

HOUSE BILL No. 5642

March 28, 1990, Introduced by Reps. Hoffman, Griffin, Martin, Bartnik, DeMars, Dunaskiss, Wartner, Law, Gilmer, Nye, Knight, Kulchitsky, Maynard, Bennett, Middaugh, Weeks, Rocca, Spaniola, Mathieu, Muxlow, Dolan and Hertel and referred to the Committee on Judiciary.

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 70.

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 70 to read as
4 follows:

5 SEC. 70. (1) A CORRECTIONAL FACILITY MAY MONITOR TELEPHONE
6 COMMUNICATIONS OVER TELEPHONES AVAILABLE FOR USE BY PRISONERS IN
7 THE CORRECTIONAL FACILITY IF ALL OF THE FOLLOWING CONDITIONS ARE
8 MET:

9 (A) THE DIRECTOR PROMULGATES RULES UNDER WHICH THE MONITOR-
10 ING IS TO BE CONDUCTED, AND THE MONITORING IS CONDUCTED IN
11 ACCORDANCE WITH THOSE RULES. THE RULES SHALL INCLUDE PROVISIONS
12 FOR MINIMIZING THE INTRUSIVENESS OF THE MONITORING AND SHALL PRE-
13 SCRIBE A PROCEDURE BY WHICH A PRISONER MAY MAKE TELEPHONE CALLS
14 TO HIS OR HER ATTORNEY THAT ARE NOT MONITORED.

15 (B) THE MONITORING IS ROUTINELY CONDUCTED BY EMPLOYEES OF
16 THE DEPARTMENT FOR THE PURPOSE OF PRESERVING THE SECURITY AND
17 ORDERLY MANAGEMENT OF THE CORRECTIONAL FACILITY, INTERDICTING
18 DRUGS AND OTHER CONTRABAND, AND PROTECTING THE PUBLIC.

19 (C) NOTICES ARE PROMINENTLY POSTED ON OR NEAR EACH TELEPHONE
20 SUBJECT TO MONITORING INFORMING USERS OF THE TELEPHONE THAT COM-
21 MUNICATIONS OVER THE TELEPHONE MAY BE MONITORED.

22 (D) IN ADDITION TO THE POSTING OF NOTICES UNDER
23 SUBDIVISION (C), THE PRISONERS IN THE CORRECTIONAL FACILITY ARE
24 GIVEN REASONABLE NOTICE OF THE RULES PROMULGATED UNDER
25 SUBDIVISION (A).

1 (2) AS USED IN THIS SECTION, "MONITOR" MEANS TO LISTEN TO OR
2 RECORD, OR BOTH.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. _____ or House Bill No. 5643 (request
5 no. 03629'89 a) of the 85th Legislature is enacted into law.