

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4187 (as passed by the House)
Sponsor: Representative Tony Stamas
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 4-30-01

CONTENT

The bill would amend the Department of Correction (DOC) law to allow a prisoner to receive visits from a minor brother, sister, stepbrother, stepsister, half brother, or half sister, if the minor were on the prisoner's approved visitor list. "Minor" would mean a person who was less than 18 years of age.

The DOC, however, could do any of the following:

- Place limits on visiting hours, establish reasonable rules of conduct, and establish uniform quotas at each institution for prisoner visits, in order to promote order and security in the correctional institutions and to prevent interference with institutional routine or disruption of a prisoner's programming.
- Establish requirements for who would have to accompany a minor sibling on a visit.
- Deny, restrict, or terminate visits, as the DOC determined necessary for the order and security of the institution.

Proposed MCL 791.268a

BACKGROUND

The Michigan Administrative Code contains a number of rules that govern visitation of prisoners, including a rule that limits who may visit prisoners (R 791.6609). In general, a person may visit a prisoner only if the person is on the approved list of visitors for that prisoner, which is to consist of the prisoner's immediate family members and up to 10 other people. An approved visitors list is subject to certain restrictions, including a requirement that a person on the list be at least 18 years old, unless he or she is the child, stepchild, or grandchild of the prisoner (or an emancipated minor).

In addition, a child who is under 18 may visit a prisoner only if the child is on the prisoner's approved list and is accompanied by an adult immediate family member or a legal guardian. Also, a child under 18 may not be allowed to visit if the prisoner's parental rights to the child have been terminated; there is a court order prohibiting visits between the child and the prisoner; or the prisoner has been convicted of child abuse, criminal sexual conduct, or any other assaultive or violent behavior against the child or a sibling of the child, unless the Director has granted specific approval for the visit.

The rule defines "immediate family member" as any of the following persons: grandparent, parent, stepparent, spouse, mother- or father-in-law, child, stepchild, grandchild, sibling, stepbrother or stepsister, or aunt or uncle who served as a surrogate parent.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.