

A SUMMARY OF HOUSE BILL 5768 AS INTRODUCED 5-11-00

Public Act 252 of 1993 amended the Mental Health Code to rewrite the law pertaining to the provision of mental health services to prisoners in correctional facilities. P.A. 252 implemented provisions of a stipulation agreement that arose from a consent decree entered in Federal District Court for the Western District of Michigan in *United States of America v The State of Michigan*. The consent decree, issued on July 13, 1984, says that, in regard to mental health care for prisoners, “the State must provide adequate treatment upon timely identification for those inmates with serious mental illness, including manifest, substantial behavioral or physiological dysfunctions associated with psychosis, suicide, the threat of suicide, self-mutilation, or psychotic episodes involving violence towards others.” Among many provisions, P.A. 252 called for the Department of Corrections and the former Department of Mental Health to submit a report no later than April 1, 1995 to the legislature that was based on a joint evaluation. The report was required to include certain information regarding the preceding 18-month period along with recommendations for appropriate changes in mental health programs for prisoners.

House Bill 5768 would amend the section of the Mental Health Code pertaining to the 1995 report. Under the bill, a similar report would have to be completed every other year, beginning July 1 of every odd numbered year starting with 2001. The Departments of Corrections and Community Health (the bill still refers to the now defunct Department of Mental Health) would have to submit the report not just to the legislature, but also to the House and Senate Appropriations Subcommittees on Corrections, and the House and Senate Fiscal Agencies. Each report would have to be based on an evaluation of certain information with respect to the two-year period preceding the report. In addition to information required by P.A. 252 for the initial report, the bill would also require the following information, along with a description of services those prisoners received for each category:

- the number of prisoners in the corrections system with a dual diagnosis of both a mental illness and a substance abuse problem.
- the number of prisoners who received substance abuse treatment or rehabilitation services.
- the number of prisoners with a history of inpatient hospitalization in a state-operated psychiatric hospital, unit, or center.
- the number of prisoners who were “persons requiring treatment” as defined in Section 401 of the code.

- the number of prisoners receiving those services described above (and also the number of prisoners receiving services specified in P.A. 252) that are in administrative segregation and a breakdown of the services to those prisoners.

The bill would retain the provision requiring each report to include recommendations for appropriate changes in mental health programs for prisoners.

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Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.