

Legislative Analysis



MODERNIZING REFERENCES TO THE DEAF, DEAFBLIND, AND HARD OF HEARING COMMUNITY

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House Bill 5182 as reported from committee
Sponsor: Rep. Martin Howrylak

House Bill 5183 as reported
Sponsor: Rep. John Bizon, M.D.

House Bill 5186 as reported
Sponsor: Rep. Winnie Brinks

House Bill 5184 as reported
Sponsor: Rep. Jim Runestad

House Bill 5187 as reported
Sponsor: Rep. George Darany

House Bill 5185 as reported
Sponsor: Rep. Amanda Price

House Bill 5188 as reported
Sponsor: Rep. Phil Phelps

Committee: Health Policy
Complete to 3-4-16

BRIEF SUMMARY: House Bills 5182 to 5188 would update references to what was formerly called the "deaf and dumb" or "hearing impaired" community to instead refer to the "Deaf, DeafBlind, and Hard of Hearing" community in various sections of Michigan law.

FISCAL IMPACT: House Bills 5182, 5183, 5184, 5186 and 5188 would have no fiscal impact on state or local government.

House Bill 5185 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons that might be convicted under the provisions of the bill. The bill could result in increased costs to local correctional systems. New misdemeanor convictions could increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues. Also, the bill could have a fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected court caseloads and related administrative costs.

House Bill 5187 would have a marginal fiscal impact to the Department of State. The department could see minor savings in not having to replace the books/manuals as often, but those potential savings would be minimal.

THE APPARENT PROBLEM:

The acts these bills would amend acts that were last amended between 27 and 68 years ago, and include outdated and now-offensive terms for deaf, deafblind, and hard of hearing individuals. The bills present an overdue update.

THE CONTENT OF THE BILL:

House Bill 5182 would amend Public Act 116 of 1893 to clarify that the Michigan School for the Deaf in Flint is an institution for educating the deaf, and not the "deaf and dumb." MCL 393.51

House Bills 5183, 5184, and 5188 would amend sections of the Division on Deafness Act to replace references to "deaf and dumb" and "hearing impaired" with "Deaf, DeafBlind, and Hard of Hearing." Those sections apply to the necessary qualifications for the director and advisory counsel for the Division on Deaf, DeafBlind, and Hard of Hearing (DODDBHH) within the Michigan Department of Labor, and the responsibilities of the Division. MCL 408.203, 408.205, and 408.204, respectively

House Bill 5185 would amend the section of the Michigan Penal Code which makes it a misdemeanor to falsely represent oneself as disabled, or unable or less able to see or hear for the purpose of obtaining money or anything of value. Currently, a person is guilty of a misdemeanor for falsely representing himself or herself as "blind, deaf, dumb, crippled, or physically defective[.]" The bill would change the language to prohibit falsely representing oneself as "blind, deaf-blind, deaf, or hard of hearing or as a person who has a disability."

The bill would also retain the classification of this behavior as a misdemeanor, but add the penalty, which would be imprisonment for not more than 90 days or a fine of not more than \$500, or both. MCL 750.221

House Bill 5186 would amend the Revised School Code to change the language regarding a deaf, deafblind, or hard of hearing person's ability to receive a teaching certificate to teach members of that community. As before, the teaching-candidate who has completed all of the requirements for a teaching certificate other than student teaching with hearing students, but who has completed student teaching with deaf, deafblind, or hard of hearing students, will be issued a teaching certificate limited to teaching deaf, deafblind, and hard of hearing students, upon the teaching-candidate's request. The bill inserts this language in place of "hearing impaired." MCL 380.1534

House Bill 5187 would amend Public Act 44 of 1899, which applies to laws, documents, and reports. Currently, certain people, officers, and municipalities must deliver documents distributed by the Michigan Secretary of State to their successors in office. The bill would retain that requirement, as well as the penalty of up to 90 days imprisonment or a fine of up to \$50, or both, for the misdemeanor of failing to deliver those documents to a successor. However, it would remove the language stating that "township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb and blind, shall not be required to pass them over to their successors." MCL 24.34

House Bills 5184 to 5188 would take effect 90 days after enactment.

BACKGROUND INFORMATION:

Historically, society has used a variety of terms to refer to people who cannot hear. Terms such as "deaf and dumb" and "deaf-mute" are now considered archaic and offensive, since they imply that deaf individuals are not capable of speech. Likewise, "hearing impaired" suggests that a person is somehow broken or deficient.

In fact, the community now known as "Deaf, DeafBlind, and Hard of Hearing" has developed a number of ways of communicating, including American Sign Language (ASL), lip reading, and use of the Communication Access Realtime Translation (CART) services, which allow a hearing individual to type what is being said in real time, to be projected onto a screen, so that the deaf community can read the conversation from the screen.^[1]

There are approximately 609,000 deaf and hard of hearing individuals in Michigan, with a variety of backgrounds, skills, and needs.^[2] A bipartisan, bicameral Legislative Caucus on Deaf, DeafBlind, and Hard of Hearing was established in 2015 to discuss issues facing that community. This package of bills is intended to be a first step to address those varying issues, by first removing offensive terms from Michigan law.

POSITIONS:

- A representative of the Michigan Department of Civil Rights, Division on Deaf, DeafBlind, and Hard of Hearing testified in support of these bills. (2-23-16)
- A representative of the Deaf Community Advocacy Network (DEAF C.A.N.!) testified in support of these bills. (2-23-16)
- The Michigan Department of Health and Human Services supports these bills. (2-23-16)
- The National Association of Social Workers supports these bills. (2-23-16)
- The Hearing Loss Association of America-Michigan supports these bills. (2-23-16)
- The Michigan Deaf Association supports these bills. (2-23-16)
- The Deaf & Hearing Impaired Services, Inc. supports these bills. (2-23-16)
- The Michigan School for the Deaf Alumni Association supports these bills. (2-23-16)
- The Michigan Speech-Language-Hearing Association (MSHA) supports these bills. (2-23-16)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

^[1] <https://nad.org/issues/technology/captioning/cart>

^[2] <http://www.michigan.gov/mdcr/0,4601,7-138-28946-24158--F,00.html>