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SFA**BILL ANALYSIS**

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Senate Bill 57 (Substitute S-8 as reported)
Sponsor: Senator Virgil C. Smith, Jr.
Committee: Judiciary

CONTENT

The bill would amend the prison code to require that a prisoner in a correctional facility assigned to a housing unit having a security classification of I to VI wear a uniform provided by the Department of Corrections (DOC) at all times except when personal clothing otherwise was allowed under the code. The color of a prisoner's uniform would have to be determined by the DOC.

Currently, under the code, a prisoner in a correctional facility having a security designation of IV, V, or VI may not wear or have in his or her living area any personal clothing, except that a prisoner in a correctional facility having a security designation of IV may keep one set of personal clothing, as determined by the DOC, in his or her living area and may wear that clothing for court appearances or during visits. A prisoner in a facility having a security designation of I, II, or III may wear or have in his or her living area personal clothing, but the clothing must be included in the code's limits on personal property. ("Personal clothing" means any clothing that is not a uniform or other standardized clothing issued by the DOC.)

Under the bill, a prisoner in a correctional facility assigned to a housing unit having a security classification of III, IV, V, or VI could not have personal clothing in his or her living area, except that a prisoner assigned to a housing unit having a security classification of III or IV could keep one set of personal clothing to wear for visits and court appearances. (The term "security designation" would be replaced with "security classification", but the definition would not be affected.) A prisoner assigned to a housing unit with a security classification of I or II could wear or have in his or her living area personal clothing. The bill would delete the provision including personal clothing in the code's limits on a prisoner's personal property, and specifies that "personal clothing" would not include undergarments.

Within 121 days after the bill's effective date, a prisoner would have to dispose of any personal clothing in his or her possession, or kept in his or her living area, that would not be permitted under the bill, by sending it home with visitors; mailing it to a person identified by the prisoner, at the DOC's expense; or donating it to charity. If a prisoner did not dispose of the personal clothing within that period, the DOC would have to dispose of the clothing in a manner determined by the Department.

MCL 800.42 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would likely increase costs for the Department of Corrections.

During FY 1995-96, the Department purchased from Michigan State Industries (prison industries) pants and shirts for prisoners totaling \$1,484,300. At a cost of \$16.40 per pair of pants and \$11.70 per shirt, or \$28.10 per "uniform" (shirt and pants), the Department was able to purchase

approximately 52,800 uniforms. While each incoming prisoner is issued two sets of shirts and pants at reception, eligible prisoners may choose to return their uniforms and wear approved personal clothing after leaving reception.

While current law requires prisoners in security levels IV-VI to wear uniforms, this section of law has been enjoined by Judge Giddings in a prisoner property rights case, *Cain v Michigan Department of Corrections*. As a result, other than prisoners in Administrative Segregation, those on outside work assignment, or any other prisoner who chooses to wear a Department-issued uniform, all prisoners are currently allowed to wear personal clothing.

There are insufficient data currently available on the number of prisoners who are issued and are wearing uniforms, and how long each uniform lasts. In other words, were the 52,800 uniforms issued last year for 26,000 inmates, two sets apiece, each lasting one year, or were they issued to 13,000 inmates and each uniform lasted six months? The current prisoner population in security levels III-VI is approximately 14,400.

As an example, if one assumed that all prisoners in security levels III-VI were issued uniforms and other personal clothing other than undergarments (i.e., jackets, shoes, hats, etc.) total costs would be approximately \$1.6 million. As mentioned above, however, certain inmates are currently already receiving State-issued uniforms. The increased cost of the bill would be the difference between the cost of uniforms for those prisoners currently issued uniforms, and the number of additional uniforms the Department would have to issue because of the bill.

Finally, the Department could incur additional costs for mailing a prisoner's personal property. The exact cost would depend on the number of prisoners who chose to have the Department mail their personal property, and the weight of each package. If all 14,000 affected prisoners mailed a 20-pound package, assuming a \$5 shipping fee, the cost could approach \$70,000.

Date Completed: 3-7-97

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.