;-- CL 1915, 2522 ;-- Am. 1927, Act 67, Imd. Eff. Apr. 25, 1927 ;-- CL 1929, 17668 ;-- CL 1948, 801.1

##### **801.2 Solitary imprisonment; execution of sentence.**

###### **Sec. 2.**

When any convict shall be sentenced to solitary imprisonment and hard labor in any jail, the keeper thereof shall execute such sentence of solitary imprisonment, by confining the convict in 1 of the cells, if there be any in such jail, and if there be none, then in the most retired and solitary part of such jail.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6130 ;-- CL 1871, 8019 ;-- How. 9635 ;-- CL 1897, 2651 ;-- CL 1915, 2523 ;-- CL 1929, 17669 ;-- CL 1948, 801.2

##### **801.3 Solitary imprisonment; intercourse with other persons.**

###### **Sec. 3.**

No intercourse shall be allowed with any convict in solitary imprisonment, except for the conveyance of food and other necessary purposes, unless some minister of the gospel shall be disposed to visit him, in the manner hereinafter provided.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6131 ;-- CL 1871, 8020 ;-- How. 9636 ;-- CL 1897, 2652 ;-- CL 1915, 2524 ;-- CL 1929, 17670 ;-- CL 1948, 801.3

**801.4 Safekeeping and maintaining prisoners and persons charged with offense; charges and expenses; payment; medical care or treatment.**

Sec. 4.

(1) Except as provided in subsection (2) and sections 5 and 5a, all charges and expenses of safekeeping and maintaining prisoners and persons charged with an offense, shall be paid from the county treasury, the accounts therefor being first settled and allowed by the county board of commissioners.

(2) If medical care or treatment is provided to an individual described in subsection (1), the health care provider shall make a reasonable effort to determine whether that individual is covered by a health care policy, a certificate of insurance, or other source for the payment of medical expenses. If the county sheriff who has custody over the individual is aware that the individual is covered by any health care policy, certificate of insurance, or other source of payment, the sheriff shall provide that information to the health care provider. If the health care provider determines that the individual, at the time of admission or treatment, is a medicaid recipient or a beneficiary of any health care policy, certificate of insurance, or other source for the payment of some or all of those expenses, the health care provider shall first seek reimbursement from that source, subject to the terms and conditions of the applicable health care policy, certificate of insurance, or medicaid contract, before submitting those expenses to the county. When submitting an invoice to the county for the payment of medical expenses under this section, a health care provider shall provide a statement that the health care provider has made a reasonable effort to determine whether the individual was covered by a health care policy, certificate of insurance, or other source for the payment of medical expenses. A county may enter into agreements with health care providers to establish procedures for the submission of invoices for medical expenses under this section and the payment of those invoices.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6132 ;-- CL 1871, 8021 ;-- How. 9637 ;-- CL 1897, 2653 ;-- CL 1915, 2525 ;-- CL 1929, 17671 ;-- CL 1948, 801.4 ;-- Am. 1982, Act 16, Imd. Eff. Feb. 25, 1982 ;-- Am. 1984, Act 119, Imd. Eff. June 1, 1984 ;-- Am. 2006, Act 20, Imd. Eff. Feb. 9, 2006

**801.4a Safekeeping and maintaining persons charged with ordinance violation; charges and expenses; payment; medical care or treatment.**

Sec. 4a.

(1) Except as provided in subsection (2) and sections 5 and 5a, all charges and expenses of safekeeping and maintaining persons in the county jail charged with violations of city, village, or township ordinances shall be paid from the county treasury if a district court of the first or second class has jurisdiction of the offense.

