

PRISON CODE (EXCERPT)
Act 118 of 1893

800.43 Receipt or possession of certain material; prohibition; list; notice; appeal; limits on amount.

Sec. 43. (1) The department may prohibit a prisoner from receiving or possessing any material that the department determines under this section is detrimental to the security, good order, or discipline of the institution, or that may facilitate or encourage criminal activity, or that may interfere with the rehabilitation of any prisoner. The department shall not prohibit a prisoner from receiving or possessing any material solely because the content of that material is religious, philosophical, political, social, or sexual, or because it is unpopular or repugnant. Material that may be prohibited under this section includes, but is not limited to, any of the following:

(a) Material that depicts or describes procedures for constructing or using weapons, ammunition, bombs, or incendiary devices.

(b) Material that depicts, encourages, or describes methods of escaping from correctional facilities or that contains blueprints, drawings, or similar descriptions of department institutions or facilities.

(c) Material that depicts or describes procedures for manufacturing alcoholic beverages or drugs.

(d) Material that is written in code.

(e) Material that depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption.

(f) Material that encourages or provides instruction in criminal activity.

(g) Material that is sexually explicit and that by its nature or content poses a threat to the security, good order, or discipline of the institution, facilitates criminal activity, or interferes with the rehabilitation of any prisoner.

(2) The department of corrections shall not establish a list of material that may be prohibited under this section before the material is reviewed. This subsection does not prevent the department from prohibiting other prisoners from receiving or possessing identical copies of the material without review after the material has been initially reviewed.

(3) If a publication is prohibited by the department, the department shall promptly notify the prisoner in writing that the material is prohibited and the reasons it is prohibited. The notice shall state the specific content upon which the prohibition is based. The department shall allow the prisoner to review the material to determine whether he or she wishes to administratively appeal the department's decision to prohibit the material unless the review would threaten the security, good order, or discipline of the institution, encourage or provide instruction in criminal activity, or interfere with the rehabilitation of any prisoner.

(4) This section does not prohibit the department from setting limits on the amount of material an inmate may receive or retain in his or her quarters for fire, sanitation, or housekeeping reasons.

History: Add. 1996, Act 549, Imd. Eff. Jan. 15, 1997.

Compiler's note: Former MCL 800.43, which pertained to prison books and papers as public property, was repealed by Act 179 of 1972, Imd. Eff. June 16, 1972.

Popular name: Prison Code