

Act No. 168  
Public Acts of 1989  
Approved by the Governor  
August 21, 1989  
Filed with the Secretary of State  
August 21, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Senators Welborn, Dingell, N. Smith and Arthurhultz

# **ENROLLED SENATE BILL No. 15**

AN ACT to amend Act No. 118 of the Public Acts of 1893, entitled as amended "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," as amended, being sections 800.33 to 800.61 of the Michigan Compiled Laws, by adding section 42.

*The People of the State of Michigan enact:*

Section 1. Act No. 118 of the Public Acts of 1893, as amended, being sections 800.33 to 800.61 of the Michigan Compiled Laws, is amended by adding section 42 to read as follows:

Sec. 42. (1) A prisoner in a correctional facility having a security designation of IV, V, or VI shall not wear or have in his or her living area any personal clothing, except that a prisoner in a correctional facility having a security designation of IV may keep 1 set of personal clothing as determined by the department in his or her living area and may wear such clothing for court appearances or during visits. A prisoner in a correctional facility having a security designation of V or VI shall be provided civilian clothing by the institution for jury trials or as ordered by the court for other court appearances.

(2) A prisoner in a correctional facility having a security designation of I, II, or III may wear or have in his or her living area personal clothing, except that the personal clothing shall be included in the limits prescribed in subsection (3).

(3) Except as provided in subsection (4), the amount of personal property a prisoner may have in his or her living area, including personal clothing, shall not exceed the following limits:

(a) In a correctional facility having a security designation of IV, V, or VI, not more than the amount that can be contained in 1 duffel bag or 1 footlocker as approved by the department of corrections.

(b) In a correctional facility having a security designation of I, II, or III, not more than the amount that can be contained in 1 duffel bag and 1 footlocker as approved by the department of corrections.

(4) A prisoner may possess property in excess of the amounts set forth in subsection (3) if that property consists of legal materials which are not available in the institutional law library to which the prisoner has access. As used in this subsection, "access" does not mean that a prisoner must be allowed physical access to a law library.

(5) This section does not allow a prisoner to possess personal property of a type otherwise prohibited by the department of corrections for any reason.

(6) The department of corrections shall begin phasing in the provisions of this section 30 days after the effective date of this section, and shall fully implement this section for security classifications V and VI not later than January 1, 1990, and security classification IV not later than January 1, 1991.

(7) As used in this section:

(a) "Legal materials" means either of the following:

(i) Pleadings and other documents ordinarily filed with a court, letters, research notes, necessary exhibits, books, periodicals, and similar items that are needed for litigation which the prisoner is currently pursuing on his or her own behalf, or on behalf of another prisoner if that assistance has been approved by the institution head.

(ii) Pleadings, transcripts, court orders, and court opinions arising out of the offense for which the prisoner is currently incarcerated.

(b) "Personal clothing" means any clothing that is not a uniform or other standardized clothing issued by the department.

(c) "Security designation" means 1 of 6 levels of restrictiveness enforced at each correctional facility, as determined by the department of corrections, with security level I being the least restrictive and security level VI being the most restrictive.

This act is ordered to take immediate effect.

.....  
Secretary of the Senate.

.....  
Clerk of the House of Representatives.

Approved .....

.....  
Governor.