

PRISON CODE (EXCERPT)

Act 118 of 1893

800.42 Prisoner in correctional facility having security classification of I, II, III, IV, V, or VI; personal property; disposal; definitions.

Sec. 42. (1) A prisoner in a correctional facility assigned to a housing unit having a security classification of IV, V, or VI shall not have in his or her living area any personal clothing, except that a prisoner in a correctional facility assigned to a housing unit having a security classification of IV may keep 1 set of personal clothing as determined by the department in his or her living area and may wear such clothing for court appearances or during visits. A prisoner in a correctional facility assigned to a housing unit having a security classification of V or VI shall be provided civilian clothing by the institution for jury trials or as ordered by the court for other court appearances.

(2) A prisoner in a correctional facility assigned to a housing unit having a security classification of I, II, or III, may have personal clothing in his or her living area and may wear such clothing as approved by the department of corrections.

(3) Except as provided in subsection (4), the amount of personal property a prisoner may have in his or her living area, including personal clothing, shall not exceed the following limits:

(a) For a prisoner in a correctional facility assigned to a housing unit having a security classification of IV, V, or VI, not more than the amount that can be contained in 1 duffel bag or 1 footlocker or similarly sized container as approved by the department of corrections.

(b) For a prisoner in a correctional facility assigned to a housing unit having a security classification of I, II, or III, not more than the amount that can be contained in 1 duffel bag and 1 footlocker or similarly sized container as approved by the department of corrections.

(4) A prisoner may possess property in excess of the amounts set forth in subsection (3) if that property consists of legal materials that are not available in the institutional law library to which the prisoner has access. This subsection does not require that a prisoner be allowed physical access to a law library.

(5) This section does not allow a prisoner to possess personal property of a type otherwise prohibited by the department of corrections for any reason.

(6) Within 121 days after the effective date of the 1997 amendatory act that amended this section, any personal clothing in the possession of or in the living area of a prisoner that is not permitted under this section shall be disposed of by the prisoner using 1 of the following methods:

(a) Sent home with visitors.

(b) Mailed at the department's expense, to a person identified by the prisoner and approved of by the department.

(c) Donated to charity.

If the prisoner does not dispose of the personal clothing within the 121-day period as provided in this subsection, the department shall dispose of the clothing in a manner determined by the department.

(7) As used in this section and section 44:

(a) "Legal materials" means either of the following:

(i) Pleadings and other documents ordinarily filed with a court, letters, research notes, necessary exhibits, books, periodicals, and similar items that are needed for litigation which the prisoner is currently pursuing on his or her own behalf, or on behalf of another prisoner if that assistance has been approved by the institution head.

(ii) Pleadings, transcripts, court orders, and court opinions arising out of the offense for which the prisoner is currently incarcerated.

(b) "Personal clothing" means any clothing that is not a uniform or other standardized clothing issued by the department but does not include undergarments.

(c) "Security classification" means 1 of 6 levels of restrictiveness enforced in housing units at each correctional facility, as determined by the department of corrections, with security level I being the least restrictive and security level VI being the most restrictive.

History: Add. 1989, Act 168, Imd. Eff. Aug. 21, 1989;—Am. 1998, Act 376, Imd. Eff. Oct. 21, 1998.

Compiler's note: Former MCL 800.42, which pertained to liquor or drugs, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.

Popular name: Prison Code