

HOUSE BILL No. 5959

(As amended May 4, 2010)

March 17, 2010, Introduced by Reps. Warren, Smith and Kennedy and referred to the Committee on Judiciary.

A bill to amend 1975 PA 46, entitled

"An act to create the office of the legislative corrections ombudsman; to prescribe the powers and duties of the office, the ombudsman, the legislative council, and the department of corrections; and to provide remedies from administrative acts,"

by amending section 5 (MCL 4.355).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Upon request **[AND WITHOUT THE REQUIREMENT OF ANY**
2 **RELEASE]**, the ombudsman shall be given access
3 to all information, records, and documents in the possession of the
4 department which the ombudsman deems necessary in an investigation,
5 **INCLUDING, BUT NOT LIMITED TO, PRISONER MEDICAL HEALTH RECORDS,**
6 **PRISONER MENTAL HEALTH RECORDS, AND PRISONER MORTALITY AND**
7 **MORBIDITY RECORDS. The department shall assist the ombudsman in**
8 ~~obtaining the necessary releases of those documents which are~~
9 ~~specifically restricted or privileged for use by the ombudsman.~~

(2) Upon request and without notice, the ombudsman shall be

1 granted entrance to inspect at any time any premises under the
2 control of the department.

3 (3) The ombudsman may hold informal hearings and may request
4 that any person appear before the ombudsman, or at a hearing, and
5 give testimony or produce documentary or other evidence which the
6 ombudsman deems relevant to a matter under investigation.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No. 5958(request no.
9 06252'10 a) of the 95th Legislature is enacted into law.