

Legislative Analysis



BAN GIVING CELL PHONES TO PRISONERS

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House Bills 5999 and 6000

Sponsor: Rep. Paul Condino

Committee: Judiciary

Complete to 11-28-06

A SUMMARY OF HOUSE BILLS 5999 AND 6000 AS INTRODUCED 4-26-06

House Bill 5999 would add a new section to Public Act 17 of 1909 (MCL 283a), which prohibits or limits the access by prisoners and by employees of correctional facilities to certain items such as weapons, alcohol, and controlled substances. The bill would prohibit a person from selling, giving, or furnishing (or aid in the same) *a cellular telephone or other wireless communication device* (i.e., a Blackberry for text messaging) to a prisoner in a correctional facility. The bill would also prohibit any person from disposing of a cellular telephone or wireless communication device in or on the grounds of a correctional facility. Further, the bill would make corresponding changes to the act's title. A person who violated the bill's prohibitions would be subject to the act's general penalty clause – a fine of not more than \$1,000 and/or imprisonment for not more than five years.

House Bill 6000 would amend the Code of Criminal Procedure (MCL 777.17g) to specify that furnishing a cell phone to a prisoner would be a Class E felony against the public safety with a maximum term of imprisonment of five years.

FISCAL IMPACT:

There are no data to indicate how frequently individuals provide or attempt to provide prisoners with cellular telephones. The bills' fiscal impact would depend on how they affected the numbers of felony convictions and types and length of sentences. Additional costs of felony probation supervision would be borne by the state at an average annual cost of about \$2,000. Additional costs of any jail time ordered would be borne by the affected counties; those costs vary by county. Additional costs of any prison sentence would be borne by the state at an average annual cost of about \$30,000 per prisoner. Any increase in collection of penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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