

HOUSE BILL No. 4028

February 3, 1987, Introduced by Reps. Bender, Van Regenmorter, Willis Bullard, Bandstra, Fitzgerald, O'Connor, Strand and Hoffman and referred to the Committee on Corrections.

A bill to amend section 67 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

being section 791.267 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 67 of Act No. 232 of the Public Acts of
2 1953, being section 791.267 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 67. (1) Quarters for temporary confinement apart from
5 those of regular inmates shall be provided for convicted prison-
6 ers upon commitment at each of the ~~institutions~~ STATE CORREC-
7 TIONAL FACILITIES, which the commission shall designate as ~~such~~
8 A reception ~~centers.~~ ~~Within~~ CENTER. EXCEPT AS OTHERWISE PRO-
9 VIDED IN SUBSECTION (2), WITHIN 60 days after the arrival of a
10 convicted prisoner at such ~~designated institution~~ A STATE COR-
11 RECTIONAL FACILITY, the classification committee ~~therein~~ shall
12 make and complete a comprehensive study of ~~such~~ THE prisoner,
13 including physical and psychiatric examinations, ~~to the end~~ TO
14 ENSURE that ~~he may be~~ THE PRISONER IS confined in the ~~penal~~
15 ~~institution~~ STATE CORRECTIONAL FACILITY suited to the type of
16 rehabilitation required in his OR HER case. The warden ~~thereof~~
17 OF THE STATE CORRECTIONAL FACILITY shall ~~thereupon~~ deliver a
18 report of the study of the classification committee to the
19 assistant director in charge of the bureau of penal institutions,
20 who shall, within 5 days ~~thereafter~~ AFTER RECEIPT OF THE
21 REPORT, execute an order to confine the prisoner in ~~such penal~~
22 ~~institution as he may determine~~ THE STATE CORRECTIONAL FACILITY
23 DETERMINED AS SUITABLE BY THE ASSISTANT DIRECTOR.

24 (2) IMMEDIATELY UPON ARRIVAL AT A RECEPTION CENTER DESIG-
25 NATED PURSUANT TO SUBSECTION (1), A CONVICTED PRISONER SHALL
26 UNDERGO A PHYSICAL EXAMINATION TO DETERMINE THE EXISTENCE OR
27 NONEXISTENCE IN THE PRISONER OF THE ANTIBODY TO HTLV III. IF THE

1 TEST RESULTS ARE POSITIVE, OR IF THE TEST RESULTS ARE POSITIVE
2 AND THE PRISONER IS DIAGNOSED AS HAVING ACQUIRED IMMUNODEFICIENCY
3 SYNDROME OR ACQUIRED IMMUNODEFICIENCY SYNDROME RELATED COMPLEX,
4 THE ASSISTANT DIRECTOR IN CHARGE OF THE BUREAU OF PENAL INSTITU-
5 TIONS SHALL TAKE STEPS NECESSARY TO ENSURE ALL OF THE FOLLOWING:

6 (A) THAT THE HEALTH AND SAFETY OF ALL PRISONERS IN THE STATE
7 CORRECTIONAL FACILITY, INCLUDING THE PRISONERS WHOSE TEST RESULTS
8 ARE POSITIVE OR WHOSE TEST RESULTS ARE POSITIVE AND ARE DIAGNOSED
9 AS HAVING ACQUIRED IMMUNODEFICIENCY SYNDROME OR ACQUIRED IMMUNO-
10 DEFICIENCY SYNDROME RELATED COMPLEX, ARE PROTECTED.

11 (B) THAT HTLV III IS NOT TRANSMITTED TO OTHER PRISONERS IN
12 THE STATE CORRECTIONAL FACILITY.

13 (C) THAT ALL PRISONERS WHO TEST POSITIVE FOR THE PRESENCE OF
14 THE ANTIBODY TO HTLV III OR WHO ARE DIAGNOSED AS HAVING ACQUIRED
15 IMMUNODEFICIENCY SYNDROME OR ACQUIRED IMMUNODEFICIENCY SYNDROME
16 RELATED COMPLEX, RECEIVE COUNSELING REGARDING ACQUIRED IMMUNODE-
17 FICIENCY SYNDROME AND ACQUIRED IMMUNODEFICIENCY SYNDROME RELATED
18 COMPLEX, INCLUDING, AT A MINIMUM, TREATMENT, TRANSMISSION, AND
19 PROTECTIVE MEASURES.

20 (3) AS USED IN THIS SECTION, "HTLV III" MEANS HUMAN T-CELL
21 LYMPHOTROPIC VIRUS III, ALSO KNOWN AS LYMPHADENOPATHY-ASSOCIATED
22 VIRUS (LAV) AND ACQUIRED IMMUNODEFICIENCY SYNDROME-RELATED VIRUS
23 (ARV).