

HOUSE BILL No. 4868

May 25, Introduced by Reps. O'Connor, Walberg, Clack, Van Regenmorter, Jaye, Dunaskiss, Krause, Nye and Wallace and referred to the Committee on Corrections.

A bill to amend Act No. 232 of the Public Acts of 1953,
entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 69a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 232 of the Public Acts of 1953, as
2 amended, being sections 791.201 to 791.283 of the Michigan
3 Compiled Laws, is amended by adding section 69a to read as
4 follows:

5 SEC. 69A. (1) A VISITOR TO A STATE CORRECTIONAL FACILITY
6 SHALL NOT BE SUBJECTED TO A PAT DOWN SEARCH UNLESS EVERY PERSON
7 PERFORMING OR ASSISTING IN PERFORMING THE PAT DOWN SEARCH IS OF
8 THE SAME SEX AS THE PERSON BEING SEARCHED.

9 (2) AN EMPLOYEE OR OFFICER OF THE DEPARTMENT WHO PERFORMS OR
10 ASSISTS IN PERFORMING A PAT DOWN SEARCH THAT VIOLATES THIS SEC-
11 TION IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE
12 THAN \$50.00.

13 (3) AS USED IN THIS SECTION, "PAT DOWN SEARCH" MEANS A
14 SEARCH OF A PERSON IN WHICH THE PERSON CONDUCTING THE SEARCH
15 TOUCHES THE BODY OR CLOTHING, OR BOTH, OF THE PERSON BEING
16 SEARCHED TO DETECT THE PRESENCE OF CONCEALED OBJECTS.