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SFA**BILL ANALYSIS**

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House Bill 4669 (as reported without amendment)
Sponsor: Representative Mike Kowall
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to exempt a youth correctional facility operated by the Department of Corrections (DOC) or a private vendor from the Code's restrictions on strip searches, and on body cavity searches of a person lodged in a State correctional facility under the jurisdiction of the DOC. The bill also specifies that the DOC's current exemption from those restrictions would apply to DOC facilities that housed prisoners.

The Code prohibits the strip search of a person arrested or detained for a misdemeanor or an offense punishable only by a civil fine; requires that a strip search be performed by a person of the same sex; requires that an arresting officer prepare a report of the search; and makes it a misdemeanor to conduct or authorize a strip search in violation of the Code's strip search provisions. Those provisions do not apply to the strip search of a person lodged in a detention facility by an order of a court or in a State correctional facility under the jurisdiction of the DOC. The bill specifies that the exemption for a DOC facility would apply to a facility housing prisoners and would include a youth correctional facility operated by the Department or a private vendor.

The Code prohibits the search of a body cavity without a valid search warrant, but that provision does not apply to a body cavity search of a person serving a sentence for a criminal offense in a detention facility or a State correctional facility under the jurisdiction of the DOC. The bill specifies that the exemption for a DOC facility would apply to a facility housing prisoners and would include a youth correctional facility operated by the Department or a private vendor.

The Code requires that a body cavity search be conducted by a licensed physician or a physician's assistant, licensed practical nurse, or registered professional nurse acting with the approval of a licensed physician. If a body cavity search is conducted by a person of the opposite sex as the person being searched, it must be conducted in the presence of a person of the same sex as the person being searched. It is a misdemeanor to conduct or authorize a body cavity search in violation of the Code's body cavity search provisions. (These provisions apply to a body cavity search performed with or without a search warrant.)

MCL 764.25a & 764.25b

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-1-99

Fiscal Analyst: K. Firestone