

# HOUSE BILL No. 5080

August 1, 1991, Introduced by Reps. Ciaramitaro, Kilpatrick, Nye, DeMars, Dobronski, Wallace and Knight and referred to the Committee on Corrections.

A bill to amend the title and section 31 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

section 31 as amended by Act No. 314 of the Public Acts of 1982, being section 791.231 of the Michigan Compiled Laws; and to add section 47.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title and section 31 of Act No. 232 of the  
2 Public Acts of 1953, section 31 as amended by Act No. 314 of the  
3 Public Acts of 1982, being section 791.231 of the Michigan  
4 Compiled Laws, are amended and section 47 is added to read as  
5 follows:

**TITLE**

6  
7 An act to revise, consolidate, and codify the laws relating  
8 to probationers and probation officers as herein defined, to par-  
9 dons, reprieves, commutations, and paroles, to the administration  
10 of penal institutions, correctional farms, and probation recovery  
11 camps, to prison labor and prison industries, TO THE MICHIGAN  
12 INTENSIVE SUPERVISION PROGRAM, and TO the supervision and inspec-  
13 tion of local jails and houses of correction; to provide for the  
14 siting of correctional facilities; to create a state department  
15 of corrections, and to prescribe its powers and duties; to pro-  
16 vide for the transfer to and vesting in said department of powers  
17 and duties vested by law in certain other state boards, commis-  
18 sions, and officers, and to abolish certain boards, commissions,  
19 and offices the powers and duties of which are hereby trans-  
20 ferred; to prescribe the powers and duties of certain other state  
21 departments and agencies; to provide for the creation of a local  
22 lockup advisory board; to prescribe penalties for the violation  
23 of the provisions of this act; and to repeal all acts and parts  
24 of acts inconsistent with the provisions of this act.

25 Sec. 31. There is established within the department a  
26 bureau of field services, under the direction and supervision of

1 a deputy director in charge of field services, who shall be  
2 appointed by the director and who shall be within the state civil  
3 service. The deputy director shall direct and supervise the work  
4 of the bureau of field services and shall formulate methods of  
5 investigation and supervision and develop various processes in  
6 the technique of supervision by the parole staff. The deputy  
7 director is responsible for all investigations of persons eligi-  
8 ble for release from state penal institutions, ~~and~~ for the gen-  
9 eral supervision of persons released from penal institutions, AND  
10 FOR THE MICHIGAN INTENSIVE SUPERVISION PROGRAM. The deputy  
11 director in charge of the bureau of field services is responsible  
12 for the collection and preservation of records and statistics  
13 with respect to paroled prisoners as may be required by the  
14 director and the chairperson of the parole board. The deputy  
15 director shall employ parole officers and assistants as may be  
16 necessary, subject to the approval of the director. The deputy  
17 director shall select secretarial and other assistants as may be  
18 necessary and may obtain permanent quarters for the staff as may  
19 be necessary.

20 SEC. 47. (1) THE MICHIGAN INTENSIVE SUPERVISION PROGRAM IS  
21 ESTABLISHED WITHIN THE BUREAU OF FIELD SERVICES. THE BUREAU OF  
22 FIELD SERVICES SHALL DEVELOP AND MAKE AVAILABLE APPLICATION FORMS  
23 AND OTHER MATERIALS OR INFORMATION NECESSARY TO IMPLEMENT THIS  
24 PROGRAM. APPLICATION FORMS FOR THE MICHIGAN INTENSIVE SUPERVI-  
25 SION PROGRAM SHALL BE AVAILABLE AT ALL CORRECTIONAL FACILITIES,  
26 ALL PROBATION OFFICES, AND ALL COURTS IN THIS STATE.

1 (2) A PRISONER IN A STATE CORRECTIONAL FACILITY MAY APPLY  
2 FOR ADMITTANCE TO THE MICHIGAN INTENSIVE SUPERVISION PROGRAM IF  
3 THE PRISONER HAS BEEN SENTENCED AND INCARCERATED FOR AT LEAST 30  
4 DAYS BUT FOR NOT MORE THAN 90 DAYS.

5 (3) TO APPLY FOR THE MICHIGAN INTENSIVE SUPERVISION PROGRAM,  
6 A PRISONER SHALL DO ALL OF THE FOLLOWING:

7 (A) COMPLETE THE APPLICATION FORM DEVELOPED UNDER SUBSECTION  
8 (1).

9 (B) DEVELOP AND SUBMIT AN INTENSIVE SUPERVISION PLAN TO THE  
10 BUREAU OF FIELD SERVICES THAT INCLUDES AT LEAST ALL OF THE FOL-  
11 LOWING COMPONENTS:

12 (i) A COMMUNITY SPONSOR AS PROVIDED FOR IN SUBSECTION (4).

13 (ii) A NETWORK SUPPORT TEAM AS PROVIDED FOR IN SUBSECTION  
14 (5).

