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Senate Bill 630 (Substitute S-1)
Sponsor: Senator Kevin Daley
Committee: Judiciary and Public Safety

Date Completed: 5-4-22

CONTENT

The bill would amend Public Act 17 of 1909, which prohibits or limits access to certain items by prisoners and corrections employees, to prohibit a prisoner from possessing, and a person from selling, giving, or furnishing to a prisoner, any explosive, acid, caustic substance, toxin, material for an incendiary device, detailed local map, bodily fluid stored in a container, tattoo device, dangerous tool, electronic information device, electronic accessory, item containing personal information of an employee of the department, or item used to facilitate any criminal enterprise.

Definitions

The bill would define "dangerous tool" as a tool or item that could pose a threat to the security or good order of a correctional facility, including a glass, wire, or metal cutting tool; a tool that utilizes a replaceable blade; a razor blade; a knife; a cleaver; a pick or other sharpened tool; a powered hand tool or accessory, including a drill or drill bit; a hand tool; a grinder; a hone; an abrasive tool; a sanding tool; a hypodermic needle; a syringe; a pair of barber scissors; or a hair clipper.

"Detailed local map" would mean a detailed road map for any area within Michigan, an adjacent state to Michigan, or Ontario, Canada.

"Electronic accessory" would mean an accessory for a cellular telephone, including a cord or battery.

"Electronic information device" would mean a device that is not a cellular telephone or wireless communication device and is used to store, create, transfer, or transmit data, including a video, a photo, or other electronic information.

"Personal information" would mean a home address, a telephone number, or any financial information.

Prohibitions

Section 1 of the Act prohibits a person from selling, giving, or furnishing, either directly or indirectly, any alcoholic liquor, prescription drug, poison, or controlled substance to a prisoner who is in or on a correctional facility or disposing of that liquor, drug, poison, or controlled substance in any manner that allows a prisoner or employee of the correctional facility who is in or on a correctional facility access to it. A person who knows or has reason to know that

another person is a prisoner also may not sell, give, or furnish, either directly or indirectly, any alcoholic liquor, prescription drug, poison, or controlled substance to that prisoner anywhere outside of a correctional facility.

(A violation of the Act is a felony punishable by up to five years' imprisonment or a maximum fine of \$1,000, or both.)

Under the bill, these prohibitions also would apply to any explosive, acid, caustic substance, toxin, material for an incendiary device, detailed local map, bodily fluid stored in a container, tattoo device, dangerous tool, electronic information device, electronic accessory, item containing personal information of an employee of the department, or item used to facilitate any criminal enterprise.

The Act prohibits a prisoner from possessing any alcoholic liquor, prescription drug, poison, or controlled substance. The bill also would prohibit a prisoner from possessing any explosive, acid, caustic substance, toxin, material for an incendiary device, detailed local map, bodily fluid stored in a container, tattoo device, dangerous tool, electronic information device, electronic accessory, item containing personal information of an employee of the department, or item used to facilitate any criminal enterprise.

(The Act defines "correctional facility" as any of the following:

- A State prison, reformatory, work camp, or community corrections center.
- A youth correctional facility operated by the Department or a private vendor under the Corrections Code.
- A privately operated community corrections center or resident home which houses prisoners committed to the Department's jurisdiction.
- The land on which a facility described above is located.)

Exceptions

Under the Act, a person is not in violation of Section 1 if all of the following occur:

- A licensed physician certifies in writing that the alcoholic liquor, prescription drug, or controlled substance is necessary for the health of the prisoner or employee.
- The certificate contains certain prescribed information:
- The certificate has been delivered to the chief administrator of the correctional facility to which the prisoner is assigned or at which the employee works.
- The chief administrator of the correctional facility or the designee of the chief administrator approves in advance the sale, giving, furnishing, bringing, or possession of the alcoholic liquor, prescription drug, or controlled substance.
- The sale, giving, furnishing, bringing, or possession of the alcoholic liquor, prescription drug, or controlled substance is in compliance with the certificate.

The bill specifies that a person would not be in violation of Section 1 *for the sale, giving, furnishing, bringing, or possession of alcoholic liquor, a prescription drug, or a controlled substance*, if the conditions specified above occurred.

Additionally, under the bill, Section 1 would not apply to the giving, furnishing, or possession of a tattoo device, dangerous tool, electronic information device, electronic accessory, or item containing personal information of an employee of the Department of Corrections if all of the following applied:

- The Department authorized the giving, furnishing, or possession in a written policy.

-- The prisoner was under the supervision of a Department employee while the prisoner possesses or was provided the tool, device, accessory, or item.

MCL 800.281 & 800.282

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,400 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$5,800 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.