

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4475 (Substitute H-2 as reported with amendments)
House Bill 4476 (Substitute H-3 as reported with amendments)
Sponsor: Representative Michael Bishop
House Committee: Constitutional Law and Ethics
Senate Committee: Judiciary

CONTENT

House Bills 4475 (H-2) and 4476 (H-3) would amend the Persons with Disabilities Civil Rights Act and the Elliott-Larsen Civil Rights Act, respectively, to do all of the following:

- Exclude from the definition of "public service" in each Act a State or county correctional facility with respect to actions and/or decisions regarding an individual serving a sentence of imprisonment. (House Bill 4475 (H-2) specifies actions or decisions, while House Bill 4476 (H-3) refers to actions and decisions.)
- Specify that the bill "is curative and intended to correct any misinterpretation of legislative intent" in specified Court of Appeals decisions. (House Bill 4475 (H-2) would apply to *Doe v Department of Corrections*, 236 Mich App 801 (1999). House Bill 4476 (H-3) would apply to *Neal v Department of Corrections*, 232 Mich App 730 (1998).)
- Express "the original intent of the legislature that an individual serving a sentence of imprisonment in a state or county correctional facility is not within the purview" of the Act.

(The Court of Appeals panel deciding *Neal v Department of Corrections* held that the Elliott-Larsen Civil Rights Act applies to prisoners in Department of Corrections facilities. In *Doe v Department of Corrections*, a different panel disagreed with the *Neal* decision but was compelled to follow precedent. Therefore, that panel held that the Handicappers Civil Rights Act (now called the Persons with Disabilities Civil Rights Act) applies to prisoners. A special panel of the Court of Appeals has been convened to reconcile the conflict between these two panels, and the *Doe* decision has been vacated.)

MCL 37.1103 & 37.1301 (H.B. 4475)
37.2103 & 37.2301 (H.B. 4476)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate, yet potentially cost-saving fiscal impact on State and local government.

To the extent that prisoners and State and local correctional facilities would not be included under the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act, State prisoners and local jail inmates would not be able bring cases for civil rights violation. To the extent that these cases would be limited, the State and local units of government would not be required to make accommodations for prisoners and local jail inmates under either Act.

Date Completed: 12-8-99

Fiscal Analyst: K. Firestone

[floor/hb4475](#)

Analysis available @ <http://www.michiganlegislature.org>

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.