

**CORRECTIONS CODE OF 1953 (EXCERPT)**  
**Act 232 of 1953**

CHAPTER IV  
BUREAU OF PENAL INSTITUTIONS.

**791.261 Bureau of prisons; establishment, direction and supervision.**

Sec. 61. There is hereby established within the department, a bureau of prisons. This bureau shall be under the direction and supervision of the assistant director in charge of the bureau of penal institutions.

**History:** 1953, Act 232, Eff. Oct. 2, 1953.

**Popular name:** Department of Corrections Act

**791.262 Definitions; administration of state correctional facilities; supervision and inspection of jails and lockups; rules and standards; variance; advice and services; enforcement of orders; residence of sheriff as part of county jail; visitation and inspection by member of commission or designee; records; forms; violation as misdemeanor.**

Sec. 62. (1) As used in this section:

(a) "Holding cell" means a cell or room in a facility of a local unit of government that is used for the detention of 1 or more persons awaiting processing, booking, court appearances, transportation to a jail or lockup, or discharge for not to exceed 12 hours.

(b) "Holding center" means a facility that is operated by a local unit of government for the detention of persons awaiting processing, booking, court appearances, transportation to a jail or lockup, or discharge; for not to exceed 24 hours.

(c) "Jail" means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations; persons found guilty of civil or criminal contempt; or a facility which houses prisoners pursuant to an agreement authorized under Act No. 164 of the Public Acts of 1861, being sections 802.1 to 802.21 of the Michigan Compiled Laws, for not more than 1 year.

(d) "Local unit of government" means any county, city, village, township, charter township, community college, college, or university.

(e) "Lockup" means a facility that is operated by a local unit of government for the detention of persons awaiting processing, booking, court appearances, or transportation to a jail, for not to exceed 72 hours.

(f) "State correctional facility" means a facility or institution maintained and operated by the department.

(2) State correctional facilities shall be administered by the bureau of prisons.

(3) The department shall supervise and inspect jails and lockups that are under the jurisdiction of the county sheriff to obtain facts concerning the proper management of the jails and lockups and their usefulness. The department shall promulgate rules and standards promoting the proper, efficient, and humane administration of jails and lockups that are under the jurisdiction of the county sheriff pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(4) The department may grant a variance to the rules and standards promulgated under subsection (3).

(5) Except as provided in subsection (3), the department shall not supervise and inspect, or promulgate rules and standards for the administration of, holding cells, holding centers, or lockups. However, the department shall provide advice and services concerning the efficient and humane administration of holding cells, holding centers, and lockups at the request of a local unit of government.

(6) The commission may enforce any reasonable order with respect to jails and lockups subject to supervision and inspection pursuant to subsection (3) through mandamus or injunction in the circuit court of the county where the jail is located through proceedings instituted by the attorney general on behalf of the commission.

(7) The county board of commissioners may determine whether the sheriff's residence is to be part of the county jail.

(8) The sheriff or the administrator of a jail or lockup, subject to supervision and inspection under subsection (3), shall admit to the jail or lockup any member of the commission or an authorized designee of the commission, for the purpose of visitation and inspection.

(9) The sheriff or the administrator of a jail or lockup subject to supervision and inspection under subsection (3) shall keep records of a type and in a manner reasonably prescribed by the commission. The commission shall provide the forms required for keeping the records.

(10) Any person who violates subsections (8) or (9) shall be guilty of a misdemeanor.

**History:** 1953, Act 232, Eff. Oct. 2, 1953;—Am. 1964, Act 111, Eff. Aug. 28, 1964;—Am. 1984, Act 102, Imd. Eff. May 8, 1984;—Am. 1987, Act 251, Eff. Jan. 1, 1988.

**Popular name:** Department of Corrections Act

**Administrative rules:** R 791.701 et seq. of the Michigan Administrative Code.

**791.262a Local lockup advisory board; creation; appointment, term, and expenses of members; first meeting; election of chairperson; quorum; model policy; review.**

Sec. 62a. (1) A local lockup advisory board is created within the bureau of prisons. The board shall consist of 7 members appointed for a period of 4 years. The director of each of the following shall appoint 1 member:

- (a) The department of state police.
- (b) The Michigan association of chiefs of police.
- (c) The Michigan municipal league.
- (d) The Michigan townships association.
- (e) The Michigan judges' association.
- (f) The Michigan district judges' association.
- (g) The Michigan sheriffs' association.

(2) The members appointed under subsection (1) shall serve without compensation but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(3) The first meeting of the advisory board shall be convened within 60 days after the effective date of this section, at which time the members appointed under subsection (1) shall elect a chairperson. A quorum shall consist of 4 members.

(4) The local lockup advisory board shall develop and promote a model policy for use in the administration of local lockups, holding cells, and holding centers. The model policy shall be developed within 6 months after the date of the first meeting. The advisory board shall convene annually to review the model policy.

**History:** Add. 1984, Act 102, Imd. Eff. May 8, 1984.

**Popular name:** Department of Corrections Act

**791.262b Housing inmates in county jail cell designed and constructed for single occupancy; conditions; classification system; doors; visual supervision; indemnification for expense or damages.**

Sec. 62b. (1) The rules and standards promulgated under section 62(3) do not prohibit the housing of 2 inmates in a county jail cell that is designed and constructed for single occupancy and that meets either of the following conditions:

(a) The cell is at least 65 square feet in area and provides access to a day area which is available for use by the inmates other than those inmates being disciplined. The day area shall contain an average of at least 20 additional square feet of space per inmate.

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

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

- (a) Behavior characteristics.
- (b) Similar physical characteristics.
- (c) Age.
- (d) Type of crime committed and criminal history.
- (e) Gender.

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

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

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

**History:** Add. 1984, Act 145, Imd. Eff. June 25, 1984;—Am. 1987, Act 252, Eff. Jan. 1, 1988;—Am. 1988, Act 492, Imd. Eff. Dec. 29, 1988;—Am. 2000, Act 211, Imd. Eff. June 27, 2000;—Am. 2011, Act 211, Imd. Eff. Nov. 8, 2011.

**Popular name:** Department of Corrections Act

**Administrative rules:** R 791.501 et seq. of the Michigan Administrative Code.

**791.262c Housing inmates in county jail cell; conditions; classification system; doors; visual supervision.**

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

(a) The basic cell has at least 25 square feet in area per inmate or, if the inmates are confined in the cell for 10 or more hours per day, at least 35 square feet in area per inmate. This subdivision only applies to cells constructed after January 1, 1988.

