

SENATE BILL NO. 1138

May 19, 1998, Introduced by Senator JAYE and referred to the
Committee on Judiciary.

A bill to amend 1893 PA 118, entitled

"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,"

by amending section 42 (MCL 800.42), as added by 1989 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 42. (1) A prisoner in a correctional facility having a
2 security designation of IV, V, or VI shall not wear or have in
3 his or her living area any personal clothing, except that a pris-
4 oner in a correctional facility having a security designation of
5 IV may keep 1 set of personal clothing as determined by the
6 department in his or her living area and may wear ~~such~~ THAT
7 clothing for court appearances or during visits. A prisoner in a
8 correctional facility having a security designation of V or VI

1 shall be provided civilian clothing by the institution for jury
2 trials or as ordered by the court for other court appearances.

3 (2) A prisoner in a correctional facility having a security
4 designation of I, II, or III, EXCEPT A PRISONER SERVING A SEN-
5 TENCE FOR CONVICTION OF CRIMINAL SEXUAL CONDUCT, may wear or have
6 in his or her living area personal clothing. ~~—, except that the—~~
7 THE personal clothing ALLOWED UNDER THIS SUBSECTION shall be
8 included in the limits prescribed in subsection (3).

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

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

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

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

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

4 (6) ~~The department of corrections shall begin phasing in~~
5 ~~the provisions of this section 30 days after the effective date~~
6 ~~of this section, and shall fully implement this section for~~
7 ~~security classifications V and VI not later than January 1, 1990,~~
8 ~~and security classification IV not later than January 1, 1991.~~ A
9 PRISONER WHO IS SERVING A SENTENCE FOR CONVICTION OF CRIMINAL
10 SEXUAL CONDUCT SHALL WEAR A PINK UNIFORM AT ALL TIMES EXCEPT
11 DURING VISITS OR COURT APPEARANCES.

12 (7) As used in this section:

13 (A) "CRIMINAL SEXUAL CONDUCT" MEANS A VIOLATION OF SECTION
14 520B, 520C, 520D, OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA
15 328, MCL 750.520B, 750.520C, 750.520D, AND 750.520G.

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

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

23 (ii) Pleadings, transcripts, court orders, and court opin-
24 ions arising out of the offense for which the prisoner is cur-
25 rently incarcerated.

1 (C) ~~-(b)-~~ "Personal clothing" means any clothing that is not
2 a uniform or other standardized clothing issued by the
3 department.

4 (D) ~~-(c)-~~ "Security designation" means 1 of 6 levels of
5 restrictiveness enforced at each correctional facility, as deter-
6 mined by the department of corrections, with security level I
7 being the least restrictive and security level VI being the most
8 restrictive.