



Senate Fiscal Agency
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Senate Bill 493 (Substitute S-1 as reported)
Sponsor: Senator Sylvia Santana
Committee: Oversight

CONTENT

The bill would amend Public Act 46 of 1975, which established the Office of the Legislative Corrections Ombudsman, to do the following:

- Rename the Office of the Legislative Corrections Ombudsman and Legislative Corrections Ombudsman to the Office of the Legislative Corrections Ombudsperson and Ombudsperson (LCO), respectively.
- Expand the list of individuals allowed to make a complaint to the LCO to include a family member or prisoner advocate and afford these individuals certain protections afforded to current complainants under the Act.
- Require the LCO to create a standardized complaint form and make that form available.
- Allow the LCO to consult or contract with qualified experts for assistance with the work of the Office of the LCO.
- Require the LCO to provide a correctional facility with a 72-hour notice prior to taking an expert into a facility and require the LCO to provide the facility with specific credentials of the expert.
- Prescribe specific timelines regarding the release of a recommendation by the LCO that criticized a person or the Michigan Department of Corrections (MDOC) and the notification by the MDOC of any action taken on those recommendations.
- Require the annual report on the conduct of the LCO to be made available on the Office of the LCO's website.
- Require the annual report to contain certain information regarding complaints and investigation of those complaints, among other things.
- Require the LCO to make monthly reports concerning complaint information available on the LCO's website.

MCL 4.351 et al.

Legislative Analyst: Eleni Lionas

BRIEF RATIONALE

According to testimony before the Senate Committee on Oversight, the State paid \$42.0 million in lawsuits in 2021, with half of the money going to 100 cases paid through the MDOC for judgements. Members of the Legislature are tasked with overseeing departments and have cited that certain data is often not available to them. It has been suggested reporting requirements be increased to promote transparency and accountability within the LCO's office.

FISCAL IMPACT

The bill would have no fiscal impact on the State or local governments. Any costs associated with consulting or contracting with qualified experts for assistance with investigations, inspections, hearings, or other work of the LCO should be absorbable within the Offices' annual appropriations.

Date Completed: 10-27-23

Fiscal Analyst: Joe Carrasco, Jr.

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Bill Analysis @ www.senate.michigan.gov/sfa

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.