(b) The cell provides access to a day area that is available for use by other than those being disciplined. The day area shall contain at least 20 additional square feet of space per inmate. This subdivision only applies to cells constructed after January 1, 1988.

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

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

(a) Behavior characteristics.

(b) Similar physical characteristics.

(c) Age.

(d) Type of crime committed and criminal history.

(e) Gender.

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

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

**History:** Add. 1987, Act 251, Eff. Jan. 1, 1988;—Am. 1988, Act 293, Imd. Eff. Aug. 4, 1988;—Am. 2011, Act 211, Imd. Eff. Nov. 8, 2011.

**Popular name:** Department of Corrections Act

**Administrative rules:** R 791.501 et seq. of the Michigan Administrative Code.

**791.262d Prisoners who are 18 to 22 years of age; development of rehabilitation plans; programming; report; "correctional facility" defined.**

Sec. 62d. (1) The department shall develop rehabilitation plans for prisoners in the custody of the department who are approximately 18 to 22 years of age that specifically take the prisoner's age into consideration.

(2) The department shall provide, to the extent it is able to do so, programming designed for youth rehabilitation for prisoners in the custody of the department who are approximately 18 to 22 years of age. The department shall consult with the administrators of the family divisions of the circuit courts in this state and seek recommendations regarding the selection of programming designed for youth rehabilitation.

(3) The programming under subsection (2) may include, but not be limited to, both of the following:

(a) Mentoring programs provided by individuals with no misdemeanor or felony convictions.

(b) Career skills evaluation and career counseling.

(4) The department shall submit an annual report to the senate and house committees responsible for legislation concerning corrections issues detailing all of the following regarding prisoners in the custody of the department who are approximately 18 to 22 years of age:

(a) The number of these prisoners who are in the custody of the department, and the security classification at which each of these prisoners is housed.

(b) The number of these prisoners housed at each correctional facility in this state.

(c) The number, if any, of these prisoners who have been moved from 1 correctional facility to another in a manner that interrupted the prisoner's programming.

(d) The number of these prisoners who have completed programming, and if so, what specific programming was completed by the prisoners.

(5) As used in this section, "correctional facility" means a facility operated by the department, or by a private entity under contract with the department, that houses prisoners under the jurisdiction of the department.

**History:** Add. 2017, Act 16, Eff. June 29, 2017.

**Popular name:** Department of Corrections Act

#### **791.263 Wardens; appointment; personnel; "correctional facility" defined.**

Sec. 63. (1) The wardens of the correctional facilities of this state shall be appointed by the director of corrections and shall be within the state civil service. The assistant director in charge of the bureau of correctional facilities shall, subject to the approval of the director, appoint personnel within the bureau as may be necessary. Members of the staff and employees of each correctional facility shall be appointed by the warden subject to the approval of the director.

(2) As used in this section, "correctional facility" does not include a correctional facility described in section 20g or 20j if that facility is operated by a private contractor.

**History:** 1953, Act 232, Eff. Oct. 2, 1953;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

**Popular name:** Department of Corrections Act

#### **791.263a Compensation of correctional or youth correctional facility employees injured by inmate assault or injured during riot; exception; "correctional facility" defined.**

Sec. 63a. (1) A person employed by the department of corrections in a correctional facility who is injured as a result of an assault by a prisoner housed in the correctional facility or injured during a riot shall receive his or her full wages by the department of corrections until worker's compensation benefits begin and then shall receive in addition to worker's compensation benefits a supplement from the department which together with the worker's compensation benefits shall equal but not exceed the weekly net wage of the employee at the time of the injury. This supplement shall only apply while the person is on the department's payroll and is receiving worker's compensation benefits. Fringe benefits normally received by an employee shall be in effect during the time the employee receives the supplement provided by this section from the department.

(2) Subsection (1) also applies to a person who is employed by the department of corrections who, while performing his or her duties in a correctional facility described in section 20g or 20j, is injured as a result of an assault by a prisoner housed in that correctional facility or is injured during a riot in that correctional facility. However, subsection (1) does not apply to any person employed by, or retained under contract by, a private contractor that operates a correctional facility described in section 20g or 20j.

(3) For purposes of this section, "correctional facility" means a facility that houses prisoners committed to the jurisdiction of the department, including a community corrections center.

**History:** Add. 1975, Act 293, Imd. Eff. Dec. 10, 1975;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

**Popular name:** Department of Corrections Act

#### **791.264 Classification of prisoners; classification committee; information; filing; investigation; computation of sentence; recomputation based on amended judgment.**

Sec. 64. (1) The assistant director in charge of the bureau of correctional facilities shall classify the prisoners in correctional facilities. The assistant director shall appoint a classification committee from the staff of each correctional facility, which committee shall perform services in a manner as the assistant director in charge of the bureau of correctional facilities requires.

(2) Each classification committee shall obtain and file complete information with regard to each prisoner when the prisoner is received in a correctional facility. The clerk of the court and all probation officers and other officials shall send information in their possession or under their control to each classification committee when requested to do so, in the manner as they are directed. When all such existing available records have been assembled, each classification committee shall determine whether any further investigation is necessary, and, if so, shall make that investigation. The information shall be filed with the parole board so as to be readily available when the parole of the prisoner is to be considered.

(3) The length of a prisoner's sentence shall be computed by the record office of the correctional facility, for use by the classification committee, based upon the certified copy of the judgment of sentence delivered with the prisoner. Except as provided in subsection (4), if the judgment of sentence does not specify whether the sentence shall run consecutively to or concurrently with any other sentence that the prisoner is serving, the sentence shall be computed as if it is to be served concurrently.

(4) If the conviction is for a violation of section 193, 195(2), 197(2), 227b, or 349a of the Michigan penal code, 1931 PA 328, MCL 750.193, 750.195, 750.197, 750.227b, and 750.349a, the sentence shall be computed as if it is to be served consecutively, unless the judgment of sentence specifies that the sentence shall run concurrently.

(5) If a sentence that did not specify whether it was to be served concurrently or consecutively is computed under subsection (3) or (4), or if the conviction is for a violation of section 193, 195(2), 197(2), 227b, or 349a of the Michigan penal code, 1931 PA 328, MCL 750.193, 750.195, 750.197, 750.227b, and 750.349a, and the

judgment of sentence specifies that the sentence shall run concurrently, the department shall notify the sentencing judge, the prosecuting attorney, and the affected prisoner of the computation not later than 7 days after the sentence is computed.

