

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.197d Selling, giving, or furnishing poison, a controlled substance, or weapon to a medically frail parolee or assisting a medically frail parolee in parole violation as a misdemeanor; inapplicable to certain skilled nursing staff or in certain emergency situations; definitions.

Sec. 197d.

(1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) Sells, gives, or furnishes, either directly or indirectly, poison, a controlled substance, or a weapon to a medically frail parolee knowing that person is a medically frail parolee. This subdivision does not apply to a person who provides a controlled substance to a medically frail parolee if that controlled substance has been prescribed by a physician for use by a medically frail parolee.

(b) With the intent to assist a medically frail parolee in violating his or her parole, assist a medically frail parolee in absconding or attempting to abscond from supervision by leaving a medical facility in which the medically frail parolee has agreed to reside as a condition of his or her medically frail parole without the permission of the parolee's supervising agent.

(c) Knowingly cause a medically frail parolee to have contact with a person with whom the medically frail parolee is prohibited from having contact as a condition of his or her medically frail parole or a valid personal protection order.

(2) This section does not apply to skilled nursing facility staff performing duties required of skilled nursing facilities under state and federal laws, rules, and regulations, including, but not limited to, section 20201(2) of the public health code, 1978 PA 368, MCL 333.20201, 42 CFR 483.10, and 42 CFR 483.12, that guarantee the rights of skilled nursing facility residents.

(3) This section does not apply to a person who aids or assists a medically frail parolee in leaving or attempting to leave a medical facility in which the medically frail parolee has been placed as a condition of his or her medically frail parole because of any of the following:

(a) The medically frail parolee requires a medical service that must be performed at a different medical facility.

(b) The medically frail parolee has a medical emergency that requires medical service at a different medical facility.

(c) There is a natural disaster, fire, or infrastructural failure at the medical facility in which the medically frail parolee has been placed that necessitates evacuating the medically frail parolee.

(4) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Medical facility" means a hospital, hospice, nursing home, or other housing accommodation providing medical treatment suitable to the condition or conditions rendering the parolee medically frail.

(c) "Medically frail parole" means a parole granted under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235.

(d) "Medically frail parolee" means an individual granted parole under section 35(10) of the corrections code of 1953, 1953 PA 232, MCL 791.235.

History: Add. 2019, Act 15, Eff. Aug. 21, 2019