

Act No. 93
Public Acts of 1994
Approved by the Governor
April 12, 1994
Filed with the Secretary of State
April 13, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Welborn

ENROLLED SENATE BILL No. 795

AN ACT 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 to pardons reprieves commutations and paroles to the administration of correctional institutions correctional farms and probation recovery camps to prisoner labor and correctional industries and to 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 transferred by this act 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 to make certain appropriations to repeal certain parts of this act on specific dates 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 sections 11a and 56

The People of the State of Michigan enact

Section 1 Act No 232 of the Public Acts of 1953 as amended being sections 791 201 to 791 283 of the Michigan Compiled Laws is amended by adding sections 11a and 56 to read as follows

Sec 11a (1) The director of corrections may enter into contracts on behalf of this state as the director considers appropriate to implement the participation of this state in the interstate corrections compact pursuant to article III of the interstate corrections compact The contracts may authorize confinement of prisoners in or transfer of prisoners from correctional facilities under the jurisdiction of the department of corrections A contract shall not authorize the confinement of a prisoner who is in the custody of the department in an institution of a state other than a state that is a party to the interstate corrections compact

(2) The director of corrections shall first determine on the basis of an inspection made by his or her direction that an institution of another state is a suitable place for confinement of prisoners committed to his or her custody before entering into a contract permitting that confinement and shall at least annually redetermine the suitability of that confinement In determining the suitability of an institution of another state the director shall determine that the institution maintains standards of care and discipline not incompatible with those of this state and that all inmates confined in that institution are treated equitably regardless of race religion color creed or national origin

(3) Unless the transfer is required to protect the prisoner's personal safety a prisoner shall not be transferred to another state for confinement unless the prisoner consents in writing to the transfer

(4) One year after the effective date of the amendatory act that added this section and annually after that date the department shall report all of the following to the senate and house corrections committees and appropriations subcommittees on corrections

(a) The number of prisoners transferred to or from correctional facilities in this state pursuant to the interstate corrections compact

(b) The cost to the state of the transfers described in subdivision (a)

(c) The reasons for the transfers described in subdivision (a)

Sec 56 A prisoner sentenced under the laws of this state who is imprisoned in another state pursuant to the interstate corrections compact is entitled to all hearings within 120 days of the time and under the same standards that are normally accorded to prisoners similarly sentenced and confined in correctional facilities in this state If a prisoner consents in writing a hearing may be conducted by the corresponding agencies or officials of the other state However this section shall not impair or abrogate the rights of crime victims including but not limited to those rights provided under the crime victim s rights act Act No 87 of the Public Acts of 1985 being sections 780 751 to 780 834 of the Michigan Compiled Laws The department shall hold a hearing that is requested by another state or by a prisoner pursuant to this section or subsection (6) of article IV of the interstate corrections compact

Section 2 This amendatory act shall not take effect unless Senate Bill No 794 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor