

# SENATE BILL No. 618

October 18, 1989, Introduced by Senators GAST, WELBORN, MILLER, HOLMES, V. SMITH, CONROY, MACK, CRUCE, BINSFELD, GEAKE, EHLERS, CARL, NICHOLS, DI NELLO, POSTHUMUS, FREDRICKS, ARTHURHULTZ, FAUST, IRWIN, SCHWARZ, O'BRIEN, DINGELL and ENGLER and referred to the Committee on Criminal Justice and Urban Affairs.

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 68.

**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 68 to read as  
4 follows:

5       SEC. 68. (1) ALL PRISONERS INCARCERATED ON OR AFTER THE  
6 EFFECTIVE DATE OF THIS SECTION FOR CONVICTION OF A MAJOR CON-  
7 TROLLED SUBSTANCE OFFENSE SHALL BE HOUSED IN A SINGLE CORREC-  
8 TIONAL FACILITY, AND ALL PRISONERS WHO, ON THE EFFECTIVE DATE OF  
9 THIS SECTION, ARE SERVING A SENTENCE FOR CONVICTION OF A MAJOR  
10 CONTROLLED SUBSTANCE OFFENSE SHALL BE TRANSFERRED TO THAT CORREC-  
11 TIONAL FACILITY.

12       (2) FOR THE PURPOSE OF PREVENTING THE CONDUCTING OR DIRECT-  
13 ING OF CRIMINAL ACTIVITY BY MAJOR CONTROLLED SUBSTANCE OFFENDERS  
14 INCARCERATED IN THE CORRECTIONAL FACILITY DESIGNATED IN SUBSEC-  
15 TION (1), THE FOLLOWING PROCEDURES SHALL APPLY TO MAJOR CON-  
16 TROLLED SUBSTANCE OFFENDERS IN THAT CORRECTIONAL FACILITY:

17       (A) A PRISONER SHALL NOT BE ALLOWED ANY TELEPHONE PRIVI-  
18 LEGES, EXCEPT FOR TELEPHONE CONVERSATIONS WITH HIS OR HER ATTOR-  
19 NEY, UPON REQUEST BY THE ATTORNEY TO THE WARDEN OF THE CORREC-  
20 TIONAL FACILITY.

21       (B) ALL MAIL ADDRESSED TO A PRISONER SHALL BE OPENED AND  
22 INSPECTED FOR CONTRABAND OR OTHER OBJECTS. ANY MAIL, EXCEPT  
23 LEGAL CORRESPONDENCE RELATING TO THE PRISONER'S CONVICTION OR A  
24 LEGAL ACTION IN WHICH THE PRISONER IS A PARTY, SHALL BE REJECTED  
25 IF IT CONTAINS REFERENCES TO CRIMINAL ACTIVITY OR OTHERWISE TENDS  
26 TO ALLOW THE CONDUCTING OR DIRECTION OF CRIMINAL ACTIVITY.

1 (C) PRISONER VISITS SHALL BE CONDUCTED IN AN AREA OF THE  
2 FACILITY THAT PREVENTS ANY PHYSICAL CONTACT BETWEEN THE PRISONER  
3 AND VISITOR, AND WHICH PREVENTS CONTRABAND OR OTHER OBJECTS FROM  
4 BEING TRANSFERRED TO THE PRISONER.

5 (3) THE DEPARTMENT MAY HOUSE PRISONERS WHO ARE NOT MAJOR  
6 CONTROLLED SUBSTANCE OFFENDERS IN THE CORRECTIONAL FACILITY DES-  
7 IGNATED FOR MAJOR CONTROLLED SUBSTANCE OFFENDERS UNDER  
8 SUBSECTION (1) IF THE NEED TO UTILIZE ALL AVAILABLE CORRECTIONAL  
9 FACILITY SPACE REQUIRES IT, BUT THE MAJOR CONTROLLED SUBSTANCE  
10 OFFENDERS SHALL BE KEPT SEPARATE AT ALL TIMES FROM ALL OTHER  
11 PRISONERS.

12 (4) AS USED IN THIS SECTION:

13 (A) "MAJOR CONTROLLED SUBSTANCE OFFENDER" MEANS A PRISONER  
14 WHO IS SERVING A SENTENCE FOR CONVICTION OF A MAJOR CONTROLLED  
15 SUBSTANCE OFFENSE.

16 (B) "MAJOR CONTROLLED SUBSTANCE OFFENSE" MEANS A VIOLATION  
17 OF SECTION 7401(2)(A)(i) OR (ii) OR 7403(2)(A)(i) OR (ii) OF THE  
18 PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING  
19 SECTIONS 333.7401 AND 333.7403 OF THE MICHIGAN COMPILED LAWS.