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LIMIT INMATE ACCESS TO RECORDS

House Bill 4800
Sponsor: Rep. Dianne Byrum
Committee: Judiciary

Complete to 9-24-93

A SUMMARY OF HOUSE BILL 4800 AS INTRODUCED 5-18-93

The bill would amend the corrections code (Public Act 232 of 1953, MCL 791.230) to place additional restrictions on prisoners' access to records under the Freedom of Information Act (FOIA). ("Prisoners" in this context means people committed to the Department of Corrections whether serving their sentences in a state, local, or federal facility, or whether committed from a Michigan court, another state, or the federal government)

Current exemptions. Current law exempts from the FOIA a prisoner's request for any of the following: daily log books or similar daily records of events in a correctional facility; staffing charts or other records of departmental employees, the release of which would threaten the security of a correctional facility; records pertaining to civil actions involving the department or employees; departmental meeting records; periodic reports made to superiors by wardens or other employees; and, personnel information (such as home addresses of department employees).

House Bill 4800 would in addition exempt records pertaining to other prisoners, and records in a form (such as videotape or computer disk) that the department considers to be contraband. The bill also would delete the language explicitly barring prisoners from obtaining personnel information on department employees. Also deleted would be language that exempts staffing charts and other information on duty assignments only if there had been a determination that the release would threaten the security of a correctional facility.

Fees. A prisoner's allowable request for information on himself or herself is exempted from the first \$20 of the fee for copying a public record, although information that does not pertain specifically to the requesting prisoner is not. Under the bill, the fee waiver also would not apply to a public record created by that prisoner or previously provided to that prisoner by the department in the performance of its official function.

The department could require that a prison submit a good faith deposit before it responded to a request for a public record that did not pertain specifically to the requesting prisoner. The deposit would be applied to the fee charged, and any excess amount would be returned to the prisoner. The deposit would not be otherwise refundable or applied to any other request. The department would not be precluded from requiring additional payment for actual copying costs in excess of the deposit.

Document inspection. The bill would specify that prisoners could inspect documents as prescribed by the FOIA, subject to reasonable restrictions by the department, unless those documents were otherwise exempt from disclosure.