(6) If, at any time after receiving the original judgment of sentence, the department receives an amended judgment of sentence specifying that the sentence should be computed in a different manner, the sentence shall be recomputed accordingly.

**History:** 1953, Act 232, Eff. Oct. 2, 1953;—Am. 2000, Act 221, Eff. Oct. 1, 2000.

**Popular name:** Department of Corrections Act

**Administrative rules:** R 791.1101 et seq. of the Michigan Administrative Code.

#### **791.265 Transfer or re-transfer of prisoner; confinement in secure correctional facility; "offender" defined; transfer of offenders to country of citizenship; notification to judge and prosecutor; objections; "secure correctional facility" defined.**

Sec. 65. (1) Under rules promulgated by the director of the department, the assistant director in charge of the bureau of correctional facilities, except as otherwise provided in this section, may cause the transfer or re-transfer of a prisoner from a correctional facility to which he or she was committed to any other correctional facility, or temporarily to a state institution for medical or surgical treatment. In effecting a transfer, the assistant director of the bureau of correctional facilities may utilize the services of an executive or employee within the department and of a law enforcement officer of the state.

(2) A prisoner who is subject to disciplinary time and is committed to the jurisdiction of the department must be confined in a secure correctional facility for the duration of his or her minimum sentence, except for periods when the prisoner is away from the secure correctional facility while being supervised by an employee of the department or by an employee of a private contractor that operates a facility or institution that houses prisoners under the jurisdiction of the department for 1 of the following purposes:

- (a) Visiting a critically ill relative.
- (b) Attending the funeral of a relative.
- (c) Obtaining medical services not otherwise available at the secure correctional facility.
- (d) Participating in a work detail.

(3) As used in this section, "offender" means a citizen of the United States or a foreign country who has been convicted of a crime and been given a sentence in a country other than the country of which he or she is a citizen. If a treaty is in effect between the United States and a foreign country, which provides for the transfer of offenders from the jurisdiction of 1 of the countries to the jurisdiction of the country of which the offender is a citizen, and if the offender requests the transfer, the governor of this state or a person designated by the governor may give the approval of this state to a transfer of an offender, if the conditions of the treaty are satisfied.

(4) Not less than 45 days before approval of a transfer under subsection (3) from this state to another country, the governor, or the governor's designee, shall notify the sentencing judge and the prosecuting attorney of the county having original jurisdiction, or their successors in office, of the request for transfer. The notification must indicate any name changes of the offender subsequent to sentencing. Within 20 days after receiving notification under this subsection, the judge or prosecutor may send to the governor, or the governor's designee, information about the criminal action against the offender or objections to the transfer. Objections to the transfer must not preclude approval of the transfer.

(5) As used in this section, "secure correctional facility" means a facility that houses prisoners under the jurisdiction of the department according to the following requirements:

- (a) The facility is enclosed by a locked fence or wall that is designed to prevent prisoners from leaving the enclosed premises and that is patrolled by correctional officers.
- (b) Prisoners in the facility are restricted to the area inside the fence or wall.
- (c) Prisoners are under guard by correctional officers 7 days per week, 24 hours per day.

**History:** 1953, Act 232, Eff. Oct. 2, 1953;—Am. 1980, Act 150, Imd. Eff. June 10, 1980;—Am. 1982, Act 179, Imd. Eff. June 14, 1982;—Am. 1994, Act 217, Eff. Dec. 15, 1998;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013;—Am. 2019, Act 16, Eff. Aug. 21, 2019.

**Popular name:** Department of Corrections Act

**Administrative rules:** R 791.1101 et seq. of the Michigan Administrative Code.

#### **791.265a Extending limits of confinement; rules; escape from custody; eligibility for extensions of limits of confinement; placement in community residential home; definitions.**



Sec. 65a. (1) Under prescribed conditions, the director may extend the limits of confinement of a prisoner when there is reasonable assurance, after consideration of all facts and circumstances, that the prisoner will not become a menace to society or to the public safety, by authorizing the prisoner to do any of the following:

(a) Visit a specifically designated place or places. An extension of limits may be granted only to a prisoner housed in a state correctional facility to permit a visit to a critically ill relative, attendance at the funeral of a relative, or contacting prospective employers. The maximum amount of time a prisoner is eligible for an extension of the limits of confinement under this subdivision shall not exceed a cumulative total period of 30 days.

(b) Obtain medical services not otherwise available to a prisoner housed in a state correctional facility.

(c) Work at paid employment, participate in a training or educational program, or participate in a community residential drug treatment program while continuing as a prisoner housed on a voluntary basis at a community corrections center or in a community residential home.

(2) The director shall promulgate rules to implement this section.

(3) The willful failure of a prisoner to remain within the extended limits of his or her confinement or to return within the time prescribed to an institution or facility designated by the director shall be considered an escape from custody as provided in section 193 of the Michigan penal code, 1931 PA 328, MCL 750.193.

(4) Subject to subsection (8), a prisoner, other than a prisoner subject to disciplinary time, who is convicted of a crime of violence or any assaultive crime is not eligible for the extensions of the limits of confinement provided in subsection (1) until the minimum sentence imposed for the crime has less than 180 days remaining.

(5) Subject to subsection (8), a prisoner subject to disciplinary time is not eligible for the extensions of the limits of confinement provided in subsection (1) until he or she has served the minimum sentence imposed for the crime.

(6) However, notwithstanding subsections (4) or (5), if the reason for the extension is to visit a critically ill relative, attend the funeral of a relative, or obtain medical services not otherwise available, the director may allow the extension under escort as provided in subsection (1).

(7) A prisoner serving a sentence for murder in the first degree is not eligible for the extensions of confinement under this section until a parole release date is established by the parole board and in no case before serving 15 calendar years with a good institutional adjustment.

(8) A prisoner who is convicted of a crime of violence or any assaultive crime, and whose minimum sentence imposed for the crime is 10 years or more, shall not be placed in a community residential home during any portion of his or her sentence.

(9) As used in this section:

(a) "Community corrections center" means a facility either contracted for or operated by the department in which a security staff is on duty 7 days per week, 24 hours per day.

(b) "Community residential home" means a location where electronic monitoring of prisoner presence is provided by the department 7 days per week, 24 hours per day, except that the department may waive the requirement that electronic monitoring be provided as to any prisoner who is within 3 months of his or her parole date.

(c) "State correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department. State correctional facility does not include a community corrections center or community residential home.

