

SENATE BILL NO. 838

December 30, 1997, Introduced by Senators BENNETT, GOUGEON, BULLARD, GAST, MC MANUS and NORTH and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending sections 11a and 56 (MCL 791.211a and 791.256), as added by 1994 PA 93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11a. (1) The director of corrections may enter into
2 contracts on behalf of this state as the director considers
3 appropriate to implement the participation of this state in the
4 interstate corrections compact pursuant to article III of the
5 interstate corrections compact. The contracts may authorize con-
6 finement of prisoners in, or transfer of prisoners from, correc-
7 tional facilities under the jurisdiction of the department of
8 corrections. A contract shall not authorize the confinement of a
9 prisoner who is in the custody of the department in an institu-
10 tion of a state other than a state that is a party to the inter-
11 state corrections compact.

12 (2) The director of corrections shall first determine, on
13 the basis of an inspection made by his or her direction, that an
14 institution of another state is a suitable place for confinement
15 of prisoners committed to his or her custody before entering into
16 a contract permitting that confinement, and shall, at least annu-
17 ally, redetermine the suitability of that confinement. In deter-
18 mining the suitability of an institution of another state, the
19 director shall determine that the institution maintains standards
20 of care and discipline not incompatible with those of this state
21 and that all inmates confined in that institution are treated
22 equitably, regardless of race, religion, color, creed, or
23 national origin.

24 ~~(3) Unless the transfer is required to protect the~~
25 ~~prisoner's personal safety, a prisoner shall not be transferred~~

1 ~~to another state for confinement unless the prisoner consents in~~
2 ~~writing to the transfer.~~

3 (3) ~~-(4)-~~ One year after ~~the effective date of the amenda-~~
4 ~~tory act that added this section~~ APRIL 13, 1994 and annually
5 after that date, the department shall report all of the following
6 to the senate and house ~~corrections~~ committees RESPONSIBLE FOR
7 LEGISLATION CONCERNING CORRECTIONS and TO THE appropriations sub-
8 committees on corrections:

9 (a) The number of prisoners transferred to or from correc-
10 tional facilities in this state pursuant to the interstate cor-
11 rections compact.

12 (b) The cost to the state of the transfers described in sub-
13 division (a).

14 (c) The reasons for the transfers described in subdivision
15 (a).

16 Sec. 56. A prisoner sentenced under the laws of this state
17 who is imprisoned in another state pursuant to the interstate
18 corrections compact is entitled to ~~all~~ hearings ~~, within 120~~
19 ~~days of the time and under the same standards, that are normally~~
20 ~~accorded to prisoners similarly sentenced and confined in correc-~~
21 ~~tional facilities in this state. If a prisoner consents in writ-~~
22 ~~ing, a hearing may be conducted by the corresponding agencies or~~
23 ~~officials of the other state. However, this~~ PURSUANT TO SUBSEC-
24 TION (6) OF ARTICLE IV OF THE INTERSTATE CORRECTIONS COMPACT. A
25 PRISONER IS NOT ENTITLED TO A HEARING PRIOR TO HIS OR HER TRANS-
26 FER TO ANOTHER STATE PURSUANT TO THE INTERSTATE CORRECTIONS
27 COMPACT. THIS section shall not impair or abrogate the rights of

1 crime victims, including but not limited to those rights provided
2 under the crime victim's rights act, ~~Act No. 87 of the Public~~
3 ~~Acts of 1985, being sections 780.751 to 780.834 of the Michigan~~
4 ~~Compiled Laws. The department shall hold a hearing that is~~
5 ~~requested by another state or by a prisoner pursuant to this sec-~~
6 ~~tion or subsection (6) of article IV of the interstate correc-~~
7 ~~tions compact~~ 1985 PA 87, MCL 780.751 TO 780.834.