



Senate Fiscal Agency
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BILL  ANALYSIS

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Senate Bill 501
Sponsor: Senator Glenn D. Steil
Committee: Government Operations

Date Completed: 5-9-95

SUMMARY OF SENATE BILL 501 as introduced 5-4-95:

The bill would amend Public Act 46 of 1975, which creates and prescribes the powers and duties of 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 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, upon receipt of a complaint from a legislator and only after all of the Department's grievance procedures and administrative remedies had been exhausted, the Ombudsman could investigate an administrative act that was alleged by a prisoner to be contrary to law or Department policy.

The bill provides that 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 Department. 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 prepare and submit a report of the findings of an investigation and make recommendations to the Legislative Council within 60 days of receiving a complaint. The Council could forward the report to the Department, the prisoner or prisoners affected, or the legislator who requested the report.

A report that expressly or by implication criticized a person or the Department would have to include a statement of reasonable length, made by the Department or the person who was criticized, in defense or in mitigation of its actions. The Council, through the Ombudsman, could request to be notified by the Department within a reasonable time of any action taken on a recommendation of the Ombudsman. The bill would repeal provisions that currently require the Ombudsman to consult with a person or the Department before announcing a conclusion or recommendation criticizing the person or Department; require the Ombudsman to include a statement of defense or mitigation when publishing an adverse opinion; allow the Ombudsman request to be notified by the Department of any action taken on a recommendation; and require the Ombudsman to notify the complainant of actions taken.

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 Department and complainant. Subsequent

to administrative action on a complaint, the Ombudsman may conduct further investigations of any complaint 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.

Fiscal Analyst: B. Bowerman

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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.