

**SUBSTITUTE FOR
SENATE BILL NO. 831**

A bill to amend 1975 PA 46, entitled
"An act to create the office of the legislative corrections
ombudsman; to prescribe the powers and duties of the office, the
ombudsman, the legislative council, and the department of
corrections; and to provide remedies from administrative acts,"
by amending sections 1 and 5 (MCL 4.351 and 4.355), section 1 as
amended by 1998 PA 318 and section 5 as amended by 2018 PA 571, and
by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. As used in this act:
- 2 (a) "Administrative act" includes an action, omission,
3 decision, recommendation, practice, or other procedure of the
4 department.
- 5 (b) "Advisory committee" means the women's prison oversight



1 **advisory committee created in section 4a.**

2 (c) ~~(b)~~—"Complainant" means a prisoner or legislator who files
3 a complaint under section 4.

4 (d) ~~(e)~~—"Council" means the legislative council established
5 under section 15 of article IV of the state constitution of 1963.

6 (e) ~~(d)~~—"Department" means the department of corrections.

7 (f) ~~(e)~~—"Legislator" means a member of the senate or the house
8 of representatives of this state.

9 (g) ~~(f)~~—"Office" means the office of the legislative
10 corrections ombudsman created under this act.

11 (h) **"Official" means an official or employee of the department
12 of corrections.**

13 (i) ~~(g)~~—"Ombudsman" means the office of legislative
14 corrections ombudsman.

15 (j) ~~(h)~~—"Prisoner" means a person committed to or under the
16 jurisdiction of the department.

17 ~~(i) "Official" means an official or employee of the department
18 of corrections.~~

19 **Sec. 4a. (1) The women's prison oversight advisory committee
20 is created in the office.**

21 **(2) The advisory committee consists of the following 11
22 members appointed by the ombudsman:**

23 (a) One physician who specializes in high-risk pregnancies.

24 (b) One physician who is board certified as an obstetrician-
25 gynecologist and has training in substance use disorders.

26 (c) One nutritionist.

27 (d) One licensed and practicing midwife.

28 (e) One practicing doula.

29 (f) One individual who was formerly incarcerated in a



1 correctional facility that houses women.

2 (g) One individual who has trauma-specific and gender-
3 responsive expertise.

4 (h) One individual who is a licensed bachelor's social worker,
5 licensed master's social worker, or possesses a doctor of
6 philosophy degree in social work and who has expertise in reentry
7 services for prisoners.

8 (i) One individual who is a teacher or an education academic
9 or professional and who has expertise in adolescent development.

10 (j) One individual who is accredited by a national corrections
11 institute.

12 (k) One individual who has expertise in sanitation and
13 environmental services.

14 (3) The members first appointed to the advisory committee must
15 be appointed within 90 days after the effective date of the
16 amendatory act that added this section.

17 (4) Members of the advisory committee shall serve for terms of
18 4 years or until a successor is appointed, whichever is later,
19 except that of the members first appointed, 3 shall serve for 1
20 year, 4 shall serve for 2 years, and 4 shall serve for 3 years.

21 (5) The ombudsman shall do all of the following in providing
22 oversight of the advisory committee:

23 (a) Investigate the qualifications of individuals who may
24 serve as a member, including the ability of the individual to
25 maintain the confidentiality and secrecy requirements under section
26 9.

27 (b) Recruit members.

28 (c) In consultation with the council administrator, suspend a
29 member and revoke any privilege available to a member under this



1 act, and remove any member who has been suspended from the advisory
2 committee.

3 (d) In consultation with the advisory committee, recommend
4 policies and procedures for the advisory committee to follow.

5 (e) Approve or deny any changes requested by the advisory
6 committee to the policies and procedures recommended under
7 subdivision (d).

8 (f) Present the recommendations under subdivision (d) at the
9 first meeting of the advisory committee and every 4 years after the
10 first meeting.

11 (g) Establish procedures for a member of the advisory
12 committee to inspect a correctional facility under section 5(5).

13 (6) If a vacancy occurs on the advisory committee, the
14 ombudsman shall make an appointment for the unexpired term in the
15 same manner as the original appointment.

16 (7) The ombudsman shall call the first meeting of the advisory
17 committee. The advisory committee shall meet not less than
18 quarterly.

19 (8) Members of the advisory committee shall serve without
20 compensation. However, members of the advisory committee may be
21 reimbursed from the budget of the office for their actual and
22 necessary expenses incurred in the performance of their official
23 duties as members of the advisory committee.

24 (9) The advisory committee shall do all of the following:

25 (a) Monitor the following areas affecting female prisoners and
26 report any issues to the ombudsman:

27 (i) Mental and physical health.

28 (ii) Nutritional needs and resources.

29 (iii) Conditions of confinement.



1 (b) Advise the ombudsman on best practices for the department
2 to implement regarding confinement conditions and issues affecting
3 female prisoners in correctional facilities, including, but not
4 limited to, issues regarding the following:

5 (i) Access to nutritious and quality food.

6 (ii) Access to sufficient toilet paper and sanitary products,
7 including products for postpartum bleeding.

8 (c) Subject to final approval from the ombudsman, adopt
9 policies and procedures for the advisory committee to follow.

10 (10) Members of the advisory committee are subject to the
11 confidentiality and secrecy requirements under section 9.

12 (11) The legislature shall appropriate to the office
13 sufficient funds necessary to implement this section.

14 Sec. 5. (1) Upon request and without the requirement of any
15 release, the ombudsman ~~shall~~**must** be given access to and physical
16 or electronic copies of all information, records, and documents in
17 the possession of the department that the ombudsman considers
18 necessary in an investigation, including, but not limited to,
19 prisoner medical health records, prisoner mental health records,
20 and prisoner mortality and morbidity records. Upon request, the
21 ombudsman may interview any of the following individuals whom the
22 ombudsman considers necessary in an investigation:

23 (a) An individual employed by or retained under contract by
24 the department.

25 (b) An individual employed by or retained under contract by a
26 private contractor that operates a facility or institution that
27 houses prisoners under the jurisdiction of the department.

28 (2) Upon request and without notice, the ombudsman must be
29 granted entrance to inspect at any time any premises under the



1 control of the department. One ombudsman staff person must also be
2 granted entry into a correctional facility or the department's
3 "think tank" or "command center" during emergency situations
4 including, but not limited to, correctional facility disturbances,
5 riots, and hostage incidents, and must be provided with updates
6 regarding the status of the emergent situation as well as the
7 department's efforts to address the situation. The ombudsman staff
8 person granted entry for an emergency situation under this
9 subsection is present for observation and to report on the
10 emergency situation.

11 (3) The ombudsman may hold informal hearings and may request
12 that any person appear before the ombudsman, or at a hearing, and
13 give testimony or produce documentary or other evidence that the
14 ombudsman considers relevant to a matter under investigation.

15 (4) The ombudsman shall arrange an interview under subsection
16 (1) in cooperation with the department at a time and location that
17 does not interfere with the operation of a correctional facility.

18 **(5) The department shall grant a member of the advisory**
19 **committee entrance to inspect and tour a correctional facility that**
20 **houses female prisoners if the member is accompanied by a full-time**
21 **employee of the ombudsman.**

