

HOUSE BILL No. 5949

June 29, 1990, Introduced by Reps. Gnodtke, Kulchitsky
and Jaye and referred to the Committee on Corrections.

A bill to amend section 69 of 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 prescribe the powers and duties of certain other state departments and agencies; 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 added by Act No. 469 of the Public Acts of 1988, being section 791.269 of the Michigan Compiled Laws; and to add section 62d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 69 of Act No. 232 of the Public Acts of
2 1953, as added by Act No. 469 of the Public Acts of 1988, being
3 section 791.269 of the Michigan Compiled Laws, is amended and
4 section 62d is added to read as follows:

5 SEC. 62D. IN ADDITION TO THE DOUBLE OCCUPANCY ALLOWED UNDER
6 SECTIONS 62B AND 62C, THE RULES AND STANDARDS PROMULGATED UNDER
7 SECTION 62(3) SHALL NOT PROHIBIT THE HOUSING OF 2 INMATES IN A
8 COUNTY JAIL CELL DESIGNED AND CONSTRUCTED FOR SINGLE OCCUPANCY IF
9 THE OCCUPANCY OF THE CELL BY EACH INMATE IS STAGGERED DURING EACH
10 24-HOUR PERIOD SO THAT THE CELL IS OCCUPIED BY 1 INMATE AT A
11 TIME.

12 Sec. 69. (1) Except as provided in subsection (2), all new
13 housing or facilities purchased, leased, constructed, or con-
14 verted by the department of corrections for use as a prison shall
15 have only single occupancy rooms or cells and comply with all
16 applicable federal and state laws and the rules and regulations
17 promulgated under those laws.

18 (2) All new housing or facilities purchased, leased, con-
19 structed, or converted by the department of corrections for use
20 as a prison from January 1, 1985 to December 31, 1992 may have
21 multiple occupancy rooms or cells except that such rooms or cells
22 must comply with the single occupancy requirements of subsection
23 (1) after January 1, 1997.

24 (3) NOTWITHSTANDING SUBSECTION (1), THE DEPARTMENT, BEGIN-
25 NING 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
26 ADDED THIS SUBSECTION, SHALL HOUSE 2 PRISONERS IN A ROOM OR CELL

1 DESIGNED FOR SINGLE OCCUPANCY IF THE OCCUPANCY OF THE CELL BY
2 EACH INMATE IS STAGGERED DURING EACH 24-HOUR PERIOD SO THAT THE
3 CELL IS OCCUPIED BY 1 INMATE AT A TIME. THIS SUBSECTION APPLIES
4 ONLY TO PRISONERS IN A STATE CORRECTIONAL FACILITY HAVING A
5 SECURITY DESIGNATION OF II OR III. AS USED IN THIS SUBSECTION,
6 "SECURITY DESIGNATION" MEANS 1 OF 6 LEVELS OF RESTRICTIVENESS
7 ENFORCED AT EACH STATE CORRECTIONAL FACILITY, AS DETERMINED BY
8 THE DEPARTMENT OF CORRECTIONS, WITH SECURITY LEVEL I BEING THE
9 LEAST RESTRICTIVE AND SECURITY LEVEL VI BEING THE MOST
10 RESTRICTIVE.