



# SENATE BILL No. 854

September 23, 1993, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 30 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, 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 added by Act No. 59 of the Public Acts of 1988, being section 791.230 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30 of Act No. 232 of the Public Acts of  
2 1953, as added by Act No. 59 of the Public Acts of 1988, being  
3 section 791.230 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 30. (1) Except as provided in subsection (2), the fol-  
6 lowing information or records are exempt from disclosure under  
7 the freedom of information act, if requested by or on behalf of a  
8 prisoner: ~~committed to the jurisdiction of the commission,~~  
9 ~~whether serving a sentence in a state or county correctional~~  
10 ~~facility, another state's correctional facility, or a federal~~  
11 ~~correctional facility, or whether committed from another state or~~  
12 ~~the federal government and serving a sentence in a state correc-~~  
13 ~~tional facility.~~

14 (a) Log books or other daily reports of the rounds made by  
15 employees of the department, or any other form of daily record  
16 made by employees of the department for the purpose of apprising  
17 one another, or apprising other departmental employees, of events  
18 taking place in a correctional facility.

19 (b) Staffing charts or daily assignment sheets, or other  
20 record of the duty assignments of correctional officers or other  
21 departmental employees. ~~, the release of which would threaten~~  
22 ~~the security of a correctional facility.~~

23 (c) Critical incident reports, records of violent or danger-  
24 ous incidents, or records of any other incidents, the release of  
25 which would threaten the security of a correctional facility.

1 (d) Records pertaining to a civil action involving the  
2 department, its employees, or the FORMER commission OF  
3 CORRECTIONS.

4 (e) Records of any meeting of employees or officers of the  
5 department. This subdivision does not apply to records of meet-  
6 ings of the FORMER commission OF CORRECTIONS, which ~~shall~~  
7 remain public records that are subject to disclosure to the  
8 extent allowed ~~—~~ and in the manner provided ~~—~~ in the freedom  
9 of information act ~~—~~ or the open meetings act.

10 (f) Periodic reports made to the FORMER commission OF  
11 CORRECTIONS or department by wardens or other departmental offi-  
12 cers or employees.

13 (g) ~~Home addresses, phone numbers, and personnel records of~~  
14 ~~employees of the department~~ RECORDS PERTAINING TO OTHER  
15 PRISONERS.

16 (2) Notwithstanding subsection (1), information or records  
17 in the possession of the ~~commission or~~ department that contain  
18 the name of a prisoner, or that contain a number or other desig-  
19 nation intended to identify a particular prisoner, ~~shall be~~ ARE  
20 subject to disclosure to that prisoner to the extent allowed ~~—~~  
21 and in the manner provided ~~—~~ in the freedom of information  
22 act.

23 (3) ~~A~~ SUBJECT TO SUBSECTION (5), A public record in the  
24 possession of the department ~~or commission~~ that is not exempted  
25 from disclosure under subsection (1), and that does not pertain  
26 specifically to the requesting prisoner as prescribed in  
27 subsection (2), ~~shall be~~ IS subject to disclosure to a prisoner

1 to the extent allowed        and in the manner provided        in the  
2 freedom of information act, except that the waiver of the first  
3 \$20.00 of the fee for copying a public record, as prescribed in  
4 section 4(1) of the freedom of information act, being  
5 section 15.234 of the Michigan Compiled Laws, ~~shall~~ DOES not  
6 apply to that request OR TO A REQUEST BY A PRISONER FOR A PUBLIC  
7 RECORD CREATED BY THAT PRISONER OR A PUBLIC RECORD PREVIOUSLY  
8 PROVIDED TO THAT PRISONER BY THE DEPARTMENT IN THE PERFORMANCE OF  
9 ITS OFFICIAL FUNCTION.

10           (4) A RECORD OR DOCUMENT IN A FORM THAT, IF POSSESSED BY A  
11 PRISONER, IS CONSIDERED BY THE DEPARTMENT TO BE CONTRABAND,  
12 INCLUDING, BUT NOT LIMITED TO, A VIDEOTAPE, COMPUTER DISK, X-RAY,  
13 OR SIMILAR DOCUMENT OR RECORD, IS EXEMPT FROM DISCLOSURE UNDER  
14 THE FREEDOM OF INFORMATION ACT IF REQUESTED BY A PRISONER.

15           (5) THE DEPARTMENT MAY REQUIRE THAT A PRISONER SUBMIT A GOOD  
16 FAITH DEPOSIT AT THE TIME A REQUEST IS MADE, OR BEFORE RESPONDING  
17 TO A REQUEST, FOR A PUBLIC RECORD THAT DOES NOT PERTAIN SPECIFI-  
18 CALLY TO THE REQUESTING PRISONER AS PRESCRIBED IN SUBSECTION  
19 (2). THE DEPOSIT SHALL BE APPLIED TO THE FEE CHARGED BY THE  
20 DEPARTMENT FOR PROVIDING A COPY OF THE PUBLIC RECORD, AND THE  
21 AMOUNT OF THE DEPOSIT IN EXCESS OF THE FEE SHALL BE RETURNED TO  
22 THE REQUESTING PRISONER WHEN THE COPY OF THE PUBLIC RECORD IS  
23 PROVIDED BY THE DEPARTMENT OR IF THE DEPARTMENT DETERMINES THAT  
24 THE PUBLIC RECORD DOES NOT EXIST. THE DEPOSIT SHALL NOT BE OTH-  
25 ERWISE REFUNDABLE OR BE APPLIED TO ANY OTHER REQUEST SUBMITTED BY  
26 THE PRISONER. THIS SUBSECTION DOES NOT PRECLUDE THE DEPARTMENT

1 FROM REQUIRING ADDITIONAL PAYMENT FOR ACTUAL COPYING COSTS IN  
2 EXCESS OF THE DEPOSIT.

3 (6) PRISONERS MAY INSPECT DOCUMENTS AS PRESCRIBED IN  
4 SECTION 3 OF THE FREEDOM OF INFORMATION ACT, BEING SECTION 15.233  
5 OF THE MICHIGAN COMPILED LAWS, SUBJECT TO REASONABLE RESTRICTIONS  
6 BY THE DEPARTMENT, UNLESS THOSE DOCUMENTS ARE OTHERWISE EXEMPT  
7 FROM DISCLOSURE.

8 (7) ~~(4)~~ The home addresses, phone numbers, and personnel  
9 records of department employees and employees of the center for  
10 forensic psychiatry are exempt from disclosure under the freedom  
11 of information act.

12 (8) ~~(5)~~ As used in this section:

13 (a) "Freedom of information act" means Act No. 442 of the  
14 Public Acts of 1976, being sections 15.231 to 15.246 of the  
15 Michigan Compiled Laws.

16 (b) "Open meetings act" means Act No. 267 of the Public Acts  
17 of 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
18 Laws.

19 (c) "PRISONER" MEANS AN OFFENDER COMMITTED TO THE JURISDIC-  
20 TION OF THE DEPARTMENT, WHETHER SERVING HIS OR HER SENTENCE IN A  
21 STATE OR COUNTY CORRECTIONAL FACILITY, ANOTHER STATE'S CORREC-  
22 TIONAL FACILITY, OR A FEDERAL CORRECTIONAL FACILITY; OR WHETHER  
23 COMMITTED FROM ANOTHER STATE OR THE FEDERAL GOVERNMENT AND SERV-  
24 ING HIS OR HER SENTENCE IN A STATE CORRECTIONAL FACILITY.