
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 57 (as introduced 1-28-97)
Sponsor: Senator Virgil C. Smith, Jr.
Committee: Judiciary

Date Completed: 2-19-97

CONTENT

The bill would amend the prison code to require that a prisoner in a correctional facility wear a uniform provided by the Department of Corrections (DOC) at all times, except as allowed to wear personal clothing for court appearances or during visits. The color of a prisoner's uniform would have to correspond to the "security classification" assigned to the prisoner. The DOC would have to select a clearly distinguishable color for each security classification and issue to each prisoner a uniform of the appropriate color.

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. Under the bill, that prohibition would apply to any prisoner in a correctional facility, regardless of the facility's security designation, and a prisoner in a facility with a designation of I, II, III, or IV could have one set of personal clothing for court appearances or visits.

The bill would retain a provision requiring that a prisoner in a correctional facility having a security designation of V or VI be provided civilian clothing by the institution for jury trials or as ordered by the court for other court appearances, but would delete a provision allowing a prisoner in a correctional facility having a security designation of I, II, or III to wear or have personal clothing as long as the clothing is included within the code's limits on prisoners' personal property.

Under the bill, "security classification" would mean a determination by the DOC as to the level of confinement required for each prisoner. Under the code, "security designation" means one of six levels of restrictiveness enforced at each correctional facility, as determined by the DOC, with security level I being the least restrictive and security level VI being the most restrictive.

MCL 800.42

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 is approximately 40,000 inmates.

Finally, the bill appears unclear as to other personal clothing prisoners may wear. If the bill is interpreted to prohibit all personal clothing, including underwear, shoes, boots, jackets, hats, etc., then the Department also would incur the cost of providing these items. If all 30,000 prisoners currently classified as security levels I-III were issued a full set of clothes (including shirts, pants, underwear, shoes, coats, gloves, etc.), then annual costs could approach \$4.1 million.

Fiscal Analyst: M. Hansen

S9798\S57SA

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.