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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 711 (Substitute S-1 as reported)
Sponsor: Senator Michael J. O'Brien
Committee: Criminal Justice and Urban Affairs

Date Completed: 5-17-90

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RATIONALE

The Department of Corrections recently instituted a six-level security classification system to identify the degree of a prisoner's risk to security. Some people feel that those prisoners who are considered lower security risks should be allowed more privileges than those with higher security classification levels and that contact between the upper-level prisoners and lower-level prisoners should be limited. To that end, it has been suggested that level V and VI prisoners should be denied, or have to earn, the privilege of contact visits while such visits should continue to be allowed for levels I through IV, and that procedures should be developed for restricting contact between prisoners classified as level V or VI and those classified as level I, II, III, or IV.

CONTENT

The bill would amend the Department of Corrections (DOC) Act to provide that prisoner visits involving prisoners with a security level of V or VI, except level V prisoners housed at the State Prison of Southern Michigan (SPSM) at Jackson, would have to be conducted in an area of the correctional facility that prevented any physical contact between the prisoner and visitor, and prevented contraband from being transferred to the prisoner. A level V prisoner who was not found guilty of any major misconduct violations for 12 consecutive months would earn the right to a physical contact visit with immediate family members. An additional six months of no major misconducts would earn the prisoner an additional contact visit and each additional

three months free of major misconducts would earn the prisoner another contact visit.

The DOC would be required to develop procedures or guidelines restricting the contact of level I, II, III, or IV prisoners with level V or VI prisoners. In cases in which such contact was made, the procedures or guidelines could include body searches of any of the prisoners involved in the contact, both before and after the contact. The DOC would have to report to the Legislature, by January 1, 1993, on the experience with noncontact visits in levels V and VI and the advisability of including level IV prisoners and level V prisoners housed at the SPSM within the restrictions on contact visits.

"Security level" would mean a designation made for each prisoner by the DOC on a scale of six levels on which level I is the least restrictive level.

Proposed MCL 791.268

FISCAL IMPACT

The bill would have no fiscal impact on State or local government during fiscal year (FY) 1989-90 due to discussion of delayed implementation until after January 1991. For FY 1990-91, the bill would result in an indeterminate impact on the State and no fiscal impact on local government. The indeterminate impact would result from the following factors:

- Prison visitation areas would need to be remodeled to provide for noncontact prisoner visits at the following facilities: Huron Valley Mens Facility, Marquette Branch Prison, Standish Maximum Security Facility, Munising Maximum Security Facility, Baraga Maximum Security Facility, and Manistee Correctional Facility.
- The DOC has not completed a detailed cost analysis for the required remodeling at this time; however, preliminary estimates would indicate total expenditures of less than \$150,000.
- Analysis of changes in staffing requirements has not been conducted by the Department to date. Preliminary review of staffing indicates reduced staff time for conducting visitor searches, and potentially increased staff time for prisoner movement to and from the visitor booths.

The net impact on staffing has not been estimated, therefore, no contribution to the fiscal impact can be made at this time.

In the final analysis, if staffing requirements were reduced and offset the cost of remodeling, the bill would reduce State GF/GP expenditures. Consequently, if staffing requirements increased, the bill would result in an increase in State GF/GP expenditures.

ARGUMENTS

Supporting Argument

For security and management reasons, those prisoners who are the greatest security risks should not be permitted the privilege of contact visits. Since a possibility of a breach of the correctional facility's security exists each time a contact visit is allowed, it stands to reason that prisoners with the top security classification level of VI should not be allowed to have visits involving physical contact. Although the bill initially would deny contact visits to level V prisoners, a positive approach would be used to encourage discipline by rewarding level V prisoners with contact visits for periods of good behavior. Finally, in order to assess the effectiveness of denying physical contact visits and to determine whether the earned-visit approach should be used for other prisoners, the bill would require the DOC to

report back to the Legislature on its experience with the policy of denying physical contact visits.

Supporting Argument

Limiting the contact of high security risk prisoners with low security risk prisoners is simply a prudent management measure. Since the DOC saw a need for the six-level system of security classification, it makes sense to restrict contact between higher and lower levels.

Opposing Argument

The bill could have a negative effect on the children of prisoners who would not be allowed physical contact visits. Children of prisoners undoubtedly have a difficult enough time dealing with the stigma of having an imprisoned parent, and cutting off physical contact with that parent could be even more emotionally damaging.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.