

HOUSE BILL No. 5934

May 25, 2004, Introduced by Reps. LaSata, Hoogendyk, Milosch, Wenke, DeRossett, Huizenga, Sheen, Ehardt, Wojno, O'Neil, Lipsey and Gielegem and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 67 (MCL 791.267), as amended by 1996 PA 565.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 67. (1) Quarters for temporary confinement apart from
2 those of regular inmates shall be provided for convicted
3 prisoners upon commitment at each of the state correctional
4 facilities, which the director shall designate as a reception
5 center. Within 60 days after the arrival of a convicted prisoner
6 at ~~such~~ a state correctional facility, the classification
7 committee shall ~~make~~ **do both of the following:**

8 (a) **Make** and complete a comprehensive study of the prisoner,
9 including physical and psychiatric examinations, to ensure that
10 the prisoner is confined in the state correctional facility
11 suited to the type of rehabilitation required in his or her

1 case. The warden of the state correctional facility shall
2 deliver a report of the study of the classification committee to
3 the deputy director of the correctional facilities
4 administration, who shall, within 5 days after receipt of the
5 report, execute an order to confine the prisoner in the state
6 correctional facility determined as suitable by the deputy
7 director.

8 (b) Require the prisoner to execute a written identification
9 statement, on a form provided by the department. The statement
10 shall be signed by the prisoner under penalty of perjury. The
11 statement shall contain all of the following information
12 concerning the prisoner:

13 (a) His or her name given at birth.

14 (b) His or her current legal name, if different from his or
15 her birth name.

16 (c) His or her place and date of birth.

17 (2) Immediately upon arrival at a reception center designated
18 pursuant to subsection (1), each incoming prisoner shall undergo
19 a test for HIV or an antibody to HIV. This subsection does not
20 apply if an incoming prisoner has been tested for HIV or an
21 antibody to HIV under section 5129 of the public health code,
22 ~~Act No. 368 of the Public Acts of 1978, being section 333.5129~~
23 ~~of the Michigan Compiled Laws— 1978 PA 368, MCL 333.5129,~~ within
24 the 3 months immediately preceding the date of the prisoner's
25 arrival at the reception center, as indicated by the record
26 transferred to the department by the court under that section.

27 (3) If a prisoner receives a positive test result and is

1 subsequently subject to discipline by the department for sexual
2 misconduct that could transmit HIV, illegal intravenous use of
3 controlled substances, or assaultive or predatory behavior that
4 could transmit HIV, the department shall house that prisoner in
5 administrative segregation, an inpatient health care unit, or a
6 unit separate from the general prisoner population, as determined
7 by the department.

8 (4) The department shall report each positive test result to
9 the department of community health, in compliance with section
10 5114 of ~~Act No. 368 of the Public Acts of 1978, being section~~
11 ~~333.5114 of the Michigan Compiled Laws~~ **the public health code,**
12 **1978 PA 368, MCL 333.5114.**

13 (5) If an employee of the department sustains a percutaneous,
14 mucous membrane, or open wound exposure to the blood or body
15 fluid of a prisoner, the employee may, and the department shall,
16 proceed under section 67b.

17 (6) Upon the request of an employee of the department, the
18 department shall provide or arrange for a test for HIV or an
19 antibody to HIV for that employee, free of charge.

20 (7) Upon the request of an employee of the department, the
21 department shall provide to that employee the equipment necessary
22 to implement universal precautions to prevent transmission of HIV
23 infection.

24 (8) A prisoner who receives a positive HIV test result under
25 subsection (5) shall not work in a health facility operated by
26 the department.

27 (9) The department shall conduct a seroprevalence study of

1 the prisoners in all state correctional facilities to determine
2 the percentage of prisoners who are HIV infected.

3 (10) The results of a test for HIV or an antibody to HIV
4 conducted under this section shall be disclosed by the department
5 pursuant to section 67b.

6 (11) The deputy director of the correctional facilities
7 administration shall take steps to ensure that all prisoners who
8 receive HIV testing receive counseling regarding AIDS including,
9 at a minimum, treatment, transmission, and protective measures.

10 (12) The department, in conjunction with the department of
11 community health, shall develop and implement a comprehensive
12 AIDS education program designed specifically for correctional
13 environments. The program shall be conducted by the bureau
14 within the department responsible for health care, for staff and
15 for prisoners at each state correctional facility.

16 ~~(13) By March 30, 1991, the department shall submit a report~~
17 ~~regarding the testing component, managerial aspects, and~~
18 ~~effectiveness of subsections (2) to (12) to the senate and house~~
19 ~~committees with jurisdiction over matters pertaining to~~
20 ~~corrections, and to the senate and house committees with~~
21 ~~jurisdiction over matters pertaining to public health.~~

22 (13) ~~-(14)-~~ As used in this section:

23 (a) "AIDS" means acquired immunodeficiency syndrome.

24 (b) "HIV" means human immunodeficiency virus.

25 (c) "Positive test result" means a double positive
26 enzyme-linked immunosorbent assay test, combined with a positive
27 western blot assay test, or a positive test under an HIV test

1 that is considered reliable by the federal centers for disease
2 control and is approved by the department of community health.

3 Enacting section 1. This amendatory act does not take
4 effect unless all of the following bills of the 92nd Legislature
5 are enacted into law:

6 (a) Senate Bill No. _____ or House Bill No. 5933
7 (request no. 04595'03).

8 (b) Senate Bill No. _____ or House Bill No. 5935
9 (request no. 04596'03).

10 (c) Senate Bill No. _____ or House Bill No. 5936
11 (request no. 04597'03).

12 (d) Senate Bill No. _____ or House Bill No. 5937
13 (request no. 04630'03).