15 (iii) EMPLOYMENT, JOB TRAINING, VOCATIONAL TRAINING, OR EDU-  
16 CATIONAL PLANS THAT IDENTIFY A SPECIFIC EMPLOYER OR AN EDUCATION-  
17 AL, VOCATIONAL, OR OTHER SIMILAR PROGRAM.

18 (iv) SUBSTANCE ABUSE COUNSELING AND INDIVIDUAL, MARITAL, OR  
19 OTHER THERAPY.

20 (v) LIVING ARRANGEMENTS.

21 (vi) PAYMENT OF RESTITUTION, IF APPROPRIATE.

22 (vii) A COMMUNITY SERVICE PROGRAM.

23 (viii) ALL OTHER PROGRAMS OR SERVICES RECOMMENDED BY DEPART-  
24 MENT OF CORRECTIONS RECEPTION CENTER STAFF.

25 (4) A COMMUNITY SPONSOR IS AN INDIVIDUAL IDENTIFIED BY THE  
26 PRISONER. THE RESPONSIBILITIES OF THE COMMUNITY SPONSOR SHALL BE

1 OUTLINED IN THE INTENSIVE SUPERVISION PLAN. A COMMUNITY SPONSOR  
2 SHALL DO AT LEAST ALL OF THE FOLLOWING:

3 (A) SERVE AS AN ADJUNCT TO AND A RESOURCE FOR THE BUREAU OF  
4 FIELD SERVICES STAFF ASSIGNED TO MONITOR THE PRISONER'S PARTICI-  
5 PATION IN THE INTENSIVE SUPERVISION PROGRAM.

6 (B) MEET WITH THE PRISONER AT LEAST WEEKLY.

7 (C) PROVIDE THE PRISONER WITH SUPPORT AND ASSISTANCE IN  
8 ACCESSING COMMUNITY SERVICES AND RESOURCES.

9 (D) MONITOR THE PRISONER'S COMPLIANCE WITH THE INTENSIVE  
10 SUPERVISION PLAN.

11 (E) PERFORM OTHER FUNCTIONS NECESSARY TO ASSIST THE PRISONER  
12 TO SUCCESSFULLY MEET THE OBLIGATIONS OF THE INTENSIVE SUPERVISION  
13 PLAN.

14 (5) THE NETWORK SUPPORT TEAM IS A GROUP OF INDIVIDUALS IDEN-  
15 TIFIED BY THE PRISONER WHO PROVIDE SUPPORT TO THE PRISONER AND  
16 ASSIST THE COMMUNITY SPONSOR IN MONITORING THE PRISONER'S COMPLI-  
17 ANCE WITH THE INTENSIVE SUPERVISION PLAN. THE RESPONSIBILITIES  
18 OF THE INDIVIDUAL TEAM MEMBERS SHALL BE OUTLINED IN THE PLAN.

19 THE TEAM MEMBERS MAY EACH SUPERVISE A SPECIFIC COMPONENT OF THE  
20 INTENSIVE SUPERVISION PLAN, ASSIST THE COMMUNITY SPONSOR, OR PER-  
21 FORM OTHER FUNCTIONS NECESSARY TO ASSIST THE PRISONER TO SUCCESS-  
22 FULLY MEET THE OBLIGATIONS OF THE INTENSIVE SUPERVISION PLAN.

23 (6) THE BUREAU OF FIELD SERVICES SHALL CONDUCT A  
24 FACE-TO-FACE INTERVIEW WITH A PRISONER AFTER HIS OR HER APPLICA-  
25 TION HAS BEEN RECEIVED TO DETERMINE THE PRISONER'S COMMITMENT TO  
26 THE PROGRAM AND MOTIVATION TO SUCCESSFULLY CARRY OUT THE  
27 INTENSIVE SUPERVISION PLAN. THE BUREAU OF FIELD SERVICES SHALL

1 REVIEW THE APPLICATION AND CONTACT THE APPROPRIATE PERSON OR  
2 PERSONS TO ASSURE THAT AGREEMENT HAS BEEN SECURED FOR, OR THE  
3 PRISONER HAS BEEN ACCEPTED INTO, ALL PROGRAMS OR COMPONENTS OF  
4 THE INTENSIVE SUPERVISION PLAN.

5 (7) THE BUREAU OF FIELD SERVICES SHALL REJECT OR APPROVE THE  
6 APPLICATION. THE PRISONER SHALL BE NOTIFIED IN WRITING IF THE  
7 APPLICATION IS REJECTED. THERE IS NO RIGHT TO APPEAL A DECISION  
8 BY THE BUREAU OF FIELD SERVICES TO REJECT THE APPLICATION. THE  
9 BUREAU OF FIELD SERVICES SHALL FORWARD AN APPROVED APPLICATION  
10 WITH ALL RELATED MATERIALS AND INFORMATION AND THE RECOMMENDATION  
11 FOR APPROVAL TO THE 3-JUDGE PANEL APPOINTED PURSUANT TO SECTION  
12 27A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175  
13 OF THE PUBLIC ACTS OF 1927, BEING SECTION 769.27A OF THE MICHIGAN  
14 COMPILED LAWS.

