



**House  
Legislative  
Analysis  
Section**

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## **WIRETAPS ON PRISONERS**

### **House Bill 4222**

**Sponsor: Rep. Robert Bender**  
**Committee: Corrections**

### **House Bill 4223**

**Sponsor: Rep. Thomas C. Mathieu**  
**Committee: Judiciary**

**Complete to 2-12-93**

## **A SUMMARY OF HOUSE BILLS 4222 AND 4223 AS INTRODUCED 2-11-93**

House Bills 4222 and 4223 would amend the Department of Corrections act (MCL 791.270) and the Michigan Penal Code (MCL 750.539g), respectively, to permit wiretaps on the telephones of certain prisoners. The bills are tie-barred to each other. Under House Bill 4222, a correctional facility could "monitor" (defined under the bill to mean either listening or recording) telephone communications over prisoners' telephones provided that all of the following conditions were met:

\*Monitoring was conducted under rules, which would be developed by the department so as to minimize the intrusiveness of the monitoring and to prescribe a procedure by which a prisoner could make non-monitored telephone calls to his or her attorney.

\*Monitoring was routinely conducted by department employees in order to preserve the security and orderly management of the facility, interdicting drugs and other contraband, and protecting the public.

\*On or near each telephone that was subject to monitoring, notices would be posted informing users that the telephone might be monitored. In addition to the posting of notices, prisoners in a correctional facility would have to be given reasonable notice of the rules.

House Bill 4223 would amend the Michigan Penal Code to conform with the provisions of House Bill 4222.

House Bills 4222 and 4223 (2-12-93)