

House Bills 5080 and 5081
Sponsor: Rep. Nick Ciaramitaro
Committee: Corrections

Complete to 8-15-91

A SUMMARY OF HOUSE BILLS 5080 and 5081 INTRODUCED 8-1-91

House Bill 5080 would amend the Department of Corrections act (MCL 791.231 et al.) to establish the Michigan Intensive Supervision Program within the Bureau of Field Services in the Department of Corrections. Under the program, a prisoner in a state correctional facility could be placed on probation, while he or she attended work, school, or vocational training in the community under an intensive supervision plan.

Components of Intensive Supervision Plan. Under the bill, a prisoner who had been incarcerated for a minimum of 30 and a maximum of 90 days could apply for the program by completing an application form and developing and submitting an intensive supervision plan to the Bureau of Field Services that included at least all of the following components:

1) A community sponsor, who would serve as an adjunct to, and a resource for, bureau staff assigned to monitor the prisoner's participation in the program; meet with the prisoner weekly; provide the prisoner with support and assistance in accessing community services and resources; monitor the prisoner's compliance with the intensive supervision plan; and perform other functions necessary to assist the prisoner in meeting the obligations of the plan.

2) A network support team, consisting of a group of individuals who would provide support to the prisoner, and would assist the community sponsor in monitoring the prisoner's compliance with the plan. The responsibilities of each team member, which would be outlined in the plan: each could supervise a specific component of the plan, assist the community sponsor, or perform other functions necessary to assist the prisoner to meet the obligations of the plan.

3) Employment, job training, vocational training, or educational plans that identify a specific employer or an educational, vocational, or other similar program.

4) Substance abuse counseling and individual, marital, or other therapy.

5) Living arrangements.

6) Payment of restitution, if appropriate.

7) A community service program.

8) All other programs or services recommended by Department of Corrections reception center staff.

Bureau of Field Services. Under the bill, the bureau would interview a prisoner who had submitted an application to determine his or her commitment and motivation to successfully carry out the intensive supervision plan, and to assure that the prisoner had been accepted into all programs or components of the plan. The prisoner would be notified in writing if the bureau rejected an application, but would have no right of appeal. Should the bureau approve an application, then all materials and information would be forwarded to the three-judge panel (created under House Bill 5081) for final approval. Should the panel reject the application, the prisoner would be notified in writing, but, again, would have no right to appeal the decision. If the application were approved, then the three-judge panel would order the judge who had sentenced the prisoner to hold a rehearing, suspend the original sentence, and sentence the prisoner to probation within the Michigan Intensive Supervision Program.

The bureau's responsibilities would include the following:

--Meeting face-to-face at least once each week with the prisoner to monitor his or her compliance and determine whether he or she should continue in the program.

--Contacting a prisoner's community sponsor and each member of the network team at least once each month to assure that they met the obligations required under the prisoner's plan.

--Assuring that the prisoner was in compliance with all the components of the intensive supervision plan by using a random verification process at least once a month.

Should the prisoner fail to perform the obligations of his or her plan, or any other condition required for participation in the Michigan Intensive Supervision Program, the bureau would request a rehearing before the three-judge panel, which could immediately return the prisoner to prison to complete the original sentence. The prisoner would have the burden of proof to show why he or she should not be returned to prison.

House Bill 5081 would amend the Code of Criminal Procedure (MCL 769.1 et al.) to require the State Court Administrative Office to designate three trial court judges to serve as a three-judge panel, which could issue an order to have a prisoner resentenced to the Michigan Intensive Supervision Program of the Department of Corrections.

House Bills 5080 and 5081 are tie-barred to each other.