

HOUSE BILL No. 6100

May 21, 2002, Introduced by Reps. Lemmons, McConico and Hardman and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 67 (MCL 791.267), as amended by 1996 PA 565.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 67. (1) Quarters for temporary confinement apart from
2 those of regular inmates shall be provided for convicted prison-
3 ers upon commitment at each of the state correctional facilities,
4 which the director shall designate as a reception center. Within
5 60 days after the arrival of a convicted prisoner at such a state
6 correctional facility, the classification committee shall make
7 and complete a comprehensive study of the prisoner, including
8 physical and psychiatric examinations, to ensure that the pris-
9 oner is confined in the state correctional facility suited to the
10 type of rehabilitation required in his or her case. The warden
11 of the state correctional facility shall deliver a report of the

1 study of the classification committee to the deputy director of
2 the correctional facilities administration, who shall, within
3 5 days after receipt of the report, execute an order to confine
4 the prisoner in the state correctional facility determined as
5 suitable by the deputy director.

6 (2) Immediately upon arrival at a reception center desig-
7 nated pursuant to subsection (1), each incoming prisoner shall
8 undergo ~~a~~ AN INITIAL test for HIV or an antibody to HIV. ~~This~~
9 ~~subsection does not apply if~~ HOWEVER, AN INITIAL TEST IS NOT
10 REQUIRED FOR an incoming prisoner WHO has been tested for HIV or
11 an antibody to HIV under section 5129 of the public health code,
12 ~~Act No. 368 of the Public Acts of 1978, being section 333.5129~~
13 ~~of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.5129, within
14 the 3 months immediately preceding the date of the prisoner's
15 arrival at the reception center, as indicated by the record
16 transferred to the department by the court under that section.
17 EACH PRISONER SHALL BE RETESTED FOR HIV OR AN ANTIBODY TO HIV
18 IMMEDIATELY AFTER COMPLETING 6 MONTHS OF HIS OR HER SENTENCE.

19 (3) If a prisoner receives a positive test result and is
20 subsequently subject to discipline by the department for sexual
21 misconduct that could transmit HIV, illegal intravenous use of
22 controlled substances, or assaultive or predatory behavior that
23 could transmit HIV, the department shall house that prisoner in
24 administrative segregation, an inpatient health care unit, or a
25 unit separate from the general prisoner population, as determined
26 by the department.

1 (4) The department shall report each positive test result to
2 the department of community health, in compliance with section
3 5114 of ~~Act No. 368 of the Public Acts of 1978, being section~~
4 ~~333.5114 of the Michigan Compiled Laws~~ THE PUBLIC HEALTH CODE,
5 1978 PA 368, MCL 333.5114.

6 (5) If an employee of the department sustains a percutane-
7 ous, mucous membrane, or open wound exposure to the blood or body
8 fluid of a prisoner, the employee may, and the department shall,
9 proceed under section 67b.

10 (6) Upon the request of an employee of the department, the
11 department shall provide or arrange for a test for HIV or an
12 antibody to HIV for that employee, free of charge.

13 (7) Upon the request of an employee of the department, the
14 department shall provide to that employee the equipment necessary
15 to implement universal precautions to prevent transmission of HIV
16 infection.

17 (8) A prisoner who receives a positive HIV test result under
18 subsection (5) shall not work in a health facility operated by
19 the department.

20 (9) The department shall conduct a seroprevalence study of
21 the prisoners in all state correctional facilities to determine
22 the percentage of prisoners who are HIV infected.

23 (10) The results of a test for HIV or an antibody to HIV
24 conducted under this section shall be disclosed by the department
25 pursuant to section 67b.

26 (11) The deputy director of the correctional facilities
27 administration shall take steps to ensure that all prisoners who

1 receive HIV testing receive counseling regarding AIDS including,
2 at a minimum, treatment, transmission, and protective measures.

3 (12) The department, in conjunction with the department of
4 community health, shall develop and implement a comprehensive
5 AIDS education program designed specifically for correctional
6 environments. The program shall be conducted by the bureau
7 within the department responsible for health care, for staff and
8 for prisoners at each state correctional facility.

9 ~~(13) By March 30, 1991, the department shall submit a~~
10 ~~report regarding the testing component, managerial aspects, and~~
11 ~~effectiveness of subsections (2) to (12) to the senate and house~~
12 ~~committees with jurisdiction over matters pertaining to correc-~~
13 ~~tions, and to the senate and house committees with jurisdiction~~
14 ~~over matters pertaining to public health.~~

15 (13) ~~(14)~~ As used in this section:

16 (a) "AIDS" means acquired immunodeficiency syndrome.

17 (b) "HIV" means human immunodeficiency virus.

18 (c) "Positive test result" means a double positive
19 enzyme-linked immunosorbent assay test, combined with a positive
20 western blot assay test, or a positive test under an HIV test
21 that is considered reliable by the federal centers for disease
22 control and is approved by the department of community health.