**History:** Add. 1974, Act 68, Imd. Eff. Apr. 1, 1974;—Am. 1987, Act 271, Imd. Eff. Dec. 29, 1987;—Am. 1988, Act 272, Eff. Dec. 1, 1988;—Am. 1994, Act 217, Eff. Dec. 15, 1998;—Am. 1997, Act 13, Imd. Eff. June 5, 1997;—Am. 1998, Act 315, Eff. Dec. 15, 1998;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

**Popular name:** Department of Corrections Act

## **791.265b Definitions; transfer of mentally or physically disabled prisoner to medical institution; duration; determination of mental or physical disability; financial responsibility of department; regulations.**

Sec. 65b. (1) As used in this section:

(a) "Medical institution" means that term as defined in section 106(2) of Act No. 280 of the Public Acts of 1939, as amended, being section 400.106 of the Michigan Compiled Laws.

(b) "Mentally or physically disabled prisoner" means a prisoner whose physical or mental health has deteriorated to a point which renders the prisoner a minimal threat to society.

(c) "Office of health care" means the office of health care in the department of corrections.

(2) The director may transfer a mentally or physically disabled prisoner to a medical institution for treatment and care. The transfer shall be effective for the duration of the prisoner's sentence, the duration of

the existing medical condition causing the prisoner to be mentally or physically disabled, or for any other length of time considered necessary by the director, but shall not exceed the term of the sentence.

(3) The office of health care, upon the request of the director, shall determine whether a prisoner is mentally or physically disabled. The department of corrections shall continue its financial responsibility for the maintenance and care of any inmate transferred to a medical institution under this act. The department shall develop regulations for reimbursement to the institutions to which the parties are transferred.

**History:** Add. 1980, Act 491, Imd. Eff. Jan. 21, 1981.

**Popular name:** Department of Corrections Act

**791.265c Work camp; construction, maintenance, and operation; purpose; assignment of prisoners; displacement of employed persons or workers on strike or locked out; agreement of bargaining unit; citizens advisory committee; escape; reimbursement of department; collecting and dispersing wages; amount of wages; rules.**

Sec. 65c. (1) As used in this section, "work camp" means a correctional facility that houses prisoners who are made available for work as provided in subsection (3).

(2) The department may construct, maintain, and operate work camps for the purpose of housing prisoners who are under its jurisdiction.

(3) Prisoners assigned to work camps may be provided an opportunity to do any of the following, as long as the department has reasonable cause to believe the prisoner will honor the trust placed in him or her by such an assignment:

(a) Perform meaningful work at paid employment in the community.

(b) Provide labor on public works projects.

(c) Perform meaningful work on projects that serve the public interest or a charitable purpose and are operated by organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code. Work performed by prisoners under this subdivision must not result in a competitive disadvantage to a for profit enterprise.

(4) Prisoners made available for work under subsection (3)(c) must not be assigned to work on projects in a manner that results in the displacement of employed persons in the community or the replacement of workers on strike or locked out of work. If a collective bargaining agreement is in effect at a place of employment that is the site of a proposed work project under subsection (3)(c), that bargaining unit must agree to the assignment of prisoners at the place of employment before the assignment is made.

(5) The warden at a correctional facility that makes prisoners available for work under subsection (3)(c) shall appoint a 7-member citizens advisory committee for the purpose of obtaining public input on proposals for assigning prisoners to work on those projects. The committee must include broad representation from the community in which the proposed work project is to be located, including representatives of business, community service, and religious organizations and the president of the local AFL-CIO central labor council, or his or her designee. Before prisoners are assigned to a proposed work project, the proposed assignment must be reviewed by the citizens advisory committee.

(6) The willful failure of a prisoner to report to or return from an assignment to paid employment in the community or on a public work project within the time prescribed, or to remain within the prescribed limits of such an assignment, is considered an escape from lawful custody as provided in section 193(3) of the Michigan penal code, 1931 PA 328, MCL 750.193.

(7) Prisoners employed at paid employment in the community shall reimburse the department for food, clothing, and daily travel expenses to and from work for days worked.

(8) The wages of prisoners employed at paid employment in the community must be collected by the work camp responsible for the prisoner's care.

(9) A work camp collecting wages of a prisoner under subsection (8) shall disperse wages collected in the following priority order:

(a) Reimbursement to the department under subsection (7).

(b) Support of the prisoner's dependents who are receiving public assistance up to the maximum of the public assistance benefit but not exceeding 50% of the prisoner's net earnings.

(c) For prisoners without dependents receiving public assistance, 50% of the prisoner's net earnings must be placed, at the prisoner's option, in either the prisoner's personal noninstitutional savings account or in escrow by the department for use by the prisoner upon release.

(d) The balance, if any, to the prisoner's institutional account.

(10) An employer who employs a prisoner under this section for work to which 1965 PA 166, MCL 408.551 to 408.558, applies shall pay the prisoner the prevailing wage as provided in that act.

(11) An employer who employs a prisoner under this section for work that is not under 1965 PA 166, MCL 408.551 to 408.558, shall pay the prisoner not less than the wage the employer pays to other employees with similar skills and experience.

(12) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish criteria by which the department shall determine eligibility for participation in the programs of paid employment in the community established by this section.

**History:** Add. 1981, Act 119, Imd. Eff. July 19, 1981;—Am. 1993, Act 34, Imd. Eff. May 3, 1993;—Am. 2018, Act 295, Eff. Sept. 27, 2018.

**Popular name:** Department of Corrections Act

#### **791.265d Occurrences requiring entry in law enforcement information network; occurrences requiring certain information to be made available on line; time limitation; scope of entry; "state correctional facility" defined.**

Sec. 65d. (1) If 1 or more of the following occur, the department shall make an entry in the law enforcement information network:

(a) A prisoner escapes from a state correctional facility.

(b) A parole violation warrant is issued.

(2) If 1 or more of the following occur, the department shall make available on line to the law enforcement information network, by way of the corrections management information system, the following information:

(a) A prisoner is transferred into a community residential program.

(b) A prisoner is transferred into a minimum custody correctional facility of any kind, including a correctional camp or work camp.

(c) A person's parole status changes.

(3) An entry under subsection (1), or information under subsection (2), shall be entered or made available not later than 24 hours after the event occurs, and shall include the prisoner's name and former name, if any, physical descriptors, the remaining term of his or her sentence, and any other information determined relevant by the department.

(4) As used in this section, "state correctional facility" means a facility or institution which houses a prisoner population under the jurisdiction of the department.

