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ALLOW MINORS TO VISIT PRISONERS

House Bill 5308

Sponsor: Rep. Michael Prusi

Committee: Criminal Law and Corrections

Complete to 8-15-00

A SUMMARY OF HOUSE BILL 5308 AS INTRODUCED 2-8-00

The bill would amend the Department of Corrections act to provide that a minor (a person under the age of 18) who was a prisoner's child, stepchild, grandchild, brother, sister, stepbrother, stepsister, or half brother or half sister could be placed on the prisoner's approved visitor list and thus could visit the prisoner. In addition, any minor who was emancipated and could show proof that he or she was emancipated could also be placed on the approved visitor list.

However, even if a minor were listed as an approved visitor, he or she could be prevented from visiting a prisoner if any of the following circumstances existed:

- * The prisoner's parental rights to the child or stepchild had been legally terminated.
- * The prisoner's custodial and visitation rights to the child or stepchild had been denied as part of a divorce decree. (Note: The term "visitation" in many statutes was changed to "parenting time" in legislation enacted last session.)
- * A court order prohibited the prisoner from visiting with the minor.
- * The prisoner had been convicted of child abuse, criminal sexual conduct, or any other assaultive or violent behavior against the minor or a sibling of the minor. However, in this situation, the director of the department could make an exception and grant specific approval for a visit.

MCL 791.268

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.