

HOUSE BILL NO. 5831

June 25, 2024, Introduced by Reps. Johnsen, Aragona, Roth, Prestin, Paquette, DeBoyer, Maddock and VanderWall and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 69a (MCL 791.269a), as amended by 2012 PA 599.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 69a. (1) A visitor to a state correctional facility ~~shall~~
2 **must** not be subjected to a pat down search unless every ~~person~~
3 **individual** performing or assisting in performing the pat down
4 search is of the same **biological** sex as the ~~person~~-**visitor** being
5 searched. If the necessary personnel are not readily available, a

1 visitor at ~~his or her~~ **the visitor's** option may waive the provisions
2 of this subsection by signing a waiver provided by the department.
3 ~~of corrections.~~

4 **(2) A strip search that is conducted on a prisoner in a state**
5 **correctional facility must be performed by an individual of the**
6 **same biological sex as the prisoner.**

7 **(3) ~~(2)~~As used in this section:**

8 **(a) "Biological sex" means the biological indication of male**
9 **or female in the context of reproductive potential or capacity, as**
10 **indicated by sex chromosomes, naturally occurring sex hormones,**
11 **gonads, and nonambiguous internal and external genitalia present at**
12 **birth, without regard to an individual's psychological, chosen, or**
13 **subjective experience of gender.**

14 **(b) ~~(a)~~"Pat down search" means a search of a ~~person~~ **an****
15 **individual in which the ~~person~~ **individual** conducting the search**
16 **touches the body or clothing, or both, of the ~~person~~ **individual****
17 **being searched to detect the presence of concealed objects.**

18 **(c) ~~(b)~~"State correctional facility" means a facility or**
19 **institution that houses prisoners under the jurisdiction of the**
20 **department.**

21 **(d) "Strip search" means a search that requires an individual**
22 **to remove the individual's clothing to expose underclothing,**
23 **breasts, buttocks, or genitalia.**