



**House
Legislative
Analysis
Section**

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**SEPARATE HOUSING FOR
PRISONERS WITH DISEASES**

House Bill 4221

Sponsor: Rep. Mickey Mortimer

Committee: Criminal Justice

Complete to 4-16-01

A SUMMARY OF HOUSE BILL 4221 AS INTRODUCED 2-13-01

Currently, the Department of Corrections act specifies that each state correctional facility must confine an incoming prisoner in temporary quarters, called "reception centers," which are separated from regular inmates. All incoming prisoners are tested for HIV (the human immunodeficiency virus) unless they have been tested under court order within three months prior to incarceration under Section 5129 of the Public Health Code (MCL 333.5129). (Section 5129 imposes a number of medical testing and counseling requirements on people arrested and charged with, or convicted of, certain sex or illegal intravenous [IV] drug crimes). A prisoner who receives a positive test result, and who is subsequently disciplined for sexual misconduct, illegal intravenous use of controlled substances, or assaultive or predatory behavior that could transmit HIV, must be housed in administrative segregation, an inpatient health care unit, or a unit separate from the general prisoner population. House Bill 4221 would amend this provision to delete references to prisoners who tested positive and were subsequently disciplined, and instead require that any prisoner who tested positive for HIV, hepatitis B, hepatitis C, or an ailment that was determined by the department to be a dangerous or deadly communicable disease or infection be housed in administrative segregation, an inpatient health care unit, or a unit separate from the general prison population, as determined by the department. A prisoner segregated in this manner could not be housed with the general prisoner population until he or she no longer showed a positive test result for the disease or infection.

House Bill 4221 (4-16-01)

MCL 791.267

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