

**SENATE BILL NO. 1040**

April 14, 1998, Introduced by Senator CISKY, MC MANUS, STILLE, SHUGARS, HOFFMAN, BOUCHARD and GOUGEON and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled

"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 allow for the operation of certain facilities by private entities; 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,"

by amending section 62b (MCL 791.262b), as amended by 1988

PA 492.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 62b. (1) The rules and standards promulgated under  
2 section 62(3) shall not prohibit the housing of 2 inmates in a  
3 county jail cell which is designed and constructed for single  
4 occupancy and which meets ~~both~~ EITHER of the following  
5 conditions:

6       (a) The ~~basic~~ cell is at least 65 square feet in area ~~—~~  
7 ~~—(b) The cell—~~ AND provides unrestricted access to a day area  
8 which is available for use by the inmates other than those  
9 inmates being disciplined. The day area shall be available at  
10 least 14 hours per day and shall contain an average of at least  
11 20 additional square feet of space per inmate.

12       (B) THE CELL IS AT LEAST 55 SQUARE FEET IN AREA AND BOTH OF  
13 THE 2 INMATES HOUSED IN THE CELL PARTICIPATE IN A DAY PAROLE PRO-  
14 GRAM FOR NOT LESS THAN 32 HOURS PER WEEK.

15       (2) For purposes of housing inmates as provided for under  
16 this section, the sheriff of the county shall develop and imple-  
17 ment a classification system classifying the county jail popula-  
18 tion according to all of the following:

19       (a) Behavior characteristics.

20       (b) Similar physical characteristics.

21       (c) Age.

22       (d) Type of crime committed and criminal history.

23       (e) Gender.

24       (3) The classification system under subsection (2) shall be  
25 submitted to and approved by the department. Any classification

1 system in effect on December 31, 1987 ~~—~~ shall continue in  
2 effect until changed as provided in this subsection.

3 (4) A person who has no prior criminal convictions may only  
4 be housed with another inmate who does not have a prior felony  
5 conviction.

6 (5) Cells in which 2 inmates are housed shall have doors  
7 which allow visual supervision, and inmates shall be under visual  
8 supervision at least every hour.

9 (6) An inmate who is subject to section 33b(a) to (cc) ~~of~~  
10 ~~Act No. 232 of the Public Acts of 1953, being section 791.233b of~~  
11 ~~the Michigan Compiled Laws,~~ shall not be housed in a cell with  
12 another inmate as provided for under this section, unless the  
13 sentencing judge authorizes the inmate for ~~such~~ THAT housing.

14 (7) If the state incurs any expense or is liable for damages  
15 on any judgment for an action brought as the result of a county  
16 housing 2 inmates in a cell as provided ~~for under~~ IN this sec-  
17 tion, the county in which the action arose shall fully indemnify  
18 the state for the expense or damages.

19 (8) No more than 75% of the total inmate population may be  
20 housed 2 to a cell and pretrial inmates must be housed in sepa-  
21 rate cell blocks or housing units from sentenced inmates. In any  
22 jail facility with 5 or more floors, pretrial inmates shall be  
23 housed on separate floors from sentenced inmates.