

Legislative Analysis



PRISONERS: PROHIBIT POSSESSION OF VICTIM'S ITEMS OR IMAGES

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Senate Bill 645 (Substitute H-2)

Sponsor: Sen. Roger Kahn, M.D.

(Enacted as Public Act 598 of 2012)

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-2-12

A SUMMARY OF SENATE BILL 645 AS REPORTED BY HOUSE COMMITTEE

The bill would add a new section to the Corrections Code to require the Department of Corrections, upon request of a victim or a victim's representative, to confiscate and dispose of any of the following that are in the possession of a prisoner:

- Any item belonging, or formerly belonging, to that victim.
- A photograph, drawing, or other visual image or representation of the victim.

As used in the bill, "victim's representative" would mean either:

- 1) A legal guardian if the victim were less than 18 years of age.
- 2) If the victim is deceased or otherwise unable to exercise his or her rights under the bill, a member of the victim's immediate family or, if there is no immediate family member, the victim's next of kin.

MCL 791.269

FISCAL IMPACT:

The bill would have no fiscal impact on the State or on local units of government.

BACKGROUND INFORMATION:

It is not uncommon for perpetrators of criminal acts against a person to keep, as a memento, an object of their victims or to obtain a photograph or sketch of the victim. This is especially true for crimes involving sexual assaults. The Department of Corrections currently does not allow a prisoner to keep or display such items. The bill would codify this departmental policy. Victim advocates believe the bill is important and could contribute to the emotional well-being of survivors of domestic and sexual violence, as well as their families, by providing assurance that their perpetrators are not retaining items from the crimes committed against them or images of them.

POSITIONS:

The Michigan Domestic Violence and Sexual Assault Prevention and Treatment Board submitted written testimony supporting the bill on 11-7-12 and also indicated support for the bill on 11-29-12.

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