

**SUBSTITUTE FOR
SENATE BILL NO. 57**

(As amended September 24, 1998)

A bill to amend 1893 PA 118, entitled
"An act to revise and consolidate the laws relative to state
prisons, to state houses of correction, and branches of state
prisons and reformatories, and the government and discipline
thereof and to repeal all acts inconsistent therewith,"
by amending section 42 (MCL 800.42), as added by 1989 PA 168, and
by adding section 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 42. (1) A prisoner in a correctional facility ASSIGNED
2 TO A HOUSING UNIT having a security ~~designation~~ CLASSIFICATION
3 of [], IV, V, or VI shall not ~~wear or~~ have in his or her
4 living area any personal clothing, except that a prisoner in a
5 correctional facility ASSIGNED TO A HOUSING UNIT having a secur-
6 ity ~~designation~~ CLASSIFICATION of [] IV may keep 1 set of
7 personal clothing as determined by the department in his or her
8 living area and may wear such clothing for court appearances or

SB0057, As Passed House, September 24, 1998

Sub. S.B. 57 (S-8) as amended September 24, 1998

2

1 during visits. A prisoner in a correctional facility ASSIGNED TO
2 A HOUSING UNIT having a security ~~designation~~ CLASSIFICATION of
3 V or VI shall be provided civilian clothing by the institution
4 for jury trials or as ordered by the court for other court
5 appearances.

6 (2) A prisoner in a correctional facility ASSIGNED TO A
7 HOUSING UNIT having a security ~~designation~~ CLASSIFICATION of I
8 [, II, or III] , may ~~wear or~~ have [PERSONAL CLOTHING] in his or
9 [AND MAY WEAR SUCH CLOTHING AS APPROVED BY THE DEPARTMENT OF
CORRECTIONS. ~~personal clothing.~~] , ~~except that the personal clothing
shall be~~

10 ~~included in the limits prescribed in subsection (3).~~

11 (3) Except as provided in subsection (4), the amount of per-
12 sonal property a prisoner may have in his or her living area,
13 including personal clothing, shall not exceed the following
14 limits:

15 (a) ~~In~~ FOR A PRISONER IN a correctional facility ASSIGNED
16 TO A HOUSING UNIT having a security ~~designation~~ CLASSIFICATION
17 of IV, V, or VI, not more than the amount that can be contained
18 in 1 duffel bag or 1 footlocker [OR SIMILARLY SIZED CONTAINER] as
19 approved by the department of

20 (b) ~~In~~ FOR A PRISONER IN a correctional facility ASSIGNED
21 TO A HOUSING UNIT having a security ~~designation~~ CLASSIFICATION
22 of I, II, or III, not more than the amount that can be contained
23 in 1 duffel bag and 1 footlocker [OR SIMILARLY SIZED CONTAINER] as
24 approved by the department of

25 (4) A prisoner may possess property in excess of the amounts
26 set forth in subsection (3) if that property consists of legal
27 materials ~~which~~ THAT are not available in the institutional law

SB0057, As Passed House, September 24, 1998

Sub. S.B. 57 (S-8) as amended September 24, 1998

3

1 library to which the prisoner has access. ~~As used in this~~ THIS
2 subsection ~~, "access"~~ does not ~~mean~~ REQUIRE that a prisoner
3 ~~must~~ be allowed physical access to a law library.

4 (5) This section does not allow a prisoner to possess per-
5 sonal property of a type otherwise prohibited by the department
6 of corrections for any reason.

7 ~~(6) The department of corrections shall begin phasing in~~
8 ~~the provisions of this section 30 days after the effective date~~
9 ~~of this section, and shall fully implement this section for~~
10 ~~security classifications V and VI not later than January 1, 1990,~~
11 ~~and security classification IV not later than January 1, 1991.~~

12 WITHIN 121 DAYS AFTER THE EFFECTIVE DATE OF THE 1997 AMENDATORY
13 ACT THAT AMENDED THIS SECTION, ANY PERSONAL CLOTHING IN THE POS-
14 SESSION OF OR IN THE LIVING AREA OF A PRISONER THAT IS NOT PER-
15 MITTED UNDER THIS SECTION SHALL BE DISPOSED OF BY THE PRISONER
16 USING 1 OF THE FOLLOWING METHODS:

17 (A) SENT HOME WITH VISITORS.

18 (B) [MAILED AT THE DEPARTMENT'S EXPENSE, TO A PERSON
19 IDENTIFIED BY THE PRISONER AND APPROVED OF BY THE DEPARTMENT.]

20 (C) DONATED TO CHARITY.

21 IF THE PRISONER DOES NOT DISPOSE OF THE PERSONAL CLOTHING WITHIN
22 THE 121-DAY PERIOD AS PROVIDED IN THIS SUBSECTION, THE DEPARTMENT
23 SHALL DISPOSE OF THE CLOTHING IN A MANNER DETERMINED BY THE
24 DEPARTMENT.

25 (7) As used in this section AND SECTION 44:

26 (a) "Legal materials" means either of the following:

SB0057, As Passed House, September 24, 1998

Senate Bill No. 57

4

1 (i) Pleadings and other documents ordinarily filed with a
2 court, letters, research notes, necessary exhibits, books,
3 periodicals, and similar items that are needed for litigation
4 which the prisoner is currently pursuing on his or her own
5 behalf, or on behalf of another prisoner if that assistance has
6 been approved by the institution head.

7 (ii) Pleadings, transcripts, court orders, and court opin-
8 ions arising out of the offense for which the prisoner is cur-
9 rently incarcerated.

10 (b) "Personal clothing" means any clothing that is not a
11 uniform or other standardized clothing issued by the department
12 BUT DOES NOT INCLUDE UNDERGARMENTS.

13 (c) "Security ~~designation~~ CLASSIFICATION" means 1 of 6
14 levels of restrictiveness enforced IN HOUSING UNITS at each cor-
15 rectional facility, as determined by the department of correc-
16 tions, with security level I being the least restrictive and
17 security level VI being the most restrictive.

18 SEC. 44. A PRISONER IN A CORRECTIONAL FACILITY ASSIGNED TO
19 A HOUSING UNIT HAVING A SECURITY CLASSIFICATION OF I TO VI SHALL
20 WEAR A UNIFORM PROVIDED BY THE DEPARTMENT AT ALL TIMES EXCEPT
21 WHEN PERSONAL CLOTHING MAY BE WORN AS PROVIDED IN SECTION 42.
22 THE COLOR OF A PRISONER'S UNIFORM SHALL BE DETERMINED BY THE
23 DEPARTMENT.