

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 8**

A bill to provide for the use of evidence-based supervision practices for probation and parole supervision; to prescribe the powers and duties of certain state departments and local agencies; to require the adoption of certain rules; to regulate the use of funds by certain state departments and local agencies; and to require certain reports.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Case plan" means an individualized accountability and
3 behavior change strategy for supervised individuals that does all
4 of the following:

5 (i) Targets and prioritizes the specific criminal risk factors
6 of the offender.

7 (ii) Matches programs to the offender's individual

characteristics, such as gender, culture, motivational stage, developmental stage, or learning style.

(iii) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations. A timetable established under this subparagraph for payment of victim restitution, child support, and other financial obligations is subject to an ability to pay determination.

(iv) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors.

(b) "Community supervision" means the placement of an individual under supervision after release from prison or jail, with conditions imposed by the releasing authority for a specified period of time.

(c) "Criminal risk factors" means characteristics and behaviors that when addressed or changed affect an individual's risk for committing crimes including antisocial attitudes, values, and beliefs, poor impulse control, criminal personality, substance abuse, criminal peers, dysfunctional family, or a lack of employment or education.

(d) "Department" means the department of corrections.

(e) "Evidence-based practices" means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals on probation, parole, or postrelease supervision.

(f) "Program" means an intervention, other than medical services, to which both of the following apply:

1 (i) It is intended to reduce recidivism by supervised
2 individuals.

3 (ii) It is funded in whole or in part by this state or is
4 administered by an agency of this state.

5 (g) "Recidivism" means the rearrest, reconviction, or
6 reincarceration in prison or jail for a felony or misdemeanor
7 offense or a probation or parole violation, of an individual as
8 measured first after 3 years and again after 5 years from the date
9 of his or her release from incarceration, placement on probation,
10 or conviction, whichever is later.

11 (h) "Supervised individual" means an individual placed on
12 probation or serving a period of parole.

13 (i) "Supervising agent" means an individual appointed or
14 employed by the department to supervise individuals placed on
15 community supervision.

16 (j) "Technical parole violation" means a violation of the
17 terms of a parolee's parole order that is not a violation of a law
18 of this state, a political subdivision of this state, another
19 state, or the United States or of tribal law.

20 (k) "Technical probation violation" means a violation of the
21 terms of a probationer's probation order that is not a violation of
22 a law of this state, a political subdivision of this state, another
23 state, or the United States or of tribal law.

24 Sec. 2. (1) The department shall adopt policies, rules, and
25 regulations that within 4 years after the effective date of this
26 act result in all supervised individuals being supervised in
27 accordance with evidence-based practices, or practices developed

1 based upon evidence-based practices, in order to improve the
2 success rates of and to reduce recidivism rates for supervised
3 individuals. The department shall consult with and seek
4 recommendations from local law enforcement agencies, including
5 sheriff's departments, circuit courts, county prosecutor's offices,
6 and community corrections programs, in adopting policies, rules,
7 and regulations for evidence-based supervision practices.

8 (2) The policies, rules, and regulations adopted under
9 subsection (1) must include all of the following:

10 (a) The adoption, validation, and utilization of an objective
11 risk and needs assessment tool.

12 (b) The use of assessment scores and other objective criteria
13 to determine the risk level and program needs of each supervised
14 individual, prioritizing supervision and program resources for
15 offenders who are at higher risk to reoffend.

16 (c) Definitions of low-, moderate-, and high-risk levels
17 during the period of supervision.

18 (d) The development of a case plan, based on the assessment
19 score, for each individual who is assessed to be moderate to high
20 risk. The case plan developed under this subdivision must allow a
21 supervised individual options for programming and is subject to
22 conditions of supervision, if any, imposed by a court having
23 jurisdiction over the supervised individual.

24 (e) The development of a case plan, based on the assessment
25 score, for each individual who is assessed to be low risk. The case
26 plan developed under this subdivision must allow a supervised
27 individual options for programming and is subject to conditions of

1 supervision, if any, imposed by a court having jurisdiction over
2 the supervised individual.

3 (f) The identification of swift, certain, proportionate, and
4 graduated responses that a supervising agent will apply in response
5 to a supervised individual's compliant and noncompliant behaviors.

6 (g) The adoption of caseload guidelines that are based on
7 offender risk levels and take into account department resources and
8 employee and supervising agent workload.

9 (h) The establishment of protocols and standards that assess
10 the degree to which department policies, procedures, programs, and
11 practices relating to offender recidivism reduction are evidence-
12 based.

13 (3) Not more than 4 years after the effective date of this
14 act, all state funds expended on programs must be for programs that
15 are in accordance with evidence-based practices or are developed
16 based upon evidence-based practices.

17 (4) Not more than 4 years after the effective date of this
18 act, the department shall eliminate supervision policies,
19 procedures, programs, and practices intended to reduce recidivism
20 that scientific research demonstrates do not reduce recidivism.

21 (5) Any data collected and maintained under this act regarding
22 recidivism rates must be collected and maintained in a manner that
23 separates the data regarding technical probation violations and
24 technical parole violations from data on new felony and misdemeanor
25 convictions.

26 Sec. 3. The department shall adopt policies, rules, and
27 regulations that improve crime victim satisfaction with the

1 criminal justice system, including all of the following:

2 (a) The payment by supervised individuals of victim
3 restitution and child support.

4 (b) The opportunity for victims to complete victim impact
5 statements or provide input into presentence investigation reports.

6 (c) Providing victims information about their rights and
7 services, and referrals to access those rights and services.

8 (d) Offering victims the opportunity to complete a "victim
9 satisfaction survey" with data used to measure department
10 performance. The department of the attorney general shall develop a
11 victim satisfaction survey for use by the department under this
12 subdivision.

13 (e) Facilitating victim-offender dialogue if the victim is
14 willing.

15 Sec. 4. (1) The department shall provide its employees and
16 supervising agents with intensive initial and ongoing training and
17 professional development services to support the implementation of
18 evidence-based practices.

19 (2) The training and professional development services
20 provided under subsection (1) must include assessment techniques,
21 case planning, risk reduction and intervention strategies,
22 effective communication skills, substance abuse intervention
23 information, and other topics identified by the department or its
24 employees and supervising agents.

25 Sec. 5. The department may form partnerships or enter into
26 contracts with institutions of higher education or other qualified
27 organizations for assistance with data collection, analysis, and

1 research.

2 Sec. 6. (1) Beginning in 2018, by March 1 of each year the
3 department shall submit to the governor, the secretary of the
4 senate, the clerk of the house of representatives, and the supreme
5 court administrative office a comprehensive report on its efforts
6 to implement this act. The report must include all of the
7 following:

8 (a) The percentage and number of supervised individuals being
9 supervised in accordance with evidence-based practices.

10 (b) The amount of state funds expended for programs that are
11 evidence-based.

12 (c) A list of all programs, including an identification of all
13 programs that are evidence-based.

14 (d) An identification of all supervision policies, procedures,
15 programs, and practices that were eliminated.

16 (e) The results of victim satisfaction surveys administered
17 under section 3.

18 (f) The department's recommendations for resource allocation,
19 and any additional collaboration with other state, regional, or
20 local public agencies, private entities, or faith-based or
21 community organizations.

22 (2) The department shall make the full report required under
23 subsection (1) and an executive summary of that report available to
24 the general public on its website.

25 Enacting section 1. This act takes effect 90 days after the
26 date it is enacted into law.