

HOUSE BILL NO. 6184

September 03, 2020, Introduced by Reps. Hood, Brixie, Yancey and Rabhi and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 67 (MCL 791.267), as amended by 2012 PA 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 67. (1) Quarters for temporary confinement apart from
2 those of regular inmates ~~shall~~**must** be provided for convicted
3 prisoners upon commitment at each of the state correctional
4 facilities, which the director shall designate as a reception



center. Within 60 days after the arrival of a convicted prisoner at a state correctional facility, the classification committee shall make and complete a comprehensive study of the prisoner, including physical and psychiatric examinations, to ensure that the prisoner is confined in the state correctional facility suited to the type of rehabilitation required in his or her case. The warden of the state correctional facility shall deliver a report of the study of the classification committee to the deputy director of the correctional facilities administration, who shall, within 5 days after receipt of the report, execute an order to confine the prisoner in the state correctional facility determined as suitable by the deputy director.

(2) The department shall provide career readiness testing to each incoming prisoner not more than 3 months after the prisoner arrives at a reception center designated under subsection (1).

(3) ~~(2)~~—Immediately upon arrival at a reception center designated under subsection (1), each incoming prisoner ~~shall~~**must** undergo a test for HIV or an antibody to HIV. This subsection does not apply if an incoming prisoner has been tested for HIV or an antibody to HIV under section 5129 of the public health code, 1978 PA 368, MCL 333.5129, within the 3 months immediately preceding the date of the prisoner's arrival at the reception center, as indicated by the record transferred to the department by the court under that section.

(4) ~~(3)~~—If a prisoner receives a positive test result and is subsequently subject to discipline by the department for sexual misconduct that could transmit HIV, illegal intravenous use of controlled substances, or assaultive or predatory behavior that could transmit HIV, the department shall house that prisoner in



1 administrative segregation, an inpatient health care unit, or a
2 unit separate from the general prisoner population, as determined
3 by the department.

4 (5) ~~(4)~~—The department shall report each positive test result
5 to the department of ~~community~~ health **and human services**, in
6 compliance with section 5114 of the public health code, 1978 PA
7 368, MCL 333.5114.

8 (6) ~~(5)~~—If an employee of the department sustains a
9 percutaneous, mucous membrane, or open wound exposure to the blood
10 or body fluid of a prisoner, the employee may, and the department
11 shall, proceed under section 67b.

12 (7) ~~(6)~~—Upon the request of an employee of the department, the
13 department shall provide or arrange for a test for HIV or an
14 antibody to HIV for that employee, free of charge.

15 (8) ~~(7)~~—Upon the request of an employee of the department, the
16 department shall provide to that employee the equipment necessary
17 to implement universal precautions to prevent transmission of HIV
18 infection.

19 (9) ~~(8)~~—A prisoner who receives a positive HIV test result
20 shall not work in a health facility operated by the department.

21 (10) ~~(9)~~—The department shall conduct a seroprevalence study
22 of the prisoners in all state correctional facilities to determine
23 the percentage of prisoners who are HIV infected.

24 (11) ~~(10)~~—The results of a test for HIV or an antibody to HIV
25 conducted under this section ~~shall~~ **must** be disclosed by the
26 department under section 67b.

27 (12) ~~(11)~~—The deputy director of the correctional facilities
28 administration shall take steps to ensure that all prisoners who
29 receive HIV testing receive counseling regarding AIDS including, at



1 a minimum, treatment, transmission, and protective measures.

2 (13) ~~(12)~~ The department, in conjunction with the department
3 of ~~community health~~ **and human services**, shall develop and implement
4 a comprehensive AIDS education program designed specifically for
5 correctional environments. The program ~~shall~~ **must** be conducted by
6 the bureau within the department responsible for health care, for
7 staff and for prisoners at each state correctional facility.

8 (14) ~~(13)~~ As used in this section:

9 (a) "AIDS" means acquired immunodeficiency syndrome.

10 (b) "HIV" means human immunodeficiency virus.

11 (c) "Positive test result" means a double positive enzyme-
12 linked immunosorbent assay test, combined with a positive western
13 blot assay test, or a positive test under an HIV test that is
14 considered reliable by the federal centers for disease control and
15 is approved by the department of community health.