**History:** Add. 1988, Act 401, Eff. Sept. 24, 1989;—Am. 1996, Act 104, Eff. Apr. 1, 1996.

**Popular name:** Department of Corrections Act

#### **791.265e Transfer of prisoner to community placement facility; notice.**

Sec. 65e. When a prisoner is transferred into a community placement facility of any kind, including a community corrections center, halfway house, or resident home, the department shall send notice of the transfer from the corrections management information system via the law enforcement information network to the sheriff and the Michigan state police post having jurisdiction over the county where the prisoner was originally sentenced, and to the local police department, the county sheriff and the Michigan state police post having jurisdiction over the community placement facility in which the prisoner is placed. The notice required under this section shall include the prisoner's name, the name of the community placement facility, crimes for which the prisoner is serving a sentence, and any other information determined relevant by the department.

**History:** Add. 1988, Act 392, Eff. Sept. 19, 1989.

**Popular name:** Department of Corrections Act

#### **791.265f Housing prisoners; prohibitions.**

Sec. 65f. (1) Beginning September 30, 1990, a prisoner who is serving a sentence for conviction of an assaultive crime shall not be placed in a privately owned, noncommercial residential dwelling used for housing prisoners.

(2) Beginning on the effective date of this section, for the purpose of housing prisoners, the department shall not open a facility in, or enter into a new contract for, a dwelling originally constructed and intended to be used to house 1 family.

**History:** Add. 1990, Act 160, Imd. Eff. July 2, 1990.

**Popular name:** Department of Corrections Act

#### **791.265g Definitions.**

Sec. 65g. As used in this section and sections 65h and 65i:

(a) "Community corrections center" means that term as defined in section 65a.

(b) "Community residential home" means that term as defined in section 65a.



(c) "Community status criteria" means the criteria for determining which prisoners are eligible to be placed in community corrections facilities as prescribed in section 65(g)(1).

(d) "Council" means a citizens' council formed under section 65i(1).

(e) "Prisoner" means a person who is under the jurisdiction of the department and has not been released on parole or discharged.

(f) "State correctional facility" means that term as defined in section 65a.

**History:** Add. 1990, Act 353, Imd. Eff. Dec. 26, 1990.

**Compiler's note:** In subdivision (c), the reference to "section 65(g)(1)" evidently should be "section 65h(1)."

**Popular name:** Department of Corrections Act

#### **791.265h Placement in community corrections center or community residential home; community status criteria; location of center; prisoner population; curfew; random checks.**

Sec. 65h. (1) A prisoner who does not meet the community status criteria shall not be placed in a community corrections center or community residential home. The community status criteria include all of the following requirements:

(a) The prisoner has been given a level I security classification by the department's bureau of correctional facilities, on a scale of 6 levels in which level I is the least restrictive level.

(b) The prisoner is not serving a sentence for conviction of a crime of escape under section 193 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.193 of the Michigan Compiled Laws.

(c) The prisoner is not serving a sentence for conviction of a criminal sexual conduct offense listed in section 2a(1) of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.2a of the Michigan Compiled Laws.

(d) The prisoner is not classified as a very high assault risk according to the department's risk screening criteria.

(e) The prisoner does not have any pending felony charges against him or her, and is not subject to a detainer request from another jurisdiction by which the prisoner, upon his or her release, would be returned to that other jurisdiction to begin serving another felony sentence.

(f) The prisoner has not been given a special designation by the department which would prevent his or her placement.

(g) If the prisoner is serving a sentence for conviction of a crime of violence or an assaultive crime, as defined by rules of the department, the prisoner has less than 180 days remaining on his or her minimum sentence, and otherwise meets the community placement requirements of section 65a.

(h) If the prisoner is not subject to the 180-day rule described in subdivision (g), the prisoner is being placed no earlier in that prisoner's sentence than is allowed by the administrative rules of the department.

(2) Except as provided in subsections (3) and (4), a prisoner who is placed in a community corrections center shall be placed in a center that is located in 1 of the following:

(a) The county of the prisoner's most recent residence as listed on the prisoner's presentence report.

(b) A county in which the prisoner's spouse, parent, grandparent, brother, sister, or child resides.

(3) Subsection (2) does not prohibit the department from operating a community corrections center that serves more than 1 county. Any prisoner placed in such a center shall meet the conditions of subsection (2)(a) or (b) of the counties the center serves.

(4) Notwithstanding subsection (2), not more than 10% of the prisoner population of any community corrections center, at any 1 time, may consist of prisoners who would not be placed in that community corrections center according to the provisions of subsection (2).

(5) The department shall establish a curfew for every prisoner placed in a community corrections center.

(6) Random checks shall be conducted for all prisoners who are allowed off the premises of the community corrections center for purposes of employment, seeking employment, attending school, receiving treatment, or for any other approved reason. The random checks shall be for the purpose of verifying that each prisoner allowed off the premises is participating as scheduled in the function for which he or she is allowed off the premises.

**History:** Add. 1990, Act 353, Imd. Eff. Dec. 26, 1990.

**Popular name:** Department of Corrections Act

#### **791.265i Citizens' council.**

Sec. 65i. (1) The legislative body of a city, village, or township in which a community corrections center is located may form a 5-member citizens' council by sending written notice of its intention to form a citizens' council to the board of commissioners of the county in which the city, village, or township is located.

(2) Within 30 days after receiving the notice, the county board of commissioners or, in a county that has a county executive, the county executive subject to the concurrence of the county board of commissioners, shall appoint 5 members to the council. Three of the members shall be residents of the city, village, or township in which the community corrections center is located. The remaining 2 members need not be residents of that city, village, or township, but shall be residents of the county. Each member shall serve at the pleasure of the county board of commissioners or county executive that appointed that member.

(3) A citizens' council shall select a chairperson from among its members and other officers necessary for conducting the council's business. A citizens' council shall meet at a place and time determined by the chairperson.

(4) The supervisor of a community corrections center, at the request of the chairperson of the citizens' council in whose jurisdiction that community corrections center is located, shall meet with the council and, if requested by the chairperson, shall provide to the council any of the following information for that community corrections center for the reporting period agreed to by the chairperson and the center supervisor:

(a) The number of prisoners placed in the community corrections center and the number of prisoners returned from the community corrections center to a state correctional facility.

(b) The institutional number, record of convictions, and term of sentence of each prisoner placed in the center, and a summary of the disciplinary problems or major misconduct citations, if any, for each of those prisoners while in the center; and written documentation verifying that the prisoners in the community corrections center were in compliance with the community status criteria on the date of their placement into the community corrections center. The written information provided under this subsection, and all copies of that information, may be distributed to the committee only for the duration of the meeting, and after the meeting shall be retained by the supervisor of the community corrections center or his or her designee.

