

# HOUSE BILL No. 5802

May 22, 1990, Introduced by Rep. Jacobetti and referred to the Committee on Appropriations.

A bill to amend sections 2, 3, 4, 5, and 6 of Act No. 287 of the Public Acts of 1988, entitled "Special alternative incarceration act," section 4 as amended by Act No. 303 of the Public Acts of 1989, being sections 798.12, 798.13, 798.14, 798.15, and 798.16 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2, 3, 4, 5, and 6 of Act No. 287 of the  
2 Public Acts of 1988, section 4 as amended by Act No. 303 of the  
3 Public Acts of 1989, being sections 798.12, 798.13, 798.14,  
4 798.15, and 798.16 of the Michigan Compiled Laws, are amended to  
5 read as follows:

6       Sec. 2. As used in this act:

7       (a) "Department" means the department of corrections.

1 (B) "PRISONER" MEANS A PERSON SERVING A TERM OF  
2 INCARCERATION UNDER THE JURISDICTION OF THE DEPARTMENT.

3 (C) "PROBATIONER" MEANS A PERSON PLACED ON PROBATION PURSU-  
4 ANT TO CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175  
5 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 771.1 TO 771.14A OF  
6 THE MICHIGAN COMPILED LAWS.

7 (D) ~~(b)~~ "Unit" means a special alternative incarceration  
8 unit.

9 Sec. 3. (1) The department shall establish special alterna-  
10 tive incarceration units for the purpose of housing and training  
11 probationers eligible for special alternative incarceration pur-  
12 suant to section 3b of chapter XI of the code of criminal proce-  
13 dure, Act No. 175 of the Public Acts of 1927, being section  
14 771.3b of the Michigan Compiled Laws. A probationer who is  
15 placed in a unit by a court shall be transported by the county  
16 sheriff directly to a unit and shall not be processed through the  
17 department's reception center for prisoners. The department may  
18 transfer a probationer from 1 unit to another unit at the  
19 department's discretion, during the probationer's incarceration  
20 in a unit.

21 (2) THE DEPARTMENT SHALL ESTABLISH SPECIAL ALTERNATIVE  
22 INCARCERATION UNITS FOR THE PURPOSE OF HOUSING AND TRAINING PRIS-  
23 ONERS ELIGIBLE FOR SPECIAL ALTERNATIVE INCARCERATION PURSUANT TO  
24 SECTION 34A OF ACT NO. 255 OF THE PUBLIC ACTS OF 1937, BEING  
25 SECTION 791.234A OF THE MICHIGAN COMPILED LAWS.

26 Sec. 4. The units shall provide a program of physically  
27 strenuous work and exercise, patterned after military basic

1 training, and other programming as determined by the department  
2 and approved by the commission of corrections. The term of any  
3 probationer's OR PRISONER'S incarceration in a unit shall not  
4 exceed 120 days except that the probationer also shall be  
5 required to complete a period of not less than 120 days of proba-  
6 tion under intensive supervision, ~~—~~ and A PRISONER ALSO SHALL  
7 BE REQUIRED TO COMPLETE A PERIOD OF NOT LESS THAN 120 DAYS OF  
8 PAROLE UNDER INTENSIVE SUPERVISION. A PROBATIONER ALSO may be  
9 required to complete a period of not more than 120 days in a  
10 local residential program, if ordered to do so under  
11 section 3b(9) of the code of criminal procedure, Act No. 175 of  
12 the Public Acts of 1927, being section 771.3b of the Michigan  
13 Compiled Laws.

14       Sec. 5. (1) At any time during a probationer's incarcera-  
15 tion in a unit, but not less than 5 days before the probationer's  
16 expected date of release, the department shall certify to the  
17 sentencing court as to whether the probationer has satisfactorily  
18 completed the course of training at the unit.

19       (2) AT LEAST 10 DAYS BEFORE THE PRISONER'S EXPECTED DATE OF  
20 RELEASE, THE DEPARTMENT SHALL CERTIFY TO THE PAROLE BOARD AS TO  
21 WHETHER THE PRISONER HAS SATISFACTORILY COMPLETED THE COURSE OF  
22 TRAINING AT THE UNIT.

23       Sec. 6. (1) A probationer who fails to work diligently and  
24 productively at the program of the unit, or who fails to obey the  
25 rules of behavior established for the unit, may be reported to  
26 the sentencing court for possible revocation of probation and may

1 be housed in a county jail while awaiting a probation revocation  
2 determination.

3       (2) A PRISONER WHO FAILS TO WORK DILIGENTLY AND PRODUCTIVELY  
4 AT THE PROGRAM OF THE UNIT, OR WHO FAILS TO OBEY THE RULES OF  
5 BEHAVIOR ESTABLISHED FOR THE UNIT, SHALL BE RETURNED TO A STATE  
6 CORRECTIONAL FACILITY AND SHALL NOT BE ELIGIBLE FOR PLACEMENT IN  
7 THE PROGRAM AT A LATER TIME. A PRISONER REMOVED FROM A UNIT FOR  
8 THIS PURPOSE SHALL BE CREDITED FOR THE TIME SERVED IN THE UNIT  
9 EXCEPT THAT ALL DISCIPLINARY CREDITS ACCUMULATED IN THE UNIT  
10 SHALL AUTOMATICALLY BE FORFEITED.

11       Section 2. This amendatory act shall not take effect unless  
12 Senate Bill No. \_\_\_\_\_ or House Bill No. 5803 (request  
13 no. 05448'90 a) of the 85th Legislature is enacted into law.