

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

***** 791.270.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2013 *****

791.270.amended Monitoring of telephone communications; conditions; disclosure of obtained information; evidence in criminal prosecution; definitions.

Sec. 70. (1) A correctional facility may monitor telephone communications over telephones available for use by prisoners in the correctional facility if all of the following conditions are met:

(a) The director promulgates rules under which the monitoring is to be conducted, and the monitoring is conducted in accordance with those rules. The rules shall include provisions for minimizing the intrusiveness of the monitoring and shall prescribe a procedure by which a prisoner may make telephone calls to his or her attorney, and any federal, state, or local public official if requested by that public official, that are not monitored.

(b) The monitoring is routinely conducted for the purpose of preserving the security and orderly management of the correctional facility, interdicting drugs and other contraband, and protecting the public, and is performed by employees of the department or, in the case of a correctional facility operated by a private contractor under section 20g or 20j, is conducted by employees of the private contractor.

(c) Notices are prominently posted on or near each telephone subject to monitoring informing users of the telephone that communications over the telephone may be monitored.

(d) In addition to the posting of notices under subdivision (c), the prisoners in the correctional facility are given reasonable notice of the rules promulgated under subdivision (a).

(e) Each party to the conversation is notified by voice that the conversation is being monitored.

(2) A correctional facility shall disclose information obtained under this section regarding a crime or attempted crime to any law enforcement agency having jurisdiction over that crime or attempted crime.

(3) Evidence obtained under this section regarding a crime or attempted crime may be considered as evidence in a criminal prosecution for that crime or attempted crime.

(4) As used in this section:

(a) "Correctional facility" includes a correctional facility operated under section 20g or 20j by the department or a private contractor.

(b) "Monitor" means to listen to or record, or both.

History: Add. 1993, Act 255, Imd. Eff. Nov. 29, 1993;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

Popular name: Department of Corrections Act