



# SENATE BILL No. 177

January 31, 1995, Introduced by Senator SHUGARS and referred to the Committee on Judiciary.

A bill to amend 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, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to 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 transferred by this act; 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; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 26.

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

1 Section 1. Act No. 232 of the Public Acts of 1953, as  
2 amended, being sections 791.201 to 791.283 of the Michigan  
3 Compiled Laws, is amended by adding section 26 to read as  
4 follows:

5 SEC. 26. (1) A PROBATION RESIDENTIAL PROGRAM IS ESTABLISHED  
6 WITHIN THE DEPARTMENT. THE PROBATION RESIDENTIAL PROGRAM SHALL  
7 BE OPERATED ACCORDING TO THIS SECTION.

8 (2) THE DEPARTMENT SHALL ESTABLISH ALTERNATIVE CORRECTIONS  
9 CENTERS IN MUNICIPALITIES WITHIN THIS STATE. AN ALTERNATIVE COR-  
10 RECTIONS CENTER EITHER SHALL BE OPERATED BY THE DEPARTMENT OR  
11 SHALL BE OPERATED BY A LOCAL GOVERNMENTAL ENTITY OR A PRIVATE  
12 ENTITY PURSUANT TO A CONTRACT THAT ENSURES THAT ALL THE PROVI-  
13 SIONS OF THIS SECTION ARE CARRIED