

# Legislative Analysis

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## PRISONER NAME CHANGE RULES

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### House Bill 5969

**Sponsor: Rep. David Robertson**

**Committee: Judiciary**

**Complete to 5-16-06**

## A SUMMARY OF HOUSE BILL 5969 AS INTRODUCED 4-25-06

The bill would amend the Corrections Code. Currently, the Director of the Department of Corrections and the Corrections Commission cannot promulgate a rule or adopt a guideline that allows a prisoner to have his or her name changed. The 1996 legislation that added this prohibition also provided that the remaining provisions of the code would remain in effect if the Michigan Supreme Court ruled that the ban on prisoner name changes was "violative of constitutional provisions under the first and fourteenth amendments to the United States constitution and article I, sections 2 and 4 of the Michigan constitution of 1963." House Bill 5969 would delete this language and instead state that if the court ruled that the provision banning prisoner name changes "violates the United States Constitution or the State Constitution of 1963," the remaining provisions of the code remain in effect.

Further, the bill would delete an obsolete provision that prohibited the DOC from promulgating rules under Section 6 of the code if the Michigan Supreme Court ruled that Sections 45 and 46 of the Administrative Procedures Act were unconstitutional and a statute requiring legislative review of administrative rules was not enacted within 90 days after the court ruling.

MCL 791.206

### FISCAL IMPACT:

The bill would have no fiscal implications.

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