

HOUSE BILL No. 4071

January 13, 2011, Introduced by Reps. Lori and MacMaster and referred to the Committee on Judiciary.

(As amended September 15, 2011)

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 62b and 62c (MCL 791.262b and 791.262c),
section 62b as amended by 2000 PA 211 and section 62c as amended by
1988 PA 293.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 62b. (1) The rules and standards promulgated under
2 section 62(3) ~~shall~~ DO not prohibit the housing of 2 inmates in a
3 county jail cell ~~which~~ THAT is designed and constructed for single
4 occupancy and ~~which~~ THAT meets either of the following conditions:
5 (a) The cell is at least 65 square feet in area and provides
6 [unrestricted] access to a day area which is available for use by the
7 inmates other than those inmates being disciplined. The day area
8 ~~shall be available at least 14 hours per day and shall contain an~~

1 average of at least 20 additional square feet of space per inmate.

2 (b) The cell is at least 55 square feet in area and both of
3 the 2 inmates housed in the cell participate in a day parole
4 program for not less than 32 hours per week.

5 (2) For purposes of housing inmates as provided for under this
6 section, the sheriff of the county shall develop and implement a
7 classification system classifying the county jail population
8 according to all of the following:

9 (a) Behavior characteristics.

10 (b) Similar physical characteristics.

11 (c) Age.

12 (d) Type of crime committed and criminal history.

13 (e) Gender.

14 (3) The classification system under subsection (2) shall be
15 submitted to and approved by the department. Any classification
16 system in effect on December 31, 1987 shall continue in effect
17 until changed as provided in this subsection.

18 ~~—— (4) A person who has no prior criminal convictions may only be~~
19 ~~housed with another inmate who does not have a prior felony~~
20 ~~conviction.~~

21 (4) ~~(5)~~ Cells in which 2 inmates are housed shall have doors
22 which allow visual supervision, and inmates shall be under visual
23 supervision at least every hour.

24 ~~—— (6) An inmate who is subject to section 33b(a) to (cc) shall~~
25 ~~not be housed in a cell with another inmate as provided for under~~
26 ~~this section, unless the sentencing judge authorizes the inmate for~~
27 ~~that housing.~~

1 (5) ~~(7)~~ If the state incurs any expense or is liable for
 2 damages on any judgment for an action brought as the result of a
 3 county housing 2 inmates in a cell as provided in this section, the
 4 county in which the action arose shall fully indemnify the state
 5 for the expense or damages.

6 ~~(8) No more than 75% of the total inmate population may be~~
 7 ~~housed 2 to a cell and pretrial inmates must be housed in separate~~
 8 ~~cell blocks or housing units from sentenced inmates. In any jail~~
 9 ~~facility with 5 or more floors, pretrial inmates shall be housed on~~
 10 ~~separate floors from sentenced inmates.~~

11 Sec. 62c. (1) The rules and standards promulgated under
 12 section 62(3) shall not prohibit the housing of 2 or more inmates
 13 in a county jail cell which is designed and constructed for housing
 14 2 or more inmates, and which meets all of the following conditions:

15 (a) The basic cell has at least ~~52~~25 square feet in area per
 16 inmate **OR, IF THE INMATES ARE CONFINED IN THE CELL FOR 10 OR MORE**
 17 **HOURS PER DAY, AT LEAST 35 SQUARE FEET IN AREA PER INMATE.** This
 18 subdivision ~~shall only apply~~ **APPLIES** to cells constructed after
 19 January 1, 1988.

20 (b) The cell provides access to a day area ~~which~~ **THAT** is
 21 available for use by other than those being disciplined. The day
 22 area shall contain at least 20 additional square feet of space per
 23 inmate. This subdivision ~~shall only apply~~ **APPLIES** to cells
 24 constructed after January 1, 1988.

25 (c) The cell complies with other rules and standards for
 26 multiple occupancy housing in jails, as promulgated under section
 27 62(3).

1 (2) For purposes of housing inmates as provided for under this
2 section, the sheriff of the county shall develop and implement a
3 classification system classifying the county jail population
4 according to all of the following:

5 (a) Behavior characteristics.

6 (b) Similar physical characteristics.

7 (c) Age.

8 (d) Type of crime committed and criminal history.

9 (e) Gender.

10 (3) The classification system under subsection (2) shall be
11 submitted to and approved by the department.

12 ~~—— (4) High security and segregation cells shall not be~~
13 ~~constructed to house multiple inmates.~~

14 **(4)** ~~(5)~~ Cells in which 2 or more inmates are housed shall have
15 doors which allow visual supervision, and inmates shall be under
16 visual supervision at least every hour.