



# SENATE BILL No. 795

August 31, 1993, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law and Corrections.

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, 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 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; 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 211a and 256.

## 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 sections 211a and 256 to read  
4 as follows:

5       SEC. 211A. (1) THE DIRECTOR OF CORRECTIONS MAY ENTER INTO  
6 CONTRACTS ON BEHALF OF THIS STATE AS THE DIRECTOR CONSIDERS  
7 APPROPRIATE TO IMPLEMENT THE PARTICIPATION OF THIS STATE IN THE  
8 INTERSTATE CORRECTIONS COMPACT PURSUANT TO ARTICLE III OF THE  
9 INTERSTATE CORRECTIONS COMPACT. THE CONTRACTS MAY AUTHORIZE CON-  
10 FINEMENT OF PRISONERS IN, OR TRANSFER OF PRISONERS FROM, CORREC-  
11 TIONAL FACILITIES UNDER THE JURISDICTION OF THE DEPARTMENT OF  
12 CORRECTIONS. A CONTRACT SHALL NOT AUTHORIZE THE CONFINEMENT OF A  
13 PRISONER WHO IS IN THE CUSTODY OF THE DEPARTMENT IN AN INSTITU-  
14 TION OF A STATE OTHER THAN A STATE THAT IS A PARTY TO THE INTER-  
15 STATE CORRECTIONS COMPACT.

16       (2) THE DIRECTOR OF CORRECTIONS SHALL FIRST DETERMINE, ON  
17 THE BASIS OF AN INSPECTION MADE BY HIS OR HER DIRECTION, THAT AN  
18 INSTITUTION OF ANOTHER STATE IS A SUITABLE PLACE FOR CONFINEMENT  
19 OF PRISONERS COMMITTED TO HIS OR HER CUSTODY BEFORE ENTERING INTO  
20 A CONTRACT PERMITTING THAT CONFINEMENT, AND SHALL, AT LEAST ANNU-  
21 ALLY, REDETERMINE THE SUITABILITY OF THAT CONFINEMENT. IN DETER-  
22 MINING THE SUITABILITY OF AN INSTITUTION OF ANOTHER STATE, THE  
23 DIRECTOR SHALL DETERMINE THAT THE INSTITUTION MAINTAINS STANDARDS  
24 OF CARE AND DISCIPLINE NOT INCOMPATIBLE WITH THOSE OF THIS STATE  
25 AND THAT ALL INMATES CONFINED IN THAT INSTITUTION ARE TREATED

1 EQUITABLY, REGARDLESS OF RACE, RELIGION, COLOR, CREED, OR  
2 NATIONAL ORIGIN.

3 SEC. 256. A PRISONER SENTENCED UNDER THE LAWS OF THIS STATE  
4 WHO IS IMPRISONED IN ANOTHER STATE PURSUANT TO THE INTERSTATE  
5 CORRECTIONS COMPACT IS ENTITLED TO ALL HEARINGS, WITHIN 120 DAYS  
6 OF THE TIME AND UNDER THE SAME STANDARDS, THAT ARE NORMALLY  
7 ACCORDED TO PRISONERS SIMILARLY SENTENCED AND CONFINED IN CORREC-  
8 TIONAL FACILITIES IN THIS STATE. IF A PRISONER CONSENTS IN WRIT-  
9 ING, A HEARING MAY BE CONDUCTED BY THE CORRESPONDING AGENCIES OR  
10 OFFICIALS OF THE OTHER STATE. THE DEPARTMENT SHALL HOLD A HEAR-  
11 ING THAT IS REQUESTED BY ANOTHER STATE OR BY A PRISONER PURSUANT  
12 TO THIS SECTION OR SUBSECTION (6) OF ARTICLE IV OF THE INTERSTATE  
13 CORRECTIONS COMPACT.

14 Section 2. This amendatory act shall not take effect unless  
15 Senate Bill No. 794  
16 is enacted into law.