



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 1128, 1129, 1130, and 1137 (as reported without amendment)
Sponsor: Senator Roger Kahn, M.D. (S.B. 1128, 1130, & 1137)
Senator John Pappageorge (S.B. 1129)
Committee: Judiciary

CONTENT

Senate Bill 1130 would amend the Public Health Code to do the following:

- Include the Hepatitis C virus (HCV) in the definition of "serious communicable disease or infection".
- Include HCV in a provision that makes it a felony for a person who knows he or she has AIDS or HIV to engage in sexual penetration with another person without first informing that person of the diagnosis or infection.

Senate Bill 1129 would amend the Code of Criminal Procedure to include HCV in the sentencing guideline for engaging in sexual penetration with an uninformed partner.

Senate Bill 1128 would amend the Corrections Code to do the following:

- Require the Department of Corrections (DOC) to test a prisoner for HCV before he or she was released on parole or discharged after completing his or her sentence, unless the prisoner had already been diagnosed with the virus.
- Require the DOC to comply with requirements in the Public Health Code for reporting a serious communicable disease or infection, with regard to a prisoner who had HCV and was scheduled to be released or discharged.

Senate Bill 1137 would amend the Corrections Code to do the following:

- Include testing for, and the possible transmission of, HCV in provisions that require the testing of a prisoner for HIV upon arrival at a DOC reception center.
- Require the DOC to provide or arrange for a test for HCV infection upon the request of a DOC employee.
- Require the DOC to give an employee the equipment necessary to implement universal precautions to prevent the transmission of HCV, upon the employee's request.
- Include HCV testing in provisions requiring the DOC to test a prisoner for HIV or Hepatitis B virus if a DOC employee sustains a percutaneous, mucous membrane, or open wound exposure to the prisoner's blood or body fluids.
- Include HCV education in a requirement that the DOC develop and implement a comprehensive AIDS education program.
- Require the DOC to report to the Department of Community Health test results that indicated a person was HCV infected.

Senate Bills 1128, 1129, and 1137 are tie-barred to Senate Bill 1130.

Proposed MCL 791.237a (S.B. 1128)
MCL 777.13k (S.B. 1129)
333.5101 & 333.5210 (S.B. 1130)
791.267 & 791.267b (S.B. 1137)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bills 1128 & 1137: The requirement that the Department of Corrections test prisoners for HCV upon their arrival or release, excluding those who have already tested positive for HCV, would add a slight annual increase in cost to the Department with the approximate cost at \$15 per test. There are approximately 930 prisoners who test positive for HCV upon arrival annually, with an average of 10,000 individuals released every year from the corrections system. As this bill would apply to State correctional facilities, there would be no fiscal impact on local government.

Senate Bills 1129 & 1130: For any additional felony sentences for convictions under the bills, in the short term, the marginal cost to State government would be approximately \$4,100 per prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. The expanded felony offense would increase cost to local courts and law enforcement to the extent that the bills resulted in an increase in caseload due to more felony violations.

Date Completed: 11-21-14

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.