



**Senate Fiscal Agency**  
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BILL ANALYSIS



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House Bill 4694 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Representative Charles Perricone  
House Committee: Judiciary and Civil Rights  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Department of Corrections (DOC) law to prohibit the DOC Director from promulgating a rule or adopting a guideline that allowed a prisoner to have his or her name changed. The bill specifies that if the Michigan Supreme Court ruled this provision in violation of constitutional provisions under the First and 14th Amendments to the U.S. Constitution and Article I, Sections 2 and 4 of the Michigan Constitution, the remaining provisions of the law would remain in effect. In addition, if the Michigan Supreme Court ruled that Sections 45 and 46 of the Administrative Procedures Act were unconstitutional, and a statute requiring legislative review of administrative rules were not enacted within 90 days, the DOC could not promulgate rules.

The bill also would require that, when the DOC either made an entry into the Law Enforcement Information Network (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 bill would take effect on April 1, 1996, and is tie-barred to Senate Bill 346, which also deals with prisoner name changes.

MCL 791.206 & 791.265d

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

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

Date Completed: 2-5-96

Fiscal Analyst: M. Hansen