(c) The number of prisoners in the center who, while in the center, tested positive for the presence of alcohol or controlled substances, resulting in a major misconduct violation.

(d) The number of prisoners who were apprehended and charged with the commission of a new criminal offense while in the center, or after they had escaped from the center and before they had been recaptured.

(e) The number of incidents resulting in a major misconduct violation in which a prisoner placed in the center was absent from the center without authorization, or failed to report to employment, school, treatment, or other destination as to which the prisoner's absence from the center was authorized.

(f) The number of prisoners in the center who are in treatment programs, and a summary of the services offered by those programs.

(g) The number of prisoners in the center who are employed, and the number who are in education programs.

(h) The number of personnel employed at the center and their job classifications, and the number and job classification of any personnel positions at the center that are not filled at the time of the report.

(5) A center supervisor shall not be required to meet with a citizens' council more often than once each month. If the center supervisor is unavailable at the time of a meeting called pursuant to subsection (4), the regional supervisor may appoint a designee to act on the center supervisor's behalf. If a community corrections center does not have a center supervisor, the duties of the center supervisor under this section shall be performed by a regional supervisor, field agent, or other person designated by the department as being generally responsible for overseeing the daily operation of that community corrections center.

(6) If a citizens' council believes that the placement of a prisoner into a community corrections center within its jurisdiction was made in violation of the community status criteria, the council shall give written or verbal notice to the center supervisor. If the center supervisor believes that the council was incorrect in its determination, the center supervisor or his or her designee shall meet with the council or chairperson of the council within 2 business days after receiving the notice, and shall review the prisoner's record and the community placement criteria and shall determine whether or not the placement violates the community placement criteria. If it is determined by the center supervisor that the placement does violate the community placement criteria, the department shall reclassify the prisoner to be returned to a state correctional facility.

(7) Each citizens' council may report annually to the county board of commissioners for that county or, in a county that has a county executive, to the county executive, and the state representatives and state senators for that district. The report shall describe the effect on the city, village, or township and the surrounding communities of the community corrections centers in the council's jurisdiction, and shall include a summary of information provided to the council under subsection (4).

(8) A citizens' council also shall do all of the following:

(a) Act as a liaison between the residents of the area affected by the community corrections center or centers in its jurisdiction and the department as to issues concerning the center or centers.

(b) Review policies and procedures governing the operation of the center or centers in its jurisdiction,

including placement and supervision standards.

**History:** Add. 1990, Act 353, Imd. Eff. Dec. 26, 1990.

**Popular name:** Department of Corrections Act

#### **791.266 Commitment by courts; purpose of classification.**

Sec. 66. For the purpose of classification, all convicted prisoners shall be committed by courts of criminal jurisdiction of the state, to the commission, at a place to be designated by the commission.

**History:** 1953, Act 232, Eff. Oct. 2, 1953.

**Popular name:** Department of Corrections Act

#### **791.267 Temporary confinement; study of prisoner; suitability of prisoner to type of rehabilitation required; report; execution of confinement order; test for HIV or antibody to HIV; applicability of subsection (2); housing prisoner in administrative segregation, inpatient health care unit, or unit separate from general prisoner population; reporting positive test result; exposure of employee to blood or body fluid of prisoner; testing employee; employee equipment; HIV positive prisoner not to work in health facility; seroprevalence study; disclosure of test results; counseling; AIDS education program; definitions.**

Sec. 67. (1) Quarters for temporary confinement apart from those of regular inmates shall be provided for convicted prisoners upon commitment at each of the state correctional facilities, which the director shall designate as a reception center. Within 60 days after the arrival of a convicted prisoner at a state correctional facility, the classification committee shall make and complete a comprehensive study of the prisoner, including physical and psychiatric examinations, to ensure that the prisoner is confined in the state correctional facility suited to the type of rehabilitation required in his or her case. The warden of the state correctional facility shall deliver a report of the study of the classification committee to the deputy director of the correctional facilities administration, who shall, within 5 days after receipt of the report, execute an order to confine the prisoner in the state correctional facility determined as suitable by the deputy director.

(2) Immediately upon arrival at a reception center designated under subsection (1), each incoming prisoner shall undergo a test for HIV or an antibody to HIV. This subsection does not apply if an incoming prisoner has been tested for HIV or an antibody to HIV under section 5129 of the public health code, 1978 PA 368, MCL 333.5129, within the 3 months immediately preceding the date of the prisoner's arrival at the reception center, as indicated by the record transferred to the department by the court under that section.

(3) If a prisoner receives a positive test result and is subsequently subject to discipline by the department for sexual misconduct that could transmit HIV, illegal intravenous use of controlled substances, or assaultive or predatory behavior that could transmit HIV, the department shall house that prisoner in administrative segregation, an inpatient health care unit, or a unit separate from the general prisoner population, as determined by the department.

(4) The department shall report each positive test result to the department of community health, in compliance with section 5114 of the public health code, 1978 PA 368, MCL 333.5114.

(5) If an employee of the department sustains a percutaneous, mucous membrane, or open wound exposure to the blood or body fluid of a prisoner, the employee may, and the department shall, proceed under section 67b.

(6) Upon the request of an employee of the department, the department shall provide or arrange for a test for HIV or an antibody to HIV for that employee, free of charge.

(7) Upon the request of an employee of the department, the department shall provide to that employee the equipment necessary to implement universal precautions to prevent transmission of HIV infection.

(8) A prisoner who receives a positive HIV test result shall not work in a health facility operated by the department.

(9) The department shall conduct a seroprevalence study of the prisoners in all state correctional facilities to determine the percentage of prisoners who are HIV infected.

(10) The results of a test for HIV or an antibody to HIV conducted under this section shall be disclosed by the department under section 67b.

(11) The deputy director of the correctional facilities administration shall take steps to ensure that all prisoners who receive HIV testing receive counseling regarding AIDS including, at a minimum, treatment, transmission, and protective measures.

(12) The department, in conjunction with the department of community health, shall develop and implement a comprehensive AIDS education program designed specifically for correctional environments.

The program shall be conducted by the bureau within the department responsible for health care, for staff and for prisoners at each state correctional facility.

(13) As used in this section:

(a) "AIDS" means acquired immunodeficiency syndrome.

(b) "HIV" means human immunodeficiency virus.

(c) "Positive test result" means a double positive enzyme-linked immunosorbent assay test, combined with a positive western blot assay test, or a positive test under an HIV test that is considered reliable by the federal centers for disease control and is approved by the department of community health.

