

HOUSE BILL No. 5773

March 5, 2002, Introduced by Reps. Hardman, Garza, Phillips, Daniels, Waters, Williams, Lipsey, Stallworth, Thomas, Murphy, Jacobs, Hale and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

(MCL 791.201 to 791.283) by adding section 37a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 37A. (1) BEFORE A PRISONER IS RELEASED ON PAROLE OR
2 DISCHARGED WITHOUT BEING PAROLED, THE PRISONER SHALL UNDERGO A
3 TEST FOR HIV OR AN ANTIBODY TO HIV. THE TEST SHALL OCCUR NOT
4 EARLIER THAN 60 DAYS BEFORE THE PRISONER IS PAROLED OR
5 DISCHARGED.

6 (2) THE DEPARTMENT SHALL REPORT EACH POSITIVE TEST RESULT TO
7 THE DEPARTMENT OF COMMUNITY HEALTH, IN COMPLIANCE WITH SECTION
8 5114 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5114.

9 (3) AS USED IN THIS SECTION, "HIV" AND "POSITIVE TEST
10 RESULT" MEAN THOSE TERMS AS DEFINED IN SECTION 67.