



HOUSE BILL No. 5308

February 8, 2000, Introduced by Reps. Prusi, Hager, Martinez, Scott, Brater, Hale, DeHart, Tesanovich and Daniels and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to 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 transferred by this act; to allow for the operation of certain facilities by private entities; 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; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

(MCL 791.201 to 791.283) by adding section 68a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 68A. (1) A MINOR WHO IS ON THE PRISONER'S APPROVED
2 VISITOR LIST MAY BE ALLOWED TO HAVE VISITS WITH A PRISONER IF
3 EITHER OF THE FOLLOWING APPLIES:

4 (A) THE MINOR IS THE PRISONER'S CHILD, STEPCHILD, GRAND-
5 CHILD, BROTHER, SISTER, STEPBROTHER, STEPSISTER, HALF BROTHER, OR
6 HALF SISTER.

7 (B) THE MINOR IS EMANCIPATED AND CAN SHOW PROOF OF
8 EMANCIPATION.

9 (2) NOTWITHSTANDING SUBSECTION (1), A MINOR SHALL NOT BE
10 ALLOWED TO VISIT A PRISONER IF ANY OF THE FOLLOWING APPLY:

11 (A) THE MINOR IS THE PRISONER'S CHILD OR STEPCHILD, AND THE
12 PARENTAL RIGHTS OF THE PRISONER TO THE CHILD OR STEPCHILD HAVE
13 BEEN LEGALLY TERMINATED OR THE PRISONER HAS BEEN DENIED ALL CUS-
14 TODIAL AND ALL VISITATION RIGHTS AS TO THAT CHILD OR STEPCHILD
15 PURSUANT TO A DECREE OF DIVORCE.

16 (B) THERE IS A COURT ORDER PROHIBITING VISITS BETWEEN THE
17 MINOR AND THE PRISONER.

18 (C) THE PRISONER HAS BEEN CONVICTED OF CHILD ABUSE, CRIMINAL
19 SEXUAL CONDUCT, OR ANY OTHER ASSAULTIVE OR VIOLENT BEHAVIOR
20 AGAINST THE MINOR OR A SIBLING OF THE MINOR, UNLESS SPECIFIC
21 APPROVAL FOR THE VISIT HAS BEEN GRANTED BY THE DIRECTOR OF THE
22 DEPARTMENT.

23 (3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS
24 LESS THAN 18 YEARS OF AGE.