(2) If medical care or treatment is provided to an individual described in subsection (1), the health care provider shall make a reasonable effort to determine whether that individual is covered by a health care policy, a certificate of insurance, or other source for the payment of medical expenses. If the county sheriff who has custody over the individual is aware that the individual is covered by any health care policy, certificate of insurance, or other source of payment, the sheriff shall provide that information to the health care provider. If the health care provider determines that the individual, at the time of admission or treatment, is a medicaid recipient or a beneficiary of any health care policy, certificate of insurance, or other source for the payment of some or all of those expenses, the health care provider shall first seek reimbursement from that source, subject to the terms and conditions of the applicable health care policy, certificate of insurance, or medicaid contract, before submitting those expenses to the county. When submitting an invoice to the county for the payment of medical expenses under this section, a health care provider shall provide a statement that the health care provider has made a reasonable effort to determine whether the individual was covered by a health care policy, certificate of insurance, or other source for the payment of medical expenses. A county may enter into agreements with health care providers to establish procedures for the submission of invoices for medical expenses under this section and the payment of the invoices.

**History:** Add. 1969, Act 274, Eff. Sept. 1, 1969 ;-- Am. 1982, Act 16, Imd. Eff. Feb. 25, 1982 ;-- Am. 1984, Act 119, Imd. Eff. June 1, 1984 ;-- Am. 2006, Act 20, Imd. Eff. Feb. 9, 2006

**801.4b Payment of fee by inmate; collection; forwarding fees to local corrections officers training fund; disposition; failure to pay fee as civil infraction; civil fine; enforcement; refund.**

Sec. 4b.

(1) Beginning August 1, 2003, each person who is incarcerated in the county jail shall pay a fee of \$12.00 to the county sheriff when the person is admitted into the jail.

(2) The county sheriff may collect a fee owed under this section by withdrawing that amount from any inmate account maintained by the sheriff for that inmate.

(3) Except as provided in subsections (4) and (5), the sheriff, once each calendar quarter, shall forward all fees collected under this section to the local corrections officers training fund created in the local corrections officers training act.

(4) The revenue derived from fees collected under this section shall be directed in the manner provided in subsection (5) in a county for which the sheriffs coordinating and training council has certified that the county's standards and requirements for the training of local corrections officers equals or exceeds the standards and requirements approved by the sheriffs coordinating and training council under the local corrections officers training act.

(5) In a county that meets the criteria in subsection (4), both of the following apply:

(a) Once each calendar quarter, the sheriff shall forward \$2.00 of each fee collected to the state treasurer for deposit in the local corrections officers training fund created in the local corrections officers training act.

(b) The remaining \$10.00 of each fee shall be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees shall not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.

(6) An inmate who fails to pay a fee owed under this section before being discharged from the jail is responsible for a state civil infraction and may be ordered to pay a civil fine of \$100.00. An appearance ticket may be issued to a person who fails to pay a fee owed under this section. The appearance ticket may be issued by the sheriff or a deputy sheriff. The county prosecutor for the county in which the jail is located is responsible for enforcing the state civil infraction. A civil fine collected under this section shall be paid as provided under section 8831 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8831.

(7) A person who is incarcerated in a jail pending trial or arraignment is entitled to a full refund of the fee paid under this section if the prosecution against him or her is terminated for any reason or if he or she is found not guilty of the charges. Each person required to pay a fee under this section shall be given a written form explaining the circumstances under which he or she may request a refund under this subsection. The form shall be as prescribed in section 15 of the local corrections officers training act.

**History:** Add. 2003, Act 124, Eff. Oct. 1, 2003

**801.5 Contracting for jail supplies; private donations of clothing; reimbursement for medical attendance supplies; reimbursement for care and support of prisoner.**

Sec. 5.

(1) The county board of commissioners may provide by contract for all necessary supplies for the use of the jail, including fuel and food, clothing, bedding, and medical attendance, for prisoners committed on criminal charges.

(2) Private donations of clothing for prisoners awaiting trial shall be accepted for them by the sheriff.

(3) The county board of commissioners may provide for reimbursement of the cost of supplies for medical attendance as provided under section 5a.

(4) The county board of commissioners or the county executive or designee of the county executive may provide that the care and support of a prisoner be paid by the prisoner's estate or property and may provide for reimbursement of all charges and expenses of maintaining a prisoner pursuant to the prisoner reimbursement to the county act.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6133 ;-- CL 1871, 8022 ;-- How. 9638 ;-- CL 1897, 2654 ;-- CL 1915, 2526 ;-- CL 1929, 17672 ;-- CL 1948, 801.5 ;-- Am. 1972, Act 152, Imd. Eff. May 26, 1972 ;-- Am. 1982, Act 16, Imd. Eff. Feb. 25, 1982 ;-- Am. 1984, Act 119,

**801.5a Reimbursement for medical expenses; cooperation by prisoner required; wilful refusal to cooperate.**

Sec. 5a.

