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EXEMPT JAILS AND PRISONS FROM CIVIL RIGHTS LAWS

House Bills 4475 and 4476

Sponsor: Rep. Michael Bishop

Committee: Constitutional Law and Ethics

Complete to 4-16-99

A SUMMARY OF HOUSE BILLS 4475 AND 4476 AS INTRODUCED 1-15-99

The bills would amend the two state civil rights laws to exempt jails and prisons from these laws.

More specifically, House Bill 4475 would amend the Persons with Disabilities Civil Rights Act (MCL 37.301 and 37.303), and House Bill 4476 would amend the Elliott-Larsen Civil Rights Act (MCL 37.2301 and 37.2303), to exempt local jails and state correctional facilities from the acts' definitions of "public accommodation" and to exempt the ownership, operation, or management of a local jail or state correctional facility from each act's definition of "public service." Finally, the bills would say that the acts did not apply to local jails or state correctional facilities.

(Each law defines, with minor technical variations, "place of public accommodation" to mean a business, educational institution, refreshment, entertainment, recreation, health, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. "Public service" is defined in each act, again with minor technical variations, to mean a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency of the state or a tax-exempt private agency established to provide service to the public. Currently, each law also generally exempts private clubs or other establishments not in fact open to the public from its provisions, except to the extent that the club's goods, services, facilities, privileges, advantages, or accommodations are made available to the customers or patrons of another establishment that is a place of public accommodation or if it is licensed by the state.)

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