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BILL



ANALYSIS

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House Bills 5958 and 5959 (as reported with amendment)  
Sponsor: Representative Alma Wheeler Smith (H.B. 5958)  
Representative Rebekah Warren (H.B. 5959)  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

The bills would amend separate statutes to provide for the release of prisoner health and mortality records to the Legislative Corrections Ombudsman. The bills are tie-barred.

House Bill 5959 would amend Public Act 46 of 1975, which provides for the Office of the Legislative Corrections Ombudsman and authorizes the Ombudsman to conduct investigations regarding prisoners under the jurisdiction of the Department of Corrections (DOC).

Upon request, the Ombudsman must be given access to all information, records, and documents in the possession of the DOC that he or she considers necessary in an investigation. Under the bill, these items would include prisoner medical records, prisoner mental health records, and prisoner mortality and morbidity records.

In addition, the Ombudsman would have to be given access to DOC records without a release.

House Bill 5958 would amend Public Act 270 of 1967, which governs the release of information for medical research and education. The Act allows a person to give a review entity information relating to an individual's physical condition; the necessity, appropriateness, or quality of health care provided to a person; or the qualifications or performance of a health care provider.

The bill would require the review entity responsible for mortality and morbidity records, reports, findings, and conclusions regarding prisoners under the jurisdiction of the DOC to release those records, reports, findings, and conclusions to the Legislative Corrections Ombudsman to the extent required under Section 5 of Public Act 46 of 1975 (the section that House Bill 5959 would amend).

MCL 332.532 (H.B. 5958)  
4.355 (H.B. 5959)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

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

Date Completed: 9-15-10

Fiscal Analyst: Joe Carrasco

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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