(1) The county board of commissioners may seek reimbursement for expenses incurred in providing medical care and treatment pursuant to sections 4 to 5. If a county board of commissioners seeks reimbursement pursuant to this section, reimbursement shall be sought only in the following order:

(a) From the prisoner or person charged.

(b) From insurance companies, health care corporations, or other sources if the prisoner or person charged is covered by an insurance policy, a certificate issued by a health care corporation, or other source for those expenses.

(2) A prisoner in a county jail shall cooperate with the county in seeking reimbursement under subsection (1) for medical expenses incurred by the county for that prisoner.

(3) A prisoner who wilfully refuses to cooperate as provided in subsection (2) shall not receive a reduction in his or her term under section 7 of Act No. 60 of the Public Acts of 1962, being section 801.257 of the Michigan Compiled Laws.

**History:** Add. 1982, Act 16, Imd. Eff. Feb. 25, 1982

**801.6 Prisoners; separation.**

Sec. 6.

It shall be the duty of the keepers of the said prisons, to keep the prisoners committed to their charge, as far as may be practicable, separate and apart from each other, and to prevent all conversation between the said prisoners.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6134 ;-- CL 1871, 8023 ;-- How. 9639 ;-- CL 1897, 2655 ;-- CL 1915, 2527 ;-- CL 1929, 17673 ;-- CL 1948, 801.6

**801.7 Prisoners; conversations.**

Sec. 7.

Prisoners detained for trial, may converse with their counsel, and with such other persons as the keeper, in his discretion, may allow: prisoners under sentence shall not be permitted to hold any conversation with any person except the keepers or inspectors of the prison, unless in the presence of a keeper or inspector.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6135 ;-- CL 1871, 8024 ;-- How. 9640 ;-- CL 1897, 2656 ;-- CL 1915, 2528 ;-- CL 1929, 17674 ;-- CL 1948, 801.7

**801.8 Prisoners; food.**

Sec. 8.

Prisoners detained for trial, and those under sentence, shall be provided with a sufficient quantity of wholesome food, at the expense of the county, and prisoners detained for trial, may, at their own expense, and under the

direction of the keeper, be supplied with any other proper articles of food.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6136 ;-- CL 1871, 8025 ;-- How. 9641 ;-- CL 1897, 2657 ;-- CL 1915, 2529 ;-- CL 1929, 17675 ;-- CL 1948, 801.8

**801.9 Repealed. 2015, Act 216, Eff. Mar. 14, 2016.**

**Compiler's Notes:** The repealed section pertained to accounting of proceeds from person sentenced to hard labor.

**801.10 Prisoners; work on public highways, streets, alleys, roads, or railroad crossings; work in quarry, pit, or yard; performance of work for nonprofit charitable organizations or other labor; duty of sheriff; use of prisoner labor for private benefit or financial gain prohibited; violation of subsection (2) as civil infraction; penalty; sheriff deriving private benefit or financial gain from provision of food to prisoners as civil infraction; penalty.**

Sec. 10.

(1) The county board of commissioners of any county, by resolution passed at any regular or special session, may order that prisoners over the age of 18 years under a sentence of imprisonment in the county jail, capable of performing manual labor, shall be required to work upon the public highways, streets, alleys, public roads, or railroad crossings in the county, or in any quarry, pit, or yard in the preparation or construction of materials for public highways, streets, alleys, roads, or railroad crossings in the county, to perform work for nonprofit charitable organizations including, but not limited to, churches and synagogues, or to perform any other lawful labor for the benefit of the county. When a resolution under this section is passed, the sheriff shall cause the prisoners to be put at work in the manner provided in the resolution of the county board of commissioners. The board of county road commissioners and the village or city authorities of any village or city in the county or the authorities in charge of any county institution may make application to have the prisoners work in any township, city, village, or institution in a manner prescribed by the county board of commissioners, and the county board of commissioners shall determine in which township, city, or village the prisoners shall work.

