

SENATE BILL No. 1539

November 3, 2010, Introduced by Senators BRATER, THOMAS, OLSHOVE and SWITALSKI and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 64a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 64A. (1) A PRISONER IN A STATE CORRECTIONAL FACILITY**
2 **WHOSE EXISTING HEALTH RECORD INDICATES THE PRESENCE OF ANY OF THE**
3 **CRITERIA LISTED IN SUBSECTION (3) (A) TO (C) SHALL NOT BE CONFINED**
4 **IN ADMINISTRATIVE SEGREGATION FOR MAINTENANCE OF ORDER AND**
5 **DISCIPLINE.**

6 **(2) IF A PRISONER WHOSE EXISTING HEALTH RECORD DOES NOT**
7 **INDICATE THE PRESENCE OF ANY OF THE CRITERIA UNDER SUBSECTION**
8 **(3) (A) TO (C) IS CONFINED IN ADMINISTRATIVE SEGREGATION FOR**
9 **MAINTENANCE OF ORDER AND DISCIPLINE FOR A PERIOD OF MORE THAN 12**

1 HOURS, A DEPARTMENT OF COMMUNITY HEALTH MENTAL HEALTH CLINICIAN
2 SHALL REVIEW THE PRISONER'S MENTAL HEALTH STATUS WITHIN THE NEXT 24
3 HOURS. IF THE PRISONER REMAINS CONFINED AFTER THE ASSESSMENT IS
4 MADE, A DEPARTMENT OF COMMUNITY HEALTH MENTAL HEALTH CLINICIAN
5 SHALL REASSESS THE PRISONER EVERY 3 DAYS THEREAFTER.

6 (3) A DEPARTMENT OF COMMUNITY HEALTH MENTAL HEALTH CLINICIAN
7 WHO CONDUCTS AN ASSESSMENT UNDER SUBSECTION (2) SHALL RECOMMEND FOR
8 REMOVAL FROM CONFINEMENT AND PLACEMENT IN AN EXISTING CORRECTIONS
9 MENTAL HEALTH SERVICE A PRISONER WHO MEETS ANY OF THE FOLLOWING
10 CRITERIA:

11 (A) THE PRISONER HAS BEEN DIAGNOSED WITH OR CURRENTLY DISPLAYS
12 SYMPTOMS OF 1 OR MORE OF THE FOLLOWING AXIS I DIAGNOSES AS
13 DESCRIBED IN THE MOST RECENT EDITION OF THE AMERICAN PSYCHIATRIC
14 ASSOCIATION'S DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL
15 DISORDERS:

16 (i) SCHIZOPHRENIA OR OTHER PSYCHOTIC DISORDER.

17 (ii) MAJOR DEPRESSIVE DISORDER.

18 (iii) BIPOLAR DISORDER.

19 (iv) DELIRIUM OR DEMENTIA.

20 (B) THE PRISONER HAS BEEN DIAGNOSED WITH TRAUMATIC BRAIN
21 INJURY.

22 (C) THE PRISONER HAS BEEN DETERMINED TO BE AT RISK OF SUICIDE.

23 (D) THE PRISONER'S MENTAL OR EMOTIONAL CONDITION HAS
24 DETERIORATED SUBSTANTIALLY WHILE IN CONFINEMENT, AND A CLINICALLY
25 APPROPRIATE CORRECTIONS MENTAL HEALTH SERVICE IS AVAILABLE.

26 (4) IF A RECOMMENDATION FOR CESSATION OF CONFINEMENT AND
27 PLACEMENT IN A CORRECTIONS MENTAL HEALTH SERVICE IS MADE UNDER

1 SUBSECTION (3), THE INMATE SHALL BE REMOVED FROM CONFINEMENT WITHIN
2 12 HOURS AFTER THE RECOMMENDATION IS MADE, AND THE RECOMMENDED
3 SERVICE SHALL COMMENCE AS SOON AS POSSIBLE.

4 (5) AS USED IN THIS SECTION:

5 (A) "ADMINISTRATIVE SEGREGATION" MEANS CONFINEMENT TO A CELL
6 OR ROOM THAT IS APART FROM ACCOMMODATIONS PROVIDED FOR INMATES WHO
7 ARE PARTICIPATING IN PROGRAMS AT THE CORRECTIONAL FACILITY.

8 (B) "DEPARTMENT OF COMMUNITY HEALTH MENTAL HEALTH CLINICIAN"
9 MEANS A MENTAL HEALTH CLINICIAN EMPLOYED OR CONTRACTED BY, OR
10 OTHERWISE ARRANGED FOR BY, THE DEPARTMENT OF COMMUNITY HEALTH.