

# HOUSE BILL No. 4485

March 6, 1991, Introduced by Reps. O'Connor, Trim, Horton, Munsell, Walberg, Willis Bullard, Law, Owen, Stopczynski, McNutt and Jaye and referred to the Committee on Mental Health.

A bill to amend Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, by adding section 725.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 258 of the Public Acts of 1974, as  
2 amended, being sections 330.1001 to 330.2106 of the Michigan  
3 Compiled Laws, is amended by adding section 725 to read as  
4 follows:

5 SEC. 725. (1) AS USED IN THIS SECTION, "STRIP SEARCH" MEANS  
6 A SEARCH THAT REQUIRES A PERSON TO REMOVE HIS OR HER CLOTHING TO  
7 EXPOSE UNDERCLOTHING, BREASTS, BUTTOCKS, OR GENITALIA.

8 (2) A RECIPIENT OF MENTAL HEALTH SERVICES SHALL NOT BE STRIP  
9 SEARCHED UNLESS BOTH OF THE FOLLOWING OCCUR:

1 (A) THE PERSON AUTHORIZING THE STRIP SEARCH PURSUANT TO  
2 SUBDIVISION (B) HAS PROBABLE CAUSE TO BELIEVE THAT THE RECIPIENT  
3 IS CONCEALING A WEAPON, A CONTROLLED SUBSTANCE, OR EVIDENCE OF A  
4 CRIME.

5 (B) THE STRIP SEARCH IS CONDUCTED BY A PERSON WHO HAS  
6 OBTAINED PRIOR WRITTEN AUTHORIZATION FROM THE PERSON IN CHARGE OF  
7 THE FACILITY AT WHICH THE RECIPIENT IS RECEIVING MENTAL HEALTH  
8 SERVICES.

9 (3) A STRIP SEARCH THAT IS CONDUCTED UNDER THIS SECTION  
10 SHALL BE PERFORMED BY A PERSON OF THE SAME SEX AS THE RECIPIENT  
11 BEING SEARCHED AND SHALL BE PERFORMED IN A PLACE THAT PREVENTS  
12 THE SEARCH FROM BEING OBSERVED BY A PERSON NOT CONDUCTING OR NEC-  
13 ESSARY TO ASSIST WITH THE SEARCH. A PERSON WHO ASSISTS IN THE  
14 STRIP SEARCH SHALL BE OF THE SAME SEX AS THE RECIPIENT BEING  
15 SEARCHED.

16 (4) IF A STRIP SEARCH IS CONDUCTED UNDER THIS SECTION, THE  
17 PERSON CONDUCTING THE SEARCH SHALL PREPARE A REPORT OF THE STRIP  
18 SEARCH. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

19 (A) THE NAME AND SEX OF THE RECIPIENT SUBJECTED TO THE STRIP  
20 SEARCH.

21 (B) THE NAME AND SEX OF THE PERSON CONDUCTING THE STRIP  
22 SEARCH.

23 (C) THE NAME AND SEX OF EACH PERSON WHO ASSISTS IN CONDUCT-  
24 ING THE STRIP SEARCH.

25 (D) THE TIME, DATE, AND PLACE OF THE STRIP SEARCH.

26 (E) THE JUSTIFICATION FOR CONDUCTING A STRIP SEARCH.

1 (F) A LIST OF ALL ITEMS RECOVERED FROM THE RECIPIENT WHO WAS  
2 STRIP SEARCHED.

3 (G) A COPY OF THE WRITTEN AUTHORIZATION REQUIRED UNDER SUB-  
4 SECTION (2)(B).

5 (5) A COPY OF THE REPORT REQUIRED BY SUBSECTION (4) SHALL BE  
6 PLACED IN THE PERMANENT RECORD OF THE RECIPIENT. A COPY OF THE  
7 REPORT SHALL BE GIVEN WITHOUT COST TO THE RECIPIENT AND TO THE  
8 ORGANIZATION APPOINTED BY THE GOVERNOR TO PROVIDE PROTECTION AND  
9 ADVOCACY SERVICES PURSUANT TO SECTION 931, SUBJECT TO DELETIONS  
10 PERMITTED BY SECTION 13 OF THE FREEDOM OF INFORMATION ACT, ACT  
11 NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.243 OF THE  
12 MICHIGAN COMPILED LAWS.

13 (6) A PERSON WHO CONDUCTS, ASSISTS WITH, OR AUTHORIZES A  
14 STRIP SEARCH IN VIOLATION OF THIS SECTION IS GUILTY OF A  
15 MISDEMEANOR.