

# SENATE BILL No. 576

October 21, 2015, Introduced by Senators KNOLLENBERG, PROOS and JONES and referred to the Committee on Government Operations.

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 sections 5 and 9 (MCL 4.355 and 4.359), section 5 as amended by 2010 PA 287 and section 9 as amended by 1995 PA 197.

## 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 to all information,  
3 records, and documents in the possession of the department ~~which~~  
4 **THAT** the ombudsman ~~deems~~ **CONSIDERS** 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. **UPON REQUEST, THE OMBUDSMAN MAY INTERVIEW ANY OF**

1 THE FOLLOWING INDIVIDUALS WHOM THE OMBUDSMAN CONSIDERS NECESSARY IN  
2 AN INVESTIGATION:

3 (A) AN INDIVIDUAL EMPLOYED BY OR RETAINED UNDER CONTRACT BY  
4 THE DEPARTMENT.

5 (B) AN INDIVIDUAL EMPLOYED BY OR RETAINED UNDER CONTRACT BY A  
6 PRIVATE CONTRACTOR THAT OPERATES A FACILITY OR INSTITUTION THAT  
7 HOUSES PRISONERS UNDER THE JURISDICTION OF THE DEPARTMENT.

8 (2) Upon request and without notice, the ombudsman shall be  
9 granted entrance to inspect at any time any premises under the  
10 control of the department.

11 (3) The ombudsman may hold informal hearings and may request  
12 that any person appear before the ombudsman, or at a hearing, and  
13 give testimony or produce documentary or other evidence ~~which~~ **THAT**  
14 the ombudsman ~~deems~~ **CONSIDERS** relevant to a matter under  
15 investigation.

16 Sec. 9. (1) Correspondence between the ombudsman and a  
17 prisoner is confidential and shall be processed as privileged  
18 correspondence in the same manner as letters between prisoners and  
19 courts, attorneys, or public officials.

20 ~~(2) The ombudsman shall maintain secrecy with respect to all~~  
21 ~~matters and the identities of the complainants or persons from whom~~  
22 ~~information is acquired, except so far as disclosures may be~~  
23 ~~necessary to enable the ombudsman to perform the duties of the~~  
24 ~~office and to support any recommendations resulting from an~~  
25 ~~investigation.~~ **A RECORD OF THE OMBUDSMAN IS CONFIDENTIAL, SHALL ONLY**  
26 **BE USED FOR PURPOSES SET FORTH IN THIS ACT, IS NOT SUBJECT TO COURT**  
27 **SUBPOENA, AND IS NOT DISCOVERABLE IN A LEGAL PROCEEDING.**

1       (3) ~~A report prepared and recommendations made by the~~  
2 ~~ombudsman and submitted to the council under section 10 are exempt~~  
3 ~~from disclosure under the freedom of information act, Act No. 442~~  
4 ~~of the Public Acts of 1976, being sections 15.231 to 15.246 of the~~  
5 ~~Michigan Compiled Laws.~~ ALL OF THE FOLLOWING ARE EXEMPT FROM  
6 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL  
7 15.231 TO 15.246:

8       (A) A RECORD OF THE OMBUDSMAN.

9       (B) A REPORT OR RECOMMENDATIONS MADE BY THE OMBUDSMAN AND  
10 SUBMITTED TO THE COUNCIL UNDER SECTION 10.