

SENATE BILL NO. 156

March 13, 2025, Introduced by Senators SANTANA, MCBROOM, CHANG, MCCANN, GEISS, MCMORROW, SHINK and IRWIN and referred to Committee on Oversight.

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 1, 4, 5, 7, 11, 12, 13, and 14 (MCL 4.351, 4.354, 4.355, 4.357, 4.361, 4.362, 4.363, and 4.364), sections 1 and 7 as amended by 1998 PA 318, sections 4, 5, and 13 as amended by 2018 PA 571, section 11 as amended by 1995 PA 197, and section 12 as amended by 1982 PA 170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Administrative act" includes an action, omission,
3 decision, recommendation, practice, or other procedure of the
4 department.

5 (b) "Complainant" means a prisoner, ~~or~~ legislator, **family**
6 **member, or prisoner advocate** who files a complaint under section 4.

7 (c) "Council" means the legislative council established under
8 section 15 of article IV of the state constitution of 1963.

9 (d) "Department" means the department of corrections.

10 (e) **"Family member" means a family member of a prisoner who**
11 **advocates on behalf of that prisoner.**

12 (f) ~~(e)~~ "Legislator" means a member of the senate or the house
13 of representatives of this state.

14 (g) ~~(f)~~ "Office" means the office of the legislative
15 corrections ombudsman created under this act.

16 (h) **"Official" means an official or employee of the**
17 **department.**

18 (i) ~~(g)~~ "Ombudsman" means the office of legislative
19 corrections ombudsman.

20 (j) ~~(h)~~ "Prisoner" means ~~a person~~ **an individual** committed to
21 or under the jurisdiction of the department.

22 ~~(i) "Official" means an official or employee of the department~~
23 ~~of corrections.~~

24 (k) **"Prisoner advocate" means an individual or organization**
25 **who advocates on behalf of a prisoner or prisoners.**

26 (l) **"Qualified expert" means a professional with substantial**
27 **experience in a field, including, but not limited to,**
28 **environmental, medical, or mental health professionals.**

1 Sec. 4. (1) The ombudsman may commence an investigation ~~upon~~
 2 ~~either~~ **on any** of the following:

3 (a) Receipt of a complaint from a ~~prisoner, a legislator,~~
 4 **complainant** or on the ombudsman's own initiative, concerning an
 5 administrative act that is alleged to be contrary to law or
 6 contrary to departmental policy.

7 (b) The ombudsman's own initiative for significant prisoner
 8 health and safety issues, correctional facility security, and
 9 public safety, and other matters for which there is no effective
 10 administrative remedy.

11 (2) **By not later than 120 business days after the effective**
 12 **date of the amendatory act that added this subsection, the**
 13 **ombudsman shall create a standardized complaint form that a**
 14 **complainant may use, and make the standardized complaint form**
 15 **available in both of the following ways:**

16 (a) **Electronically on the ombudsman's website.**

17 (b) **In hard copy in all correctional facility law libraries**
 18 **and other locations in correctional facilities as requested by the**
 19 **ombudsman.**

20 (3) **On receiving a complaint from a complainant, the ombudsman**
 21 **shall notify the complainant that the complaint was received.**

22 (4) ~~(2)~~ Subject to approval of the council, the ombudsman
 23 shall establish procedures for receiving and processing complaints,
 24 conducting investigations, holding hearings, and reporting the
 25 findings resulting from the investigations.

26 Sec. 5. (1) ~~Upon~~ **On** request and without the requirement of any
 27 release, the ~~ombudsman shall be given~~ **department shall give the**
 28 **ombudsman** access to and physical or electronic copies of all
 29 information, records, and documents in the possession of the

1 department that the ombudsman considers necessary in an
2 investigation, including, but not limited to, prisoner medical
3 health records, prisoner mental health records, and prisoner
4 mortality and morbidity records. ~~Upon~~ **On** request, the ombudsman may
5 interview any of the following individuals whom the ombudsman
6 considers necessary in an investigation:

7 (a) An individual employed by or retained under contract by
8 the department.

9 (b) An individual employed by or retained under contract by a
10 private contractor that operates a facility or institution that
11 houses prisoners under the jurisdiction of the department.

12 **(2) The ombudsman may consult or contract with qualified**
13 **experts for assistance with investigations, inspections, hearings,**
14 **or other work of the ombudsman. Subject to this subsection, the**
15 **qualified expert must be permitted to enter facilities with the**
16 **ombudsman and bring any necessary testing equipment into**
17 **correctional facilities. The ombudsman or qualified expert may**
18 **bring photographic equipment into correctional facilities to take**
19 **pictures that the ombudsman or qualified expert determines to be**
20 **necessary, if taking those pictures does not compromise**
21 **correctional facility security. The ombudsman shall give the**
22 **department 72 hours' advance notice when the ombudsman considers it**
23 **necessary to take an expert into a correctional facility. The**
24 **ombudsman shall provide the department with the name of the expert,**
25 **a completed law enforcement information network form concerning**
26 **that expert to allow the department to conduct a background check**
27 **on that expert, the expert's credentials, including any licensing**
28 **information in the expert's area of expertise if applicable, and a**
29 **description of any testing equipment the expert may need. The**

1 department may search any testing equipment for contraband that is
2 brought into a correctional facility by an expert or ombudsman. An
3 expert must adhere to state or national standards developed for the
4 expert's area of expertise. The department may ask the ombudsman to
5 reconsider taking testing equipment into a correctional facility if
6 the department determines that the testing equipment may interfere
7 with the operations of the correctional facility. The department
8 shall provide the ombudsman with a written statement explaining the
9 specific impact testing equipment will have on the operations of
10 the correctional facility for the ombudsman to consider. The
11 department shall notify the ombudsman if a requested testing
12 procedure is under litigation, and the ombudsman must delay that
13 testing until the litigation has been completed.

