

SENATE BILL No. 8

January 24, 1991, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to provide for housing certain state prisoners in county correctional facilities under certain conditions and to allow for state funding for that purpose; to provide for certain powers and duties of the department of corrections, the office of community alternatives, and certain other state and local officers and agencies; and to allow for certain civil liability on the part of the state.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 comprehensive community corrections program act".

3 Sec. 3. As used in this act:

4 (a) "Community corrections complex" means a facility
5 described in section 11 of the community corrections complex
6 act.

1 (b) "County correctional facility" means a facility operated
2 or contracted for by the county for incarceration or detention of
3 persons convicted of, or charged with, a criminal offense, and
4 includes, but is not limited to, a jail, a security camp, or a
5 community corrections complex.

6 (c) "Department" means the department of corrections.

7 (d) "Office" means the office of community alternatives cre-
8 ated in section 3 of the community corrections act, Act No. 511
9 of the Public Acts of 1988, being section 791.403 of the Michigan
10 Compiled Laws.

11 (e) "Prisoner" means any individual who is convicted of a
12 criminal offense punishable by imprisonment for more than 1
13 year.

14 Sec. 5. (1) Beginning October 1, 1991, the department shall
15 provide state funding to reimburse counties that enter into
16 agreements under section 9 for housing state prisoners who are
17 transferred to county correctional facilities in that county as
18 provided in this section.

19 (2) Prisoners for whom funding may be granted include all of
20 the following:

21 (a) Prisoners under the jurisdiction of the department who
22 have a controlling minimum sentence of 24 months or less, and who
23 previously had been committed to the state department of correc-
24 tions from that county.

25 (b) Prisoners under the jurisdiction of the department who
26 have a controlling minimum sentence of more than 24 months.
27 Prisoners described in this subdivision shall not be transferred

1 to a county correctional facility unless all of the following
2 conditions are met:

3 (i) The county has not exceeded the percentage limitations
4 on commitments of certain prisoners established in
5 subsection (4).

6 (ii) The number of maximum security beds available for other
7 prisoners or probationers in the county jail for that county is
8 more than 10% of the rated capacity of the jail.

9 (iii) The prisoners are transferred to the county for not
10 less than 90 days and in groups of 5 or more.

11 (iv) The county has implemented a jail security classifica-
12 tion instrument approved by the office.

13 (3) The rates at which the department shall reimburse coun-
14 ties for prisoners housed in county correctional facilities shall
15 be not less than the following, and may be increased as provided
16 by subsequent public acts:

17 (a) For a prisoner described in subsection (2)(a) who was
18 committed to the jurisdiction of the department and whose minimum
19 controlling sentence is 12 months or less, \$25.00 per diem for
20 what would have been the balance of his or her term of incarcera-
21 tion in a correctional facility under the jurisdiction of the
22 department's bureau of correctional facilities.

23 (b) For a prisoner described in subsection (2)(a) whose min-
24 imum controlling sentence is more than 12 months but not more
25 than 24 months, \$40.00 per diem.

26 (c) For prisoners described in subsection (2)(b), \$45.00 per
27 diem.

1 (4) If a county, in any year, commits to the jurisdiction of
2 the department more than 5% of the persons convicted in that
3 county of a criminal offense punishable by imprisonment for more
4 than 1 year and given a controlling minimum sentence of less than
5 12 months, or more than 15% of the persons convicted in that
6 county of a criminal offense punishable by imprisonment for more
7 than 1 year and given a controlling minimum sentence of more than
8 12 months but not more than 24 months, the reimbursement allowed
9 under this section to that county shall be reduced by an amount
10 equal to the total number of those offenders multiplied by \$40.00
11 per diem. However, the reduction allowed under this section
12 shall not result in a reimbursement being owed by a county to the
13 state.

14 (5) The reimbursements paid to a county under this section
15 shall be used by that county to operate and maintain county cor-
16 rectional facilities and to enhance and increase the county's
17 expenditures for the purpose of community corrections, including
18 the purposes of criminal detection, investigation, and
19 apprehension. The reimbursements paid to a county under this
20 section shall not supplant any part of the revenue expended by
21 the county at the level established as of January 1, 1990, for
22 the purpose of community corrections, including revenue expended
23 for the county sheriff, prosecutor, courts, and county correc-
24 tional facilities.

25 (6) In the case of a state prisoner housed in a community
26 corrections complex owned and operated by 2 or more counties, the

1 department may apportion the reimbursement for that state
2 prisoner among those counties.

3 Sec. 7. (1) The transfer of state prisoners to county cor-
4 rectional facilities under this act, and the housing of state
5 prisoners in county correctional facilities under this act, is
6 subject to this section.

7 (2) The county sheriff may refuse to accept any particular
8 state prisoner, and may return a state prisoner to the department
9 for disciplinary reasons. A state prisoner returned to the
10 department under this subsection, if his or her controlling mini-
11 mum sentence is 24 months or less, shall be counted for purposes
12 of the limitations imposed under section 5(4). The procedure for
13 the county sheriff's review of state prisoners proposed to be
14 transferred and the reasons for which a county sheriff may refuse
15 to accept a state prisoner or for which a county sheriff may
16 return a state prisoner to the department shall be included in
17 the agreement under section 9. However, a state prisoner who is
18 returned to the department for any reason other than to receive
19 medical or mental health services shall not be eligible again for
20 placement in a county correctional facility under this act.

21 (3) The department shall provide, or shall reimburse the
22 county for providing, all nonroutine medical care for state pris-
23 oners housed in county correctional facilities under this act.
24 The county shall provide, or pay for providing, all routine medi-
25 cal care and health care. The department and the county shall
26 determine in the agreement under section 9 which medical services
27 are nonroutine.

1 (4) The department, on behalf of the state, shall agree to
2 indemnify the county against civil damages arising out of the
3 acts or omissions of the department, the office, or a state pris-
4 oner in connection with the transfer or housing of state prison-
5 ers under this act. The terms and extent of the indemnification
6 shall be as provided in the agreement under section 9. This sec-
7 tion does not confer any liability on the state beyond that which
8 is agreed to in the agreement under section 9.

9 Sec. 9. The department, on behalf of the state, shall enter
10 into agreements with a county or counties for the implementation
11 of this act. The agreements shall be in a standardized format as
12 determined by the department, and shall provide for all of the
13 following:

14 (a) Procedures regarding the payment of state funds under
15 this act and reporting procedures regarding the use of those
16 funds.

17 (b) Procedures and responsibilities regarding the housing of
18 state prisoners in county correctional facilities under this act,
19 including the rights of the county sheriff to refuse to accept a
20 state prisoner or to return a state prisoner to the department.

21 (c) The programs and services, including medical care,
22 required to be provided to state prisoners by counties.

23 (d) Any indemnification by the state for civil liability
24 under section 7(4).

25 (e) Any other provisions considered necessary by the depart-
26 ment for the construction, funding, and operation of a community

1 corrections complex or the transfer and housing of state
2 prisoners in county correctional facilities.

3 Sec. 11. This act shall not take effect unless Senate Bill
4 No. 9 of the
5 86th Legislature is enacted into law.