

Act No. 255
Public Acts of 1993
Approved by the Governor
November 29, 1993
Filed with the Secretary of State
November 29, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Bender, Goschka, Hoffman, Hill, Jamian, Lowe, Weeks, Rocca, Horton, Galloway, Whyman, Bullard, Bodem, Gernaat, Walberg, Nye, Bobier, Gnodtke, Fitzgerald, Llewellyn, Hammerstrom, Kukuk, McManus, Porreca, Brackenridge, Dalman, Middaugh, Dolan, Vorva, Stille, McBryde, Sikkema, Shugars, Bankes, Martin, Munsell and Middleton

ENROLLED HOUSE BILL No. 4222

AN ACT to amend Act No. 232 of the Public Acts of 1953, entitled as amended "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 70.

The People of the State of Michigan enact:

Section 1. Act No. 232 of the Public Acts of 1953, as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, is amended by adding section 70 to read as follows:

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 by employees of the department for the purpose of preserving the security and orderly management of the correctional facility, interdicting drugs and other contraband, and protecting the public.

(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 pursuant to this section regarding a crime or attempted crime to any law enforcement agency having jurisdiction over that crime or attempted crime.

(3) Evidence obtained pursuant to 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, "monitor" means to listen to or record, or both.

Section 2. This amendatory act shall not take effect unless House Bill No. 4223 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.