

HOUSE BILL No. 5226

September 27, 2005, Introduced by Reps. Bieda, Taub, Vander Veen, Condino, Lipsey, Kolb and Hoogendyk and referred to the Committee on Judiciary.

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 prisoners
3 upon commitment at each of the state correctional facilities, which
4 the director shall designate as a reception center. Within 60 days
5 after the arrival of a convicted prisoner at ~~such~~ a state
6 correctional facility, the classification 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 the

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

9 **(B) REQUIRE THE PRISONER TO EXECUTE A WRITTEN IDENTIFICATION**
10 **STATEMENT, ON A FORM PROVIDED BY THE DEPARTMENT. THE STATEMENT**
11 **SHALL BE SIGNED BY THE PRISONER UNDER PENALTY OF PERJURY. THE**
12 **STATEMENT SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION CONCERNING**
13 **THE PRISONER:**

14 **(i) HIS OR HER NAME GIVEN AT BIRTH.**

15 **(ii) HIS OR HER CURRENT LEGAL NAME, IF DIFFERENT FROM HIS OR**
16 **HER BIRTH NAME.**

17 **(iii) HIS OR HER PLACE AND DATE OF BIRTH.**

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

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

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

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

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

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

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

1 (9) The department shall conduct a seroprevalence study of the
2 prisoners in all state correctional facilities to determine the
3 percentage of prisoners who are HIV infected.

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

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

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

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

23 (13) ~~-(14)-~~ As used in this section:

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

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

26 (c) "Positive test result" means a double positive enzyme-
27 linked immunosorbent assay test, combined with a positive western

1 blot assay test, or a positive test under an HIV test that is
2 considered reliable by the federal centers for disease control and
3 is approved by the department of community health.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 93rd Legislature are
6 enacted into law:

7 (a) Senate Bill No.____ or House Bill No. 5225(request no.
8 01935'05).

9 (b) Senate Bill No.____ or House Bill No. 5227(request no.
10 01937'05).

11 (c) Senate Bill No.____ or House Bill No.____ (request no.
12 01938'05).

13 (d) Senate Bill No.____ or House Bill No. 5228(request no.
14 01939'05).