

SENATE BILL No. 585

December 2, 1987, Introduced by Senators WELBORN, O'BRIEN, SMITH, POLLACK, CARL, NICHOLS and DINGELL and referred to the Committee on Criminal Justice, Urban Affairs, and Economic Development.

A bill to amend Act No. 232 of the Public Acts of 1953,
entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 232 of the Public Acts of 1953, as
2 amended, being sections 791.201 to 791.283 of the Michigan
3 Compiled Laws, is amended by adding section 30 to read as
4 follows:

5 SEC. 30. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE FOL-
6 LOWING INFORMATION OR RECORDS ARE EXEMPT FROM DISCLOSURE UNDER
7 THE FREEDOM OF INFORMATION ACT, IF REQUESTED BY OR ON BEHALF OF A
8 PRISONER COMMITTED TO THE JURISDICTION OF THE COMMISSION, WHETHER
9 SERVING A SENTENCE IN A STATE CORRECTIONAL FACILITY, ANOTHER
10 STATE'S CORRECTIONAL FACILITY, OR A FEDERAL CORRECTIONAL FACILI-
11 TY, OR WHETHER COMMITTED FROM ANOTHER STATE OR THE FEDERAL GOV-
12 ERNMENT AND SERVING A SENTENCE IN A STATE CORRECTIONAL FACILITY:

13 (A) LOG BOOKS OR OTHER DAILY REPORTS OF THE ROUNDS MADE BY
14 EMPLOYEES OF THE DEPARTMENT, OR ANY OTHER FORM OF DAILY RECORD
15 MADE BY EMPLOYEES OF THE DEPARTMENT FOR THE PURPOSE OF APPRISING
16 ONE ANOTHER, OR APPRISING OTHER DEPARTMENTAL EMPLOYEES, OF EVENTS
17 TAKING PLACE IN A CORRECTIONAL FACILITY.

18 (B) STAFFING CHARTS OR DAILY ASSIGNMENT SHEETS, OR OTHER
19 RECORD OF THE DUTY ASSIGNMENTS OF CORRECTIONAL OFFICERS OR OTHER
20 DEPARTMENTAL EMPLOYEES, THE RELEASE OF WHICH WOULD THREATEN THE
21 SECURITY OF A CORRECTIONAL FACILITY.

22 (C) CRITICAL INCIDENT REPORTS, RECORDS OF VIOLENT OR DANGER-
23 OUS INCIDENTS, OR RECORDS OF ANY OTHER INCIDENTS, THE RELEASE OF
24 WHICH WOULD THREATEN THE SECURITY OF A CORRECTIONAL FACILITY.

25 (D) RECORDS PERTAINING TO A CIVIL ACTION INVOLVING THE
26 DEPARTMENT, ITS EMPLOYEES, OR THE COMMISSION.

1 (E) RECORDS OF ANY MEETING OF EMPLOYEES OR OFFICERS OF THE
2 DEPARTMENT. THIS SUBDIVISION DOES NOT APPLY TO RECORDS OF
3 MEETINGS OF THE COMMISSION, WHICH SHALL REMAIN PUBLIC RECORDS
4 THAT ARE SUBJECT TO DISCLOSURE TO THE EXTENT ALLOWED, AND IN THE
5 MANNER PROVIDED, IN THE FREEDOM OF INFORMATION ACT, OR THE OPEN
6 MEETINGS ACT.

7 (F) PERIODIC REPORTS MADE TO THE COMMISSION OR DEPARTMENT BY
8 WARDENS OR OTHER DEPARTMENTAL OFFICERS OR EMPLOYEES.

9 (G) HOME ADDRESSES, PHONE NUMBERS, AND PERSONNEL RECORDS OF
10 EMPLOYEES OF THE DEPARTMENT.

11 (2) NOTWITHSTANDING SUBSECTION (1), INFORMATION OR RECORDS
12 IN THE POSSESSION OF THE COMMISSION OR DEPARTMENT THAT CONTAIN
13 THE NAME OF A PRISONER, OR THAT CONTAIN A NUMBER OR OTHER DESIG-
14 NATION INTENDED TO IDENTIFY A PARTICULAR PRISONER, SHALL BE
15 SUBJECT TO DISCLOSURE TO THAT PRISONER TO THE EXTENT ALLOWED, AND
16 IN THE MANNER PROVIDED, IN THE FREEDOM OF INFORMATION ACT.

17 (3) A PUBLIC RECORD IN THE POSSESSION OF THE DEPARTMENT OR
18 COMMISSION THAT IS NOT EXEMPTED FROM DISCLOSURE UNDER SUBSECTION
19 (1), AND THAT DOES NOT PERTAIN SPECIFICALLY TO THE REQUESTING
20 PRISONER AS PRESCRIBED IN SUBSECTION (2), SHALL BE SUBJECT TO
21 DISCLOSURE TO A PRISONER TO THE EXTENT ALLOWED, AND IN THE MANNER
22 PROVIDED, IN THE FREEDOM OF INFORMATION ACT, EXCEPT THAT THE
23 WAIVER OF THE FIRST \$20.00 OF THE FEE FOR COPYING A PUBLIC
24 RECORD, AS PRESCRIBED IN SECTION 4(1) OF THE FREEDOM OF INFORMA-
25 TION ACT, BEING SECTION 15.234 OF THE MICHIGAN COMPILED LAWS,
26 SHALL NOT APPLY TO THAT REQUEST.

1 (4) THE HOME ADDRESSES AND PHONE NUMBERS OF DEPARTMENT
2 EMPLOYEES ARE EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
3 INFORMATION ACT.

4 (5) AS USED IN THIS SECTION:

5 (A) "FREEDOM OF INFORMATION ACT" MEANS ACT NO. 442 OF THE
6 PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE
7 MICHIGAN COMPILED LAWS.

8 (B) "OPEN MEETINGS ACT" MEANS ACT NO. 267 OF THE PUBLIC ACTS
9 OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED
10 LAWS.

11 Section 2. This amendatory act shall not take effect unless
12 Senate Bill No. _____ or House Bill No. _____ (request
13 no. 01957'87 a) of the 84th Legislature is enacted into law.