14 (3) ~~(2) Upon~~ On request and without notice, the ombudsman must
15 be granted entrance to inspect at any time any premises under the
16 control of the department. One ombudsman staff ~~person-member~~ must
17 also be granted entry into a correctional facility or the
18 department's "think tank" or "command center" during emergency
19 situations including, but not limited to, correctional facility
20 disturbances, riots, and hostage incidents, and must be provided
21 with updates regarding the status of the emergent situation as well
22 as the department's efforts to address the situation. The ombudsman
23 staff ~~person-member~~ granted entry for an emergency situation under
24 this subsection is present for observation and to report on the
25 emergency situation.

26 (4) ~~(3)~~ The ombudsman may hold informal hearings and may
27 request that any person appear before the ombudsman, or at a
28 hearing, and give testimony or produce documentary or other
29 evidence that the ombudsman considers relevant to a matter under

1 investigation.

2 **(5)** ~~(4)~~ The ombudsman shall arrange an interview under
3 subsection (1) in cooperation with the department at a time and
4 location that does not interfere with the operation of a
5 correctional facility.

6 Sec. 7. ~~Upon~~ **On** receiving a complaint from a ~~legislator or a~~
7 ~~prisoner~~ **complainant** under section 4 and deciding to investigate
8 the complaint, the ombudsman shall notify the complainant, the
9 prisoner or prisoners affected, and the department. If the
10 ombudsman declines to investigate, the ombudsman shall notify the
11 complainant, in writing, and inform the prisoner or prisoners
12 affected of the reasons for the ombudsman's decision.

13 Sec. 11. Before announcing a conclusion or recommendation that
14 expressly or by implication criticizes a person or the department,
15 the ombudsman shall consult with that person or the department.
16 When publishing an opinion adverse to the department, or any
17 person, the ombudsman shall include in that publication a statement
18 of reasonable length made to ~~him or her~~ **the ombudsman** by the
19 department or person in defense or mitigation of the action if that
20 statement is provided ~~within a reasonable period of time as~~
21 ~~determined by the council. The ombudsman may request to be notified~~
22 ~~by the department, within a specified time, of~~ **not later than 30**
23 **business days after the consultation with the department or person.**
24 **The department may request 1 extension of 14 business days to**
25 **provide the statement. The ombudsman shall report to the council if**
26 **the department fails to provide a response within the time limit**
27 **provided under this section. The department shall notify the**
28 **ombudsman not later than 30 business days after** any action **is** taken
29 on any recommendation presented. The ombudsman shall notify the

1 complainant of the actions taken by the office and by the
2 department **not later than 45 business days after the action is**
3 **taken.**

4 Sec. 12. (1) The ombudsman shall submit to the council and the
5 legislature an annual report on the conduct of the office **and make**
6 **the report available on the ombudsman's website. The annual report**
7 **must include all of the following:**

8 (a) All of the following information for complaints:

9 (i) The total number of complaints that were received,
10 investigated, denied, resolved, unsubstantiated, or undecided.

11 (ii) The number of complaints received concerning each
12 correctional facility.

13 (iii) The number of complaints filed, broken down by subject
14 matter, including, but not limited to, racial discrimination and
15 medical treatment issues.

16 (b) Significant issues that were investigated.

17 (c) Each recommendation made to the department.

18 (d) The department's response to each recommendation.

19 (2) The ombudsman shall make monthly reports available on the
20 ombudsman's website that include for each month the information
21 described in subsection (1) (a).

22 Sec. 13. (1) A prisoner, **prisoner advocate, or family member**
23 must not be penalized in any way by an official or the department
24 as a result of filing a complaint, complaining to a legislator, or
25 cooperating with the ombudsman in investigating a complaint.

26 (2) A person or the department shall not hinder the lawful
27 actions of the ombudsman or employees of the office, or willfully
28 refuse to comply with lawful demands of the office.

29 (3) The department shall not take disciplinary action against

1 an employee for communicating with the ombudsman.

2 Sec. 14. The authority granted the ombudsman is in addition to
3 the authority granted under the provisions of any other act or rule
4 under which the remedy or right of appeal or objection is provided
5 for a person, or any procedure provided for the inquiry into or
6 investigation of any matter. The authority granted the ombudsman
7 ~~shall~~**must** not be construed to limit or affect the remedy or right
8 of appeal or objection and ~~shall~~**must** not be ~~deemed~~**considered** part
9 of an exclusionary process.