



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 6397 (Substitute H-1 as reported)  
Sponsor: Representative John Bizon, M.D.  
House Committee: Law and Justice  
Senate Committee: Government Operations

**CONTENT**

The bill would amend Public Act 46 of 1975, which established the Office of the Legislative Corrections Ombudsman, to do the following:

- Authorize the Legislative Corrections Ombudsman to commence an investigation on his or her own initiative for correctional facility security and public safety matters, in addition to the grounds currently specified under the Act.
- Allow the Ombudsman to interview an individual employed or retained under contract by the Department of Corrections (MDOC) or by a private contractor that operated a facility or institution that housed prisoners under the jurisdiction of the MDOC whom the Ombudsman considered necessary in an investigation.
- Require Ombudsman to arrange an interview in cooperation with the MDOC at a time and location that would not interfere with the operation of a correctional facility.
- Require one Ombudsman staff person to be granted entry into a correctional facility or the Department's command center during emergency situations, and to be provided with updates regarding the status of the emergent situation.
- Specify that a record or information obtained or created by the Ombudsman would be confidential, privileged, would not be subject to subpoena, and would not be discoverable in a legal proceeding, unless it were otherwise available from another source that was not exempt from discovery or subpoena.
- Modify the information that would not be subject to the Freedom of Information Act.
- Specify that an MDOC employee could not be penalized in any way by an official or the MDOC as a result of filing a complaint, complaining to a legislator, or cooperating with the Ombudsman in an investigation.

MCL 4.354 et al.

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill would have no fiscal impact on the State or local government. The expanded ability of the Legislative Corrections Ombudsman to initiate investigations under the bill could result in future cost pressures, though any funding increase would require legislative appropriation.

Date Completed: 12-13-18

Fiscal Analyst: Abbey Frazier