



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 501 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Glenn D. Steil
Committee: Government Operations

CONTENT

The bill would amend Public Act 46 of 1975, which governs the Legislative Corrections Ombudsman, to revise the procedures used by the Ombudsman in investigating complaints by prisoners. Currently, upon receiving a complaint or upon the Ombudsman's own initiative, the Ombudsman may investigate an administrative act by the Department of Corrections (DOC) that is alleged to be contrary to law or the Department's policy, unaccompanied by an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds. The bill provides instead that the Ombudsman could begin an investigation upon either of the following: receipt of a complaint from a legislator concerning an administrative act alleged by a prisoner to be contrary to law or departmental policy, and only after all of the DOC's grievance procedures and administrative remedies had been exhausted; or the Ombudsman's own initiative for significant prisoner health and safety issues and other matters for which there was no effective administrative remedy, as determined by the Legislative Council.

Upon receiving and deciding to investigate a complaint, the Ombudsman would have to notify the legislator who filed the complaint, the prisoner or prisoners affected, and the DOC. If the Ombudsman declined to investigate a complaint, he or she would have to notify the legislator in writing, and inform the prisoner or prisoners affected, of the reasons for the decision. The Ombudsman would have to submit a report of the findings of an investigation and make recommendations to the Legislative Council within 30 days of completing the investigation when the Ombudsman found any of the circumstances specified in the bill. The Council could forward the report to the DOC, the prisoner or prisoners affected, or the legislator. The report would be exempt from disclosure under the Freedom of Information Act.

Currently, the Ombudsman must advise a complainant to pursue all administrative remedies or channels of complaint, and the Ombudsman may request and receive progress reports concerning the administrative processing of any complaint from the DOC and complainant. After administrative action on a complaint, the Ombudsman may conduct further investigations upon request of the complainant or upon his or her own initiative. The bill would delete these provisions.

MCL 4.351 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would result in reduced costs for the Office of the Legislative Corrections Ombudsman. The FY 1994-95 estimated expenditures for the Office are \$473,000. The Senate-passed version of the FY 1995-96 General Government Appropriation bill includes \$325,000 for the Corrections Ombudsman based on proposed changes contained in this bill.

Date Completed: 5-24-95

Fiscal Analyst: B. Bowerman

floor\sb501

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.