**History:** 1953, Act 232, Eff. Oct. 2, 1953;—Am. 1960, Act 103, Imd. Eff. Apr. 26, 1960;—Am. 1988, Act 510, Eff. Mar. 30, 1989;—Am. 1996, Act 565, Imd. Eff. Jan. 16, 1997;—Am. 2012, Act 24, Imd. Eff. Feb. 23, 2012.

**Popular name:** Department of Corrections Act

**791.267a Nonemergency medical, dental, or optometric services; intentional injury; copayment or payment by prisoner; on-site medical treatment; report on feasibility and cost.**

Sec. 67a. (1) A prisoner who receives nonemergency medical, dental, or optometric services at his or her request is responsible for a copayment fee to the department for those services, as determined by the department. If the prisoner is a minor, the prisoner's parent or guardian is also responsible for a copayment fee imposed under this section.

(2) A prisoner who intentionally injures himself or herself, and receives emergency medical care for that injury, is responsible for the entire cost of the medical care, rather than the copayment described in subsection (1).

(3) The department shall determine whether those prisoners who injure themselves intentionally shall be housed in a facility designed to allow on-site medical treatment of those injuries. Not later than 6 months after the effective date of this section, the director of the department shall report to the legislature on the feasibility and cost of implementing this subsection.

**History:** Add. 1996, Act 234, Eff. Mar. 31, 1997.

**Popular name:** Department of Corrections Act

**791.267b Exposure of employee to blood or body fluid of prisoner; request to test prisoner for HIV or HBV infection; form and contents of request; determination; prisoner consent not required; counseling; determination not requiring HIV or HBV infection testing; notice of HIV or HBV test results; confidentiality; forms; violation of subsection (8) as misdemeanor; report; definitions.**

Sec. 67b. (1) If an employee of the department sustains a percutaneous, mucous membrane, or open wound exposure to the blood or body fluids of a prisoner, the employee may request that the prisoner be tested for HIV infection or HBV infection, or both, pursuant to this section.

(2) An employee shall make a request described in subsection (1) to the department in writing on a form provided by the department within 72 hours after the exposure occurs. The request form shall be dated and shall contain at a minimum the name and address of the employee making the request and a description of his or her exposure to the blood or other body fluids of the prisoner. The request form shall contain a space for the information required under subsection (6) and a statement that the requester is subject to the confidentiality requirements of subsection (8) and section 5131 of the public health code, 1978 PA 368, MCL 333.5131. The request form shall not contain information that would identify the prisoner.

(3) Upon receipt of a request under this section, the department shall make a determination as to whether or not there is reasonable cause to believe that the exposure described in the request occurred and if it was a percutaneous, mucous membrane, or open wound exposure pursuant to R 325.70001 to R 325.70018 of the Michigan administrative code. If the department determines that there is reasonable cause to believe that the exposure described in the request occurred and was a percutaneous, mucous membrane, or open wound exposure, the department shall test the prisoner for HIV infection or HBV infection, or both, as indicated in the request, subject to subsection (4).

(4) In order to protect the health, safety, and welfare of department employees, the department may test a prisoner under subsection (3) whether or not the prisoner consents to the test. The department is not required to give the prisoner an opportunity for a hearing or to obtain an order from a court of competent jurisdiction before administering the test.

(5) The department is not required to provide HIV counseling pursuant to section 5133(1) of the public health code, 1978 PA 368, MCL 333.5133, to an employee who requests that a prisoner be tested for HIV

under this section, unless the department tests the employee for HIV.

(6) The department shall comply with this subsection if the department receives a request under this section and determines either that there is not reasonable cause to believe the requester's description of his or her exposure or that the exposure was not a percutaneous, mucous membrane, or open wound exposure and as a result of the determination the department is not required to test the prisoner for HIV infection or HBV infection, or both. The department shall state in writing on the request form the reason it determined there was not reasonable cause to believe the requester's description of his or her exposure or for the department's determination that the exposure was not a percutaneous, mucous membrane, or open wound exposure, as applicable. The department shall transmit a copy of the completed request form to the requesting individual within 2 days after the date the department makes the determination described in this subsection.

(7) The department shall notify the requesting employee of the HIV or HBV test results, or both, whether positive or negative, within 2 days after the test results are obtained by the department. The notification shall be transmitted directly to the requesting employee or, upon request of the requesting employee, to his or her primary care physician or other health professional designated by the employee. The notice required under this subsection shall include an explanation of the confidentiality requirements of subsection (8).

(8) The notice required under subsection (7) shall not contain information that would identify the prisoner who tested positive or negative for HIV or HBV. The information contained in the notice is confidential and is subject to this section, the rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111, and section 5131 of the public health code, 1978 PA 368, MCL 333.5131. A person who receives confidential information under this section shall disclose the information to others only to the extent consistent with the authorized purpose for which the information was obtained.

(9) The department shall develop and distribute the forms required under this section.

(10) In addition to the penalties prescribed in the rules promulgated under section 5111 of the public health code, 1978 PA 368, MCL 333.5111 and in section 5131 of the public health code, 1978 PA 368, MCL 333.5131, a person who discloses information in violation of subsection (8) is guilty of a misdemeanor.

(11) The department shall report to the department of community health each test result obtained under this section that indicates that an individual is HIV infected, in compliance with section 5114 of the public health code, 1978 PA 368, MCL 333.5114.

(12) As used in this section:

(a) "Employee" means an individual who is employed by or under contract to the department of corrections.

(b) "HBV" means hepatitis B virus.

(c) "HBV infected" or "HBV infection" means the status of an individual who is tested as HBsAg-positive.

(d) "HIV" means human immunodeficiency virus.

(e) "HIV infected" means that term as defined in section 5101 of the public health code, 1978 PA 368, MCL 333.5101.

**History:** Add. 1996, Act 565, Imd. Eff. Jan. 16, 1997;—Am. 2010, Act 120, Imd. Eff. July 13, 2010.

**Popular name:** Department of Corrections Act

### **791.268 Payment of filing fees or costs by prisoner; court order to make monthly payments; removal of amount from prisoner institutional account.**

Sec. 68. If a prisoner is ordered by a court to make monthly payments for the purpose of paying the balance of filing fees or costs under section 2963 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2963 of the Michigan Compiled Laws, the department shall remove those amounts from the institutional account of the prisoner subject to the order and, when an amount equal to the balance of the filing fees or costs due is removed, remit that amount as directed in the order.

