

SENATE BILL No. 9

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

A bill to provide for the creation and operation of community corrections complexes; to allow for funding for community corrections complexes; 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 community corrections complex act".

3 Sec. 3. As used in this act:

4 (a) "Community corrections complex" means a facility
5 described in section 11.

6 (b) "Comprehensive corrections plan" means the plan
7 submitted by a county or counties under section 8 of the

1 community corrections act, Act No. 511 of the Public Acts of
2 1988, being section 791.408 of the Michigan Compiled Laws.

3 (c) "Construction" means the building of a new facility or
4 the purchase or renovation of an existing facility.

5 (d) "Department" means the department of corrections.

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

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

13 Sec. 5. (1) Beginning October 1, 1991, the state shall pro-
14 vide funding for the construction of community corrections com-
15 plexes as provided in this section.

16 (2) In order to be eligible for funding under this section,
17 a community corrections complex must be approved by the office on
18 or after 1 year before the effective date of this act, but not
19 later than September 30, 1993. If a community corrections com-
20 plex is approved by the office on or before September 30, 1992,
21 the state shall provide 100% of the cost of constructing that
22 facility. If the community corrections complex is approved by
23 the office after September 30, 1992, but not later than
24 September 30, 1993, the state shall provide 50% of the cost of
25 constructing that facility.

26 (3) If the office determines that a county can provide
27 funding for an approved community corrections complex by means of

1 long-term borrowing, that method of funding shall be used, and
2 the state shall provide the cost of construction by payment on
3 the debt obligations. If the office determines that a county
4 cannot provide funding through long-term borrowing for an
5 approved community corrections complex, the state shall provide
6 direct funding for that construction.

7 (4) Two or more counties may construct a community correc-
8 tions complex for use by those counties. The office shall
9 encourage the construction of community corrections complexes by
10 2 or more counties, rather than by single counties.

11 (5) The county or counties proposing to construct a commu-
12 nity corrections complex shall provide a suitable building site
13 and shall provide utility service to the building site.

14 Sec. 7. If the state, except as allowed under the agreement
15 described in section 13, fails to make payments it has agreed to
16 make for purposes of section 5, or is late in making those pay-
17 ments, the state shall be liable for late payment penalties of
18 16% of the overdue balance, the cost of the county's reasonable
19 attorney fees and court costs in regard to that failure or late
20 payment, and any other penalties or costs agreed to in the agree-
21 ment under section 13. An action by a county against the state
22 under this subsection shall be brought in the court of claims.

23 Sec. 9. For purposes of the payment of the prevailing wage
24 under Act No. 166 of the Public Acts of 1965, being
25 sections 408.551 to 408.558 of the Michigan Compiled Laws:

1 (a) The construction of a community corrections complex
2 funded by means of long-term borrowing by a county is not a state
3 project and does not require payment of the prevailing wage.

4 (b) The construction of a community corrections complex
5 funded by direct state funding is a state project and requires
6 payment of the prevailing wage.

7 Sec. 11. (1) A community corrections complex shall be
8 designed and constructed according to specifications in the
9 agreement under section 13. The beds in a community corrections
10 complex shall be apportioned according to the agreement under
11 section 13 among the following classes of prisoners, probation-
12 ers, and inmates:

13 (a) State prisoners who are transferred to county correc-
14 tional facilities under the comprehensive community corrections
15 program act, and who the county or counties determine may appro-
16 priately be placed in a community corrections complex.

17 (b) Persons serving a term of probation under intensive
18 supervision following special alternative incarceration pursuant
19 to section 3b(9) of chapter XI of the code of criminal procedure,
20 Act No. 175 of the Public Acts of 1927, being section 771.3b of
21 the Michigan Compiled Laws.

22 (c) Probationers housed under the office's probation resi-
23 dential program.

24 (d) County jail inmates.

25 (2) The comprehensive corrections plan for the county or
26 counties for which a community corrections complex is approved
27 shall provide program space and administrative office space for

1 the integration and delivery of state and local community-based
2 corrections programs through a community corrections complex and
3 other facilities, including, but not limited to, the minimum
4 security work program, the office's probation residential pro-
5 gram, the community electronic tether program, intensive proba-
6 tion program, substance and alcohol abuse counseling, offender
7 rehabilitation programs, employment training, and related coun-
8 seling and education programs.

9 (3) A community corrections complex shall be the property of
10 the county or counties that constructed it. The county or coun-
11 ties shall be responsible for maintaining the community correc-
12 tions complex.

13 (4) In order to assist counties in planning the construction
14 of community corrections complexes, the department and the office
15 shall develop and make available to counties prototype facility
16 plans for community corrections complexes. Each prototype facil-
17 ity plan developed by the department and the office shall
18 include, as an option, the use of modular units as part of the
19 design and construction within the community corrections
20 complex.

21 Sec. 13. (1) The office, on behalf of the state, shall
22 enter into agreements with a county or counties for the implemen-
23 tation of this act. The office shall not enter into an agreement
24 with a county unless the county, on its own or jointly with 1 or
25 more other counties, has submitted a comprehensive corrections
26 plan and the office has approved that comprehensive corrections
27 plan pursuant to the community corrections act, Act No. 511 of

1 the Public Acts of 1988, being sections 791.401 to 791.414 of the
2 Michigan Compiled Laws. The agreements shall be in a standard-
3 ized format and shall provide for all of the following:

4 (a) The integration and implementation of state and local
5 community corrections programs in the county or counties through
6 the community corrections complex and other facilities, and the
7 programs and services required to be provided.

8 (b) Procedures regarding the payment of state funds under
9 this act and reporting procedures regarding the use of those
10 funds.

11 (c) Design and construction specifications for a proposed
12 community corrections complex, and the duties of the county or
13 counties regarding ownership and maintenance of a community cor-
14 rections complex. This subdivision does not affect the authority
15 of the department under sections 62 to 62c of Act No. 232 of the
16 Public Acts of 1953, being sections 791.262 to 791.262c of the
17 Michigan Compiled Laws, to supervise, inspect, and approve all or
18 part of a community corrections center to the extent that it
19 qualifies as a jail under section 62 of Act No. 232 of the Public
20 Acts of 1953, being section 791.262 of the Michigan Compiled
21 Laws.

22 (d) The costs, fees, or penalties for which the state would
23 be liable in case of nonpayment or late payment of state funds,
24 as provided in section 7.

25 (e) Any other provisions considered necessary by the office
26 for the construction, funding, and operation of a community
27 corrections complex.

1 (2) The term of an agreement under this section shall not be
2 longer than 20 years.

Sec. 15. This act shall not take effect unless Senate Bill
No. 8 of the
86th Legislature is enacted into law.