



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1060 (Substitute S-2 as reported)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

CONTENT

The bill would amend the prison code to allow the Department of Corrections (DOC) to prohibit a prisoner from receiving or possessing any material that the DOC determined was detrimental to the security, good order, or discipline of the institution, that could facilitate or encourage criminal activity, or that could interfere with the rehabilitation of any prisoner. The DOC could not prohibit a prisoner from receiving or possessing any material solely because its content was religious, philosophical, political, social, or sexual, or because it was unpopular or repugnant. The bill would not prohibit the DOC from setting limits on the amount of material an inmate could receive or retain in his or her quarters for fire, sanitation, or housekeeping reasons. The DOC could not establish a list of prohibited material before the material was reviewed, but this could prohibit other prisoners from receiving or possessing identical copies of the material without review after the material was initially reviewed.

If the DOC prohibited a publication, it would have to notify the prisoner promptly, in writing, that the material was prohibited and the reasons for the prohibition. The notice would have to state the specific content upon which the prohibition was based, and allow the prisoner to review the material to determine whether he or she wished to appeal the DOC's decision administratively, unless review would threaten the institution's security, good order, or discipline or would encourage or provide instruction in criminal activity, or interfere with the rehabilitation of any prisoner.

Material that could be prohibited would include, but would not be limited to, material that depicted or described procedures for constructing or using weapons, ammunition, bombs, or incendiary devices; depicted, encouraged, or described methods of escaping from correctional facilities or contained blueprints, drawings, or similar descriptions of DOC institutions or facilities; depicted or described procedures for manufacturing alcoholic beverages or drugs; was written in code; depicted, described, or encouraged activities that could lead to the use of physical violence or group disruption; encouraged or provided instruction in criminal activity; or was sexually explicit and that, by its nature or content, posed a threat to the security, good order, or discipline of the institution, facilitated criminal activity, or interfered with the rehabilitation of any prisoner.

Proposed MCL 800.43

Legislative Analyst: P. Affholter

FISCAL IMPACT

While the bill likely would have no fiscal impact on State or local government, there could be additional administrative duties required by the Department in implementing the bill's provisions.

Date Completed: 9-24-96

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.