

SENATE BILL No. 1305

May 8, 2002, Introduced by Senators SCOTT, YOUNG, HART, PETERS, DINGELL, MURPHY, SMITH, CHERRY, MILLER, DE BEAUSSAERT and SCHWARZ and referred to the Committee on Judiciary.

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, AND A TEST TO DETERMINE IF
4 THE PRISONER IS INFECTED WITH HEPATITIS C. THE TESTS SHALL OCCUR
5 NOT EARLIER THAN 60 DAYS BEFORE THE PRISONER IS PAROLED OR
6 DISCHARGED.

7 (2) THE DEPARTMENT SHALL REPORT EACH POSITIVE TEST RESULT
8 FOR HIV OR AN ANTIBODY TO HIV TO THE DEPARTMENT OF COMMUNITY
9 HEALTH, IN COMPLIANCE WITH SECTION 5114 OF THE PUBLIC HEALTH
10 CODE, 1978 PA 368, MCL 333.5114. AS USED IN THIS SUBSECTION,
11 "HIV" AND "POSITIVE TEST RESULT" MEAN THOSE TERMS AS DEFINED IN
12 SECTION 67.

13 (3) THE DEPARTMENT SHALL REPORT EACH INCIDENCE OF HEPATITIS
14 C TO THE DEPARTMENT OF COMMUNITY HEALTH PURSUANT TO RULES PROMUL-
15 GATED UNDER SECTION 5114 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
16 MCL 333.5114.