15 (8) A 3-JUDGE PANEL APPOINTED PURSUANT TO SECTION 27A OF  
16 CHAPTER IX OF ACT NO. 175 OF THE PUBLIC ACTS OF 1927 SHALL DECIDE  
17 WHETHER OR NOT THE PRISONER IS ADMITTED TO THE PROGRAM. IF THE  
18 3-JUDGE PANEL APPOINTED PURSUANT TO SECTION 27A OF CHAPTER IX OF  
19 ACT NO. 175 OF THE PUBLIC ACTS OF 1927 REJECTS THE APPLICATION,  
20 THE PRISONER SHALL BE NOTIFIED IN WRITING OF THE REJECTION.  
21 THERE IS NO RIGHT TO APPEAL A DECISION BY THE 3-JUDGE PANEL  
22 APPOINTED PURSUANT TO SECTION 27A OF CHAPTER IX OF ACT NO. 175 OF  
23 THE PUBLIC ACTS OF 1927 TO REJECT THE APPLICATION. IF THE APPLI-  
24 CATION OF THE PRISONER IS APPROVED FOR THE PROGRAM, THE 3-JUDGE  
25 PANEL SHALL ORDER THE SENTENCING JUDGE IN THE PROCEEDING THAT LED  
26 TO THE CURRENT INCARCERATION TO HOLD A REHEARING, SUSPEND THE

1 ORIGINAL SENTENCE, AND SENTENCE THE PRISONER TO PROBATION WITHIN  
2 THE MICHIGAN INTENSIVE SUPERVISION PROGRAM.

3 (9) THE BUREAU OF FIELD SERVICES SHALL MONITOR COMPLIANCE  
4 WITH THE INTENSIVE SUPERVISION PLAN OF THE PRISONER RESENTENCED  
5 TO THE MICHIGAN INTENSIVE SUPERVISION PROGRAM AND SHALL DO ALL OF  
6 THE FOLLOWING:

7 (A) MEET FACE-TO-FACE AT LEAST ONCE EACH WEEK WITH THE PRIS-  
8 ONER TO DO BOTH OF THE FOLLOWING:

9 (i) MONITOR THE PRISONER'S COMPLIANCE WITH HIS OR HER INTEN-  
10 SIVE SUPERVISION PLAN.

11 (ii) DETERMINE WHETHER THE PRISONER SHOULD CONTINUE IN THE  
12 MICHIGAN INTENSIVE SUPERVISION PROGRAM.

13 (B) CONTACT THE COMMUNITY SPONSOR AT LEAST ONCE EACH MONTH  
14 TO ASSURE THAT THE SPONSOR IS MEETING THE OBLIGATIONS AS PROVIDED  
15 IN THE PRISONER'S INTENSIVE SUPERVISION PLAN.

16 (C) CONTACT EACH MEMBER OF THE NETWORK TEAM AT LEAST ONCE  
17 EACH MONTH TO ASSURE THAT EACH TEAM MEMBER IS MEETING HIS OR HER  
18 OBLIGATIONS AS PROVIDED FOR IN THE PRISONER'S INTENSIVE SUPERVI-  
19 SION PLAN.

20 (D) AT LEAST MONTHLY, USING A RANDOM VERIFICATION PROCESS,  
21 ASSURE THAT THE PRISONER IS IN COMPLIANCE WITH ALL COMPONENTS OF  
22 HIS OR HER INTENSIVE SUPERVISION PLAN.

23 (10) IF, WHILE PARTICIPATING IN THE MICHIGAN INTENSIVE  
24 SUPERVISION PROGRAM, THE PRISONER FAILS TO PERFORM THE OBLIGA-  
25 TIONS OF HIS OR HER INTENSIVE SUPERVISION PLAN OR ANY OTHER CON-  
26 DITION FOR PARTICIPATION IN THE MICHIGAN INTENSIVE SUPERVISION  
27 PROGRAM, THE BUREAU OF FIELD SERVICES SHALL REQUEST AN IMMEDIATE

1 REHEARING BEFORE THE 3-JUDGE PANEL APPOINTED PURSUANT TO SECTION  
2 27A OF CHAPTER IX OF ACT NO. 175 OF THE PUBLIC ACTS OF 1927. THE  
3 3-JUDGE PANEL APPOINTED PURSUANT TO SECTION 27A OF CHAPTER IX OF  
4 ACT NO. 175 OF THE PUBLIC ACTS OF 1927 MAY IMMEDIATELY RETURN THE  
5 PRISONER TO PRISON TO COMPLETE THE ORIGINAL SENTENCE. THE PRIS-  
6 ONER HAS THE BURDEN OF PROOF TO SHOW WHY HE OR SHE SHOULD NOT BE  
7 RETURNED TO PRISON TO SERVE THE ORIGINAL CUSTODIAL SENTENCE.

8       Section 2. This amendatory act shall not take effect unless  
9 Senate Bill No. \_\_\_\_\_ or House Bill No. 5081 (request  
10 no. 01037'91) of the 86th Legislature is enacted into law.