



**Senate Fiscal Agency**  
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BILL ANALYSIS



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Senate Bill 655 (as introduced 9-14-95)  
Sponsor: Philip E. Hoffman  
Committee: Judiciary

Date Completed: 11-13-96

### **CONTENT**

The bill would amend the Revised Judicature Act to provide that an individual who was incarcerated in a correctional facility could not bring an action for medical malpractice for medical treatment or care that was provided to the individual during the period of incarceration and that was not paid for by the individual or his or her health insurer. "Correctional facility" would be defined as it is in the Correctional Officers' Training Act, i.e., either of the following:

- A facility of institution that houses an inmate population under the jurisdiction of the Department of Corrections.
- A municipal or county jail, work camp, lockup, holding center, halfway house, community corrections center, or any other facility maintained by a municipality or county that houses adult prisoners.

MCL 600.2912a

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

The bill could result in savings to the State. In 1995, there were 79 lawsuits filed by prisoners concerning medical issues. In addition, in 1995, the State paid to prisoners settlements totaling \$240,000 in two cases involving medical malpractice. Under the bill, these settlements would not be paid. While health care providers who are State employees are covered under general governmental immunity provisions, prisoners are able to collect for damages in those cases in which gross negligence is shown, or in cases in which the State reaches settlement.

Fiscal Analyst: M. Hansen

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