(2) A person, including a public official or public employee, shall not sell, hire, lease, loan, contract for, or otherwise use the labor of prisoners for his or her own private benefit or financial gain. A person who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(3) A sheriff shall not derive any private benefit or financial gain from the provision of food to prisoners in the jail, whether by retaining the difference between money budgeted for food and money expended for food, or by any other method. This subsection does not prevent a sheriff from receiving a salary for duties that include supervising the operation of the jail. A sheriff who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6138 ;-- Am. 1861, Act 141, Eff. June 15, 1861 ;-- CL 1871, 8027 ;-- How. 9643 ;-- CL 1897, 2659 ;-- Am. 1909, Act 10, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 132, Eff. Aug. 24, 1915 ;-- CL 1915, 2531 ;-- CL 1929, 17677 ;-- CL 1948, 801.10 ;-- Am. 1960, Act 71, Eff. Aug. 17, 1960 ;-- Am. 1984, Act 41, Imd. Eff. Mar. 26, 1984 ;-- Am. 1988, Act 402, Imd. Eff. Dec. 27, 1988 ;-- Am. 1996, Act 178, Imd. Eff. Apr. 18, 1996

**801.11 Prisoners; working conditions, transportation, meals, lodging.**

Sec. 11.

All work performed by any such prisoners shall be performed under the direction of the highway commissioner of the township or the authorities of the city, village or institution where the work is done. All such prisoners while engaged in such work shall be under the control and custody of the sheriff. All tools necessary for use by such

prisoners and all materials upon which work is to be performed shall be furnished by the township, city, village or institution in which the work is done. The sheriff shall take such precautionary measures as may be deemed necessary to prevent the escape of prisoners employed under the provisions of this act, and in case any prisoner employed shall escape, it shall be deemed to be an escape from the jail: Provided, That no additional deputy sheriff shall be appointed to guard such prisoners while so at work without the previous authorization of the board of supervisors. The board of supervisors is hereby vested with authority to reimburse the sheriff for any expenses incurred in conveying such prisoners to and from any such road, street, alley, highway, quarry, pit, yard, or institution or in properly guarding them while beyond the confines of the county jail: Provided, That all meals and food shall be furnished by the sheriff to such prisoners in the same manner as though they were confined in the county jail, except in cases where such prisoners are employed in or for a county institution providing board for inmates, in which case all meals and food shall be furnished by said institution: Provided further, That the board of supervisors shall have authority to provide for keeping such prisoners at places other than the county jail while they are performing such work as is authorized under the provisions of this act.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6139 ;-- CL 1871, 8028 ;-- How. 9644 ;-- CL 1897, 2660 ;-- Am. 1909, Act 10, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 132, Eff. Aug. 24, 1915 ;-- CL 1915, 2532 ;-- CL 1929, 17678 ;-- CL 1948, 801.11

#### **801.12 Prisoners; compensation; record, report.**

##### **Sec. 12.**

No prisoner shall be entitled to any compensation either from the county, township, city or village in which he is employed for any services performed in accordance with the requirements of this act. It shall be the duty of the sheriff to keep a record of the number of days worked by each prisoner and the township, city or village in which such work was performed, and report in full to the board of supervisors at each regular session.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6140 ;-- Am. 1861, Act 141, Eff. June 15, 1861 ;-- CL 1871, 8029 ;-- How. 9645 ;-- CL 1897, 2661 ;-- Am. 1909, Act 10, Eff. Sept. 1, 1909 ;-- CL 1915, 2533 ;-- CL 1929, 17679 ;-- CL 1948, 801.12

