



**House  
Legislative  
Analysis  
Section**

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**MH STRIP SEARCHES**

**House Bill 4485**

**Sponsor: Rep. Margaret O'Connor  
Committee: Mental Health**

**Complete to 5-2-91**

**A SUMMARY OF HOUSE BILL 4485 AS INTRODUCED 3-6-91**

The bill would amend the Mental Health Code to place certain restrictions on "strip" searches of mental health patients and to make violations of the bill a misdemeanor.

The bill would define "strip search" as being a search that required someone to "remove his or her clothing to expose underclothing, breasts, buttocks, or genitalia. "Mental health patients could not be strip searched unless (a) the person authorizing the search had "probable cause" to believe that the patient was concealing a weapon, drugs ("a controlled substance"), or evidence of a crime; and (b) the search was done by someone who had gotten prior authorization from the head of the mental health facility housing the patient. Strip searches would have to be done by someone of the same sex as the patient being searched and in a place where people other than those doing the searching could not observe.

When a strip search was done, the person doing the search would have to prepare a report which included the name and sex of the patient searched, the names and sex of the people doing the search, the justification for the search, a copy of the written authorization for the search, a list of everything taken from the patient who was searched, and the time, date, and place of the search. Copies of the report would have to be put in the patient's permanent records and given to the patient and to Michigan Protection and Advocacy Service (the agency that fulfills the federal requirement that state governments designate a protection and advocacy agency for people with developmental disabilities and people who are mentally ill). The report would be subject to exemptions provided in the Freedom of Information Act.

Anyone who conducted, helped or authorized a strip search in violation of the bill's provisions would be guilty of a misdemeanor.

**MCL 330.1725**