



SENATE BILL No. 43

January 17, 1995, Introduced by Senator V. SMITH and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend section 42 of Act No. 118 of the Public Acts of 1893, entitled as amended

"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,"

as added by Act No. 168 of the Public Acts of 1989, being section 800.42 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 42 of Act No. 118 of the Public Acts of
2 1893, as added by Act No. 168 of the Public Acts of 1989, being
3 section 800.42 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 42. (1) A prisoner in a correctional facility ~~having~~
6 ~~a security designation of IV, V, or VI~~ shall not wear or have in

1 his or her living area any personal clothing, except ~~that a~~ AS
2 FOLLOWS:

3 (A) A prisoner in a correctional facility having a security
4 designation of I, II, III, OR IV may keep 1 set of personal
5 clothing as determined by the department in his or her living
6 area and may wear ~~such~~ THAT clothing for court appearances or
7 during visits.

8 (B) A prisoner in a correctional facility having a security
9 designation of V or VI shall be provided civilian clothing by the
10 institution for jury trials or as ordered by the court for other
11 court appearances.

12 (2) A prisoner in a correctional facility ~~having a security~~
13 ~~designation of I, II, or III may wear or have in his or her~~
14 ~~living area personal clothing, except that the personal clothing~~
15 ~~shall be included in the limits prescribed in subsection (3).~~

16 SHALL WEAR A UNIFORM PROVIDED BY THE DEPARTMENT AT ALL TIMES
17 EXCEPT WHEN PERSONAL CLOTHING MAY BE WORN AS PROVIDED IN SUBSEC-
18 TION (1). THE COLOR OF A PRISONER'S UNIFORM SHALL CORRESPOND TO
19 THE SECURITY CLASSIFICATION ASSIGNED TO THAT PRISONER. THE
20 DEPARTMENT SHALL SELECT A CLEARLY DISTINGUISHABLE COLOR FOR EACH
21 SECURITY CLASSIFICATION AND SHALL ISSUE TO EACH PRISONER A UNI-
22 FORM OF THE APPROPRIATE COLOR.

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

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

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

9 (4) A prisoner may possess property in excess of the amounts
10 set forth in subsection (3) if that property consists of legal
11 materials ~~which~~ THAT are not available in the institutional law
12 library to which the prisoner has access. ~~As used in this~~ THIS
13 subsection ~~,~~ "access" does not ~~mean~~ REQUIRE that a prisoner
14 ~~must~~ be allowed physical access to a law library.

15 (5) This section does not allow a prisoner to possess per-
16 sonal property of a type otherwise prohibited by the department
17 of corrections for any reason.

18 ~~(6) The department of corrections shall begin phasing in~~
19 ~~the provisions of this section 30 days after the effective date~~
20 ~~of this section, and shall fully implement this section for~~
21 ~~security classifications V and VI not later than January 1, 1990,~~
22 ~~and security classification IV not later than January 1, 1991.~~

23 (6) ~~(7)~~ As used in this section:

24 (a) "Legal materials" means either of the following:

25 (i) Pleadings and other documents ordinarily filed with a
26 court, letters, research notes, necessary exhibits, books,
27 periodicals, and similar items that are needed for litigation

1 which the prisoner is currently pursuing on his or her own
2 behalf, or on behalf of another prisoner if that assistance has
3 been approved by the institution head.

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

7 (b) "Personal clothing" means any clothing that is not a
8 uniform or other standardized clothing issued by the department.

9 (c) "SECURITY CLASSIFICATION" MEANS A DETERMINATION MADE BY
10 THE DEPARTMENT AS TO THE LEVEL OF CONFINEMENT REQUIRED FOR EACH
11 PRISONER.

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