#### **801.13 Jail of contiguous county; designation for use; removal of prisoners.**

##### **Sec. 13.**

The provisions contained in chapter 148, in regard to the designation of the jail of a contiguous county for the use of any county; to the removal of prisoners in such cases; and to the removal of prisoners when danger shall be apprehended from fire or contagious disease, shall extend to prisoners confined upon any criminal process, or for a contempt, or under sentence, in like manner as to prisoners confined in civil cases.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6141 ;-- CL 1871, 8030 ;-- How. 9646 ;-- CL 1897, 2662 ;-- CL 1915, 2534 ;-- CL 1929, 17680 ;-- CL 1948, 801.13

**Compiler's Notes:** For provisions of chapter 148, referred to in this section, see MCL 801.107 to 801.115.

#### **801.14-801.15 Repealed. 1974, Act 258, Eff. Aug. 6, 1975.**

**Compiler's Notes:** The repealed sections pertained to insane convicts.

**801.16-801.21 Repealed. 1959, Act 7, Eff. Mar. 29, 1960.**

**Compiler's Notes:** The repealed sections pertained to inspection of jails, inspectors' reports and powers, and keepers' duties.

**801.22 Keeper's calendar of prisoners; contents, delivery to court.**

Sec. 22.

It shall be the duty of the keeper of every county prison to present to every circuit court to be held in his county, at the opening of such court, a calendar statingâ€”

First, The name of every prisoner then detained in such prison;

Second, The time when such prisoner was committed, and by virtue of what process or precept; and

Third, The cause of the detention of every such person.

**History:** R.S. 1846, Ch. 171 ;-- Am. 1850, Act 275, Imd. Eff. Apr. 2, 1850 ;-- CL 1857, 6150 ;-- CL 1871, 8039 ;-- Am. 1875, Act 146, Eff. Aug. 3, 1875 ;-- How. 9655 ;-- CL 1897, 2671 ;-- CL 1915, 2543 ;-- CL 1929, 17689 ;-- CL 1948, 801.22

**801.23 Discharge of unindicted persons.**

Sec. 23.

It shall be the duty of such court during the term thereof to inquire into the cause of the commitment of every person confined in such prison upon any criminal charge who shall not have been indicted, or against whom no information shall have been filed, and unless satisfactory cause shall be shown to such court for detaining such person in custody or upon bail, as the case may require, to cause such person to be discharged.

**History:** R.S. 1846, Ch. 171 ;-- Am. 1850, Act 275, Imd. Eff. Apr. 2, 1850 ;-- CL 1857, 6151 ;-- CL 1871, 8040 ;-- Am. 1875, Act 146, Eff. Aug. 3, 1875 ;-- How. 9656 ;-- CL 1897, 2672 ;-- CL 1915, 2544 ;-- CL 1929, 17690 ;-- CL 1948, 801.23

**801.25 Refractory or disorderly conduct of prisoner; persons confined on criminal charge or conviction; punishment.**

Sec. 25.

If any person confined in any jail, upon a conviction or charge of any criminal offense, shall be refractory or disorderly, or shall wilfully or wantonly destroy or injure any article of bedding, or other furniture, or a door or window, or any other part of such prison, the sheriff of the county, after due inquiry, may cause such person to be kept in solitary confinement, not more than 10 days for any 1 offense; and during such solitary confinement, he shall be fed with bread and water only, unless other food shall be necessary for the preservation of his health.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6153 ;-- CL 1871, 8042 ;-- How. 9658 ;-- CL 1897, 2674 ;-- CL 1915, 2545 ;-- CL 1929, 17691 ;-- CL 1948, 801.25

**801.26 Repealed. 1991, Act 145, Imd. Eff. Nov. 25, 1991.**

**Compiler's Notes:** The repealed section pertained to disorderly conduct of prisoner.

**801.27 Refractory or disorderly conduct of prisoner; authority of jailer to preserve order.**

Sec. 27.

Nothing contained in the 2 preceding sections, shall be construed to take from any sheriff or jailer, any part of the authority with which he was before invested by law, to preserve order and enforce strict discipline among all the prisoners in his custody.

**History:** R.S. 1846, Ch. 171 ;-- CL 1857, 6155 ;-- CL 1871, 8044 ;-- How. 9660 ;-- CL 1897, 2676 ;-- CL 1915, 2547 ;-- CL 1929, 17693 ;-- CL 1948, 801.27