**History:** Add. 1996, Act 556, Eff. Mar. 31, 1997.

**Compiler's note:** Former MCL 791.268, which pertained to mental evaluation as condition to release of certain prisoners, was repealed by Act 258 of 1974, Eff. Aug. 6, 1975.

**Popular name:** Department of Corrections Act

### **791.268a Visits from minors; conditions; restrictions; "minor" defined.**

Sec. 68a. (1) Except as otherwise provided in subsection (2), a prisoner may be permitted to receive visits from a minor brother, sister, stepbrother, stepsister, half brother, or half sister if that minor is on the prisoner's approved visitor list.

(2) Notwithstanding subsection (1), the department may do any of the following:

(a) Place limits on visiting hours, establish reasonable rules of conduct, and establish uniform quotas at each institution for visits to prisoners to promote order and security in the institutions and to prevent



interference with institutional routine or disruption of a prisoner's programming.

(b) Establish requirements for who must accompany the minor on the visit.

(c) Deny, restrict, or terminate visits as determined necessary by the department for the order and security of the institution.

(3) As used in this section, "minor" means a person who is less than 18 years of age.

**History:** Add. 2001, Act 8, Imd. Eff. May 25, 2001.

**Popular name:** Department of Corrections Act

#### **791.269 Confiscation and disposal of items in possession of prisoner; request of victim or victim's representative; "victim's representative" defined.**

Sec. 69. (1) Upon the request of a victim or a victim's representative, the department shall confiscate and dispose of any of the following that are in the possession of a prisoner:

(a) Any item belonging to that victim or that formerly belonged to that victim.

(b) A photograph, drawing, or other visual image or representation of the victim.

(2) As used in this section, "victim's representative" means either of the following:

(a) If the victim is less than 18 years of age, his or her parent or legal guardian.

(b) If the victim is deceased or otherwise unable to exercise his or her rights under this section, a member of the victim's immediate family or, if there is no immediate family member, the victim's next of kin.

**History:** Add. 2012, Act 598, Eff. Mar. 28, 2013.

**Compiler's note:** Former MCL 791.269, which pertained to cell occupancy requirements for new housing or facilities, was repealed by Act 18 of 1995, Imd. Eff. Apr. 12, 1995.

**Popular name:** Department of Corrections Act

#### **791.269a Subjecting visitor to pat down search; condition; waiver; definitions.**

Sec. 69a. (1) A visitor to a state correctional facility shall not be subjected to a pat down search unless every person performing or assisting in performing the pat down search is of the same sex as the person being searched. If the necessary personnel are not readily available, a visitor at his or her option may waive the provisions of this subsection by signing a waiver provided by the department of corrections.

(2) As used in this section:

(a) "Pat down search" means a search of a person in which the person conducting the search touches the body or clothing, or both, of the person being searched to detect the presence of concealed objects.

(b) "State correctional facility" means a facility or institution that houses prisoners under the jurisdiction of the department.

**History:** Add. 1990, Act 42, Imd. Eff. Mar. 29, 1990;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

**Popular name:** Department of Corrections Act

#### **791.269b Inmate reentry services; applicants from nonprofit faith-based, business and professional, civic, and community organizations; screening, approval, and registration of organizations; denial; posting of telephone number and application on public Internet website; endorsement or sponsorship by department prohibited; required participation by inmate prohibited.**

Sec. 69b. (1) Subject to the policies and procedures adopted under subsection (2) for screening and approving applicants, the department shall allow representatives from all nonprofit faith-based, business and professional, civic, and community organizations to apply to be registered with the department under this section for the purpose of providing inmate reentry services. Reentry services include, but are not limited to, counseling, providing information on housing and job placement, and money management assistance.

(2) The department shall develop and adopt policies and procedures for screening, approving, and registering organizations, and representatives from those organizations listed under subsection (1) that apply to provide inmate reentry services. The department may deny approval and registration to an organization, or a representative from an organization listed under subsection (1) if the department determines that the organization or representative does not meet the department's screening guidelines. The department and each of the correctional facilities in this state retain the discretion to deny entry into a correctional facility at any time to a representative of an organization listed under subsection (1) regardless of whether that representative previously applied to and was registered with the department to provide inmate reentry services within a correctional facility.

(3) The department shall post a department telephone number and provide an application for registration on its public Internet website for use by representatives from an organization described in subsection (1) who

wish to provide inmate reentry services to obtain information and to begin the application process for registration with the department.

(4) The department shall not endorse or sponsor any faith-based reentry program or endorse any specific religious message. The department shall not require an inmate to participate in a faith-based program.

**History:** Add. 2017, Act 6, Eff. June 29, 2017.

**Popular name:** Department of Corrections Act

**791.270 Monitoring of telephone communications; conditions; disclosure of obtained information; evidence in criminal prosecution; definitions.**

Sec. 70. (1) A correctional facility may monitor telephone communications over telephones available for use by prisoners in the correctional facility if all of the following conditions are met:

(a) The director promulgates rules under which the monitoring is to be conducted, and the monitoring is conducted in accordance with those rules. The rules shall include provisions for minimizing the intrusiveness of the monitoring and shall prescribe a procedure by which a prisoner may make telephone calls to his or her attorney, and any federal, state, or local public official if requested by that public official, that are not monitored.

(b) The monitoring is routinely conducted for the purpose of preserving the security and orderly management of the correctional facility, interdicting drugs and other contraband, and protecting the public, and is performed by employees of the department or, in the case of a correctional facility operated by a private contractor under section 20g or 20j, is conducted by employees of the private contractor.

(c) Notices are prominently posted on or near each telephone subject to monitoring informing users of the telephone that communications over the telephone may be monitored.

(d) In addition to the posting of notices under subdivision (c), the prisoners in the correctional facility are given reasonable notice of the rules promulgated under subdivision (a).

(e) Each party to the conversation is notified by voice that the conversation is being monitored.

(2) A correctional facility shall disclose information obtained under this section regarding a crime or attempted crime to any law enforcement agency having jurisdiction over that crime or attempted crime.

(3) Evidence obtained under this section regarding a crime or attempted crime may be considered as evidence in a criminal prosecution for that crime or attempted crime.

(4) As used in this section:

(a) "Correctional facility" includes a correctional facility operated under section 20g or 20j by the department or a private contractor.

(b) "Monitor" means to listen to or record, or both.

**History:** Add. 1993, Act 255, Imd. Eff. Nov. 29, 1993;—Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999;—Am. 2012, Act 599, Eff. Mar. 28, 2013.

**Popular name:** Department of Corrections Act