



Senate Fiscal Agency
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BILL ANALYSIS



Telephone: (517) 373-5383
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Senate Bill 798 (Substitute S-1 as reported)
 House Bill 4694 (Substitute S-1 as reported)
 Sponsor: Senator Mike Rogers (S.B. 798)
 Representative Charles Perricone (H.B. 4694)
 House Committee: Judiciary and Civil Rights (H.B. 4694)
 Senate Committee: Judiciary

Date Completed: 1-11-96

RATIONALE

Apparently, it is relatively easy in Michigan for a person to change his or her name, either through probate court proceedings or through the simple exercise of his or her common law right to do so. Changing names can allow an individual to secure a new birth certificate, which, in turn, can enable that person to obtain a new Social Security number. Reportedly, it is not unusual for prisoners to take advantage of these procedures to change their names while incarcerated. According to the Department of Corrections (DOC), it is fairly common for prisoners to change their name by merely filing an affidavit notifying the DOC that the prisoner has changed his or her name. (The Department apparently recognizes these requests, but does not separate prisoner records into different files.) Some people believe that, to ensure that accounts of criminal records are accurate and that prisoners cannot easily elude those records, prisoners should be prohibited from changing their name, and the DOC should be required to include a prisoner's former name when the Department makes information about a prisoner available on the Law Enforcement Information Network (LEIN).

CONTENT

Senate Bill 798 (S-1) would amend the Department of Corrections law to prohibit the DOC from permitting a prisoner to change his or her name. The DOC would have to recognize a prisoner by the name of that prisoner at the time he or she came under the Department's jurisdiction.

House Bill 4694 (S-1) would amend the Department of Corrections law to do both of the following:

- Prohibit the DOC Director from promulgating a rule or adopting a guideline that allowed a prisoner to have his or her name changed.
- Require that, when the DOC either made an entry into the LEIN because a prisoner escaped or a parole violation warrant was issued, or made available, on-line to the LEIN, by way of the Corrections Management Information System, information about a prisoner's transfer or parole, the entry or information include the prisoner's former name, if any.

The bills would take effect on June 1, 1996; House Bill 4694 (S-1) is tie-barred to Senate Bill 798 and to Senate Bill 346, which also deals with prisoner name changes.

MCL 791.206 (S.B. 798)
 791.206 & 791.265d (H.B. 4694)

SENATE COMMITTEE ACTION

The Senate Judiciary Committee adopted a substitute (S-1) to House Bill 4694 that changed the bill's effective date from October 1, 1995, to June 1, 1996, and tie-barred the bill to Senate Bills 346 and 798.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Prisoners should simply be prohibited from changing their names while incarcerated. The easy procedure for changing one's name in Michigan can undermine legal efforts to protect victims of crime, because prisoners and others with a criminal record can, in effect, circumvent laws that are designed to protect victims from offenders and track criminals' records. Although the Department of Corrections or a county sheriff, whichever has jurisdiction over an incarcerated person, must notify the prisoner's victim of certain developments related to the prisoner's confinement, these requirements can be difficult to comply with when a prisoner changes his or her name. This skirts one of the purposes of the Crime Victim's Rights Act: to ensure that victims are kept informed about offenders' status within the criminal justice system.

In addition, requiring a prisoner's former name to be included when information regarding escape, transfer, or parole was entered into, or made available on, the LEIN would ensure that a prisoner could not evade his or her criminal past simply by changing his or her name.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.