

HOUSE BILL No. ____ of 2025
INTRODUCED BY REP. _____

A bill to create the Krystal Clark Michigan Prison Accountability, Oversight, and Human Rights Act; to provide for the immediate closure of the Women's Huron Valley Correctional Facility; to establish an independent oversight commission of the Michigan Department of Corrections; to remove and prohibit from office officials responsible for unsafe prison conditions; to protect the constitutional rights of incarcerated persons under the Eighth and Fourteenth Amendments; to provide remedies and enforcement; to make appropriations; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Short Title.

This act shall be known and may be cited as the "*Krystal Clark Michigan Prison Accountability, Oversight, and Human Rights Act*."

Section 2. Legislative Findings.

The Legislature finds and declares the following:

1. The Women's Huron Valley Correctional Facility (WHV) is operating under conditions of degradation, filth, and inhumanity, including toxic black mold, collapsing infrastructure, contaminated ventilation systems, and chronic understaffing.
 2. Federal court findings confirm that these conditions cause severe respiratory disease, asthma, neurological damage, and other long-term harm to incarcerated women.
 3. These conditions constitute violations of the **Eighth Amendment to the United States Constitution**, prohibiting cruel and unusual punishment, and the **Fourteenth Amendment**, guaranteeing equal protection and due process.
 4. Michigan Department of Corrections (MDOC) officials, including its Director, have had actual knowledge of these unconstitutional conditions yet failed to act, amounting to deliberate indifference to human life and dignity.
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Section 3. Removal of MDOC Director.

1. The current Director of the Michigan Department of Corrections, **Heidi Washington**, is hereby removed from office effective immediately.
 2. The Governor shall appoint a new Director within 30 days, subject to the advice and consent of the Michigan Senate.
 3. Any official, warden, deputy warden, or administrator who has knowingly concealed, ignored, or retaliated against incarcerated individuals for reporting environmental hazards, medical neglect, or unsafe conditions shall be subject to immediate removal and barred from future correctional leadership positions within the State of Michigan.
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Section 4. Creation of Oversight Commission.

1. There is created the **Michigan Department of Corrections Oversight Commission** (hereinafter "the Commission").

2. Membership. The Commission shall consist of:
 - a. Five members of the Legislature, two appointed by the Speaker of the House, two by the Senate Majority Leader, and one by the combined minority leaders.
 - b. Five representatives of families and community advocacy organizations directly impacted by incarceration.
 - c. Three formerly incarcerated individuals, with priority given to women formerly housed at WHV.
 - d. Two subject-matter experts in medicine, environmental health, law, or human rights.
 3. Powers and Duties. The Commission shall:
 - a. Conduct unannounced inspections of all MDOC facilities.
 - b. Issue quarterly public reports regarding conditions of confinement.
 - c. Refer violations to the Attorney General, the United States Department of Justice, and appropriate courts.
 - d. Approve or reject MDOC environmental and medical compliance plans.
 4. The Commission shall be funded through annual appropriations and shall operate independently of MDOC.
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Section 5. Closure of Women's Huron Valley Correctional Facility.

1. The State shall permanently close WHV within **12 months of enactment**.
 2. The Department shall:
 - a. Safely relocate all incarcerated women to facilities that are free of mold, toxic exposure, and structural decay.
 - b. Prioritize community-based residential centers, medical furloughs, and alternative-to-incarceration programs where possible.
 - c. Provide immediate medical examinations and treatment for all women exposed to mold and environmental hazards while housed at WHV.
 3. No woman shall be transferred to any facility under investigation or known to contain unsafe or unconstitutional conditions.
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Section 6. Constitutional Enforcement.

1. It is the policy of the State of Michigan that no incarcerated person shall be subjected to conditions violating the **Eighth or Fourteenth Amendments**.
 2. Any incarcerated person who suffers harm due to environmental hazards, medical neglect, or unsafe housing shall have a private right of action under this act in state courts.
 3. In actions brought under this section, **qualified immunity shall not apply** to prison officials or MDOC employees.
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Section 7. Appropriations.

1. The Legislature shall appropriate funds to:
 - a. Relocate incarcerated women and provide immediate medical care.
 - b. Conduct environmental remediation and independent inspections of all other MDOC facilities.
 - c. Staff and support the Oversight Commission.
2. Funds appropriated under this section shall not be used for cosmetic cover-ups such as painting over mold, concealing leaks, or temporary measures intended to mislead inspectors.

Section 8. Penalties.

Any MDOC official or staff member found to have knowingly concealed hazards, retaliated against incarcerated persons, or falsified inspection reports shall be guilty of a felony punishable by up to ten years imprisonment and a fine of not more than \$10,000.

Section 9. Effective Date.

This Act shall take immediate effect.