

**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

***A SUMMARY OF HOUSE BILL 4164
(SUBSTITUTE H-2)***

The bill would create the Community Corrections Act to provide for community-based corrections programs. Under the bill, the director of the Department of Corrections would be required to appoint a state community corrections advisory board by October 1, 1988, and to ensure that the board consisted of a fair geographic representation of the state population and of minorities and women. The board would consist of 13 members as follows: one county sheriff, one city police department chief, one circuit or recorder's court judge, one district court judge, one county commissioner, one member of a city government, one representative of an existing community alternatives program, one probation or parole officer, one representative of the business community, one representative of the mass communications media, and three representatives of the general public. Board members would serve four-year terms, with initial members serving staggered terms, and would serve without compensation, except for actual and necessary expenses. The board would be required to advise and to make recommendations to the department in the development of goals, program guidelines, and evaluation criteria for community corrections programs, and to serve as a communications link between local communities and the state.

The bill would require the department to provide technical assistance and training to cities, counties, regions, or nonprofit service agencies in developing, implementing, and operating community corrections programs; to develop minimum program standards, policies, and rules for community corrections programs; to develop the application process and procedures for funding community corrections programs, including the format for community corrections plans; to act as an information clearinghouse regarding community corrections programs for cities, counties, regions, or nonprofit service agencies that receive funding under this act, and other local units of government; to enter into agreements with city, county, or regional advisory boards or nonprofit service agencies for the operation of community corrections programs; to develop criteria for community corrections program evaluations, in consultation with the state advisory board; and to monitor compliance with contractual agreements. The bill would require the department to report instances of substantial noncompliance in a biannual report, which it would be required to submit not later than March 1 and September 1 of each year, detailing the effectiveness of the programs and plans funded under the bill, and including an explanation of how the rate of commitment of prisoners to the state prison system had been affected. The bill would also require the department to submit an annual report not later than November 1 of each year, detailing individual requests received and programs and plans approved for funding. Both reports would be submitted to the Department of Management and Budget, the Senate

COMMUNITY-BASED CORRECTION PROGRAMS

House Bill 4164 (Substitute H-2)

Sponsor: Rep. Carolyn Kilpatrick

Committee: Appropriations

RECEIVED

Complete to 4-20-88

APR 29 1988

Mich. State Law Library

Committee on Criminal Justice, Urban Affairs and Economic Development, the House Committee on Corrections, the Senate and House Appropriations subcommittees on Corrections, and the Senate and House Fiscal Agencies.

Under the bill, a county could elect to apply for funding and other assistance by a vote of the county board of commissioners, and by appointing a county advisory board. Two or more counties, by vote of the county boards of commissioners of each county, could agree to create a regional advisory board, instead of a county advisory board, which would be authorized to perform the same functions as a county board for each county that participated. A city could also elect to apply for funding and other assistance by a majority resolution of the city council, and by appointing a city advisory board. Each advisory board would consist of not less than seven members appointed from law enforcement officials, the legal community, advocates of alternatives to incarceration, the business community, and the general public. Each county or city would be required to ensure fair representation of minority persons and women. County or regional advisory board members would be appointed by the county board or boards of commissioners; city advisory board members would be appointed by the mayor with the approval of the city council. Before appointments were made to the county, regional, or city advisory boards, the appointing authority, in cooperation with the chief judges of the courts of record of the county or counties, would be required to publicly disseminate information regarding recommendations for appointments, and to notify persons in the county, counties, or city who represented law enforcement, the legal community, alternatives to incarceration, and citizen groups, requesting these persons submit the names of persons that might be appointed to serve.

Each board, on behalf of the city, county, or region, could apply for funding and other assistance by developing and submitting a comprehensive corrections plan to the department and the state advisory board. The plan would include a system for the development, implementation, and operation of community corrections programs, with an explanation of how it would reduce the state prison commitment rate; an analysis of the current use of the city or county jail or jails, including information on their utilization by sentenced and unsentenced inmates and violent and nonviolent adult inmates, and a review of the rate of commitment of prisoners to the state corrections system during the preceding calendar year; and a system for evaluating the effectiveness of the community corrections program, utilizing the criteria developed in consultation with the state advisory board.

The bill would require that the above community corrections programs comply with the following criteria:

H.B. 4164 (4-20-88)

- an offender would be eligible for participation in the program if he or she was likely to be sentenced to imprisonment in a state correctional facility or jail, had not demonstrated a pattern of violent behavior and did not have a criminal record indicating a pattern of violent offenses, and if the offense was not a violent felony and did not involve the use of a weapon (plans could provide for greater restrictions on the eligibility of persons convicted of violent felony offenses);
- in addition to the offenders specified above, the plans could allow for participation by offenders who would normally be considered unfit for probation due to a history of alcohol, drug abuse, domestic violence, or mental health problems, but whose special needs were treatable and better provided in the community than in a correctional facility;
- the sentencing court that placed a person in the program would be required to retain jurisdiction over the person as a probationer, under chapter XI of the Code of Criminal Procedure.

Under the bill, if a county did not elect to apply for funding and did not appoint a county advisory board nor participate in the creation of a regional advisory board, a nonprofit service agency operating in that county could apply for and receive direct state funding for a period of 24 consecutive months to operate a community corrections program. The department would be required to promptly notify the board of commissioners of such a county that the agency had submitted an application, and the county would have 30 days after receiving the notice to apply for funding and take steps to appoint a county advisory board or participate in the creation of a regional advisory board, in which case the agency's application would be denied. Alternately, a county or regional advisory board could contract with a nonprofit service agency for the provision of services as part of a community corrections program.

If the department approved a community corrections program, it would be required to authorize payments to the county or city from its community corrections program appropriation. Of the total funding recommended for the implementation of the community corrections program not more than 30 percent could be used for administration costs. The bill would also require that the funds provided for community corrections programs could not supplant current spending by the city, county, or counties.