



**House
Legislative
Analysis
Section**

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

PRISONERS' VISITORS

House Bill 4056 with committee
amendment
First Analysis (2-24-93)

Sponsor: Rep. Joseph Young, Jr.
Committee: Corrections

THE APPARENT PROBLEM:

It is not unusual for a legislator to visit a constituent in prison, yet there have been isolated incidents in which legislators have been denied access to prisoners by wardens who were apparently unaware of -- or confused by -- Department of Corrections' rules. Some feel that legislation is needed to clarify legislators' rights, and the department's responsibilities, in this matter.

THE CONTENT OF THE BILL:

House Bill 4056 would amend the Department of Corrections act to require the warden of a correctional facility to permit any state representative or senator to visit a prisoner in that facility, except during a prison emergency.

MCL 791.262d

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal implications for the state. (2-19-93)

ARGUMENTS:

For:

Like many constituents, inmates often request assistance from their state representatives or senators. Their right to make this request, however, can sometimes be thwarted. Department of Corrections' (DOC) Policy Directives PD-BCF-30.04 and PD-BCF-30.01 state that legislators and their staffs may visit any facility, except during a prison disturbance, to "conduct business, learn about corrections, or participate in volunteer programs." While this has generally been interpreted to mean that legislators should be allowed to visit prisoners, the wording of the policy directives is somewhat vague. As a result, the wardens of the various facilities have interpreted them in different ways,

and have occasionally attempted to deny a legislator access to a prisoner. The bill is necessary to avoid the inconvenience and embarrassment of these occurrences; and to clarify the right of a legislator to visit a constituent, and that of a prisoner to request the visit.

POSITIONS:

The Department of Corrections supports the bill. (2-18-93)

The Michigan Corrections Organization/SEIU Local 526M supports the bill. (2-19-93)

The Michigan Council on Crime and Delinquency has no position on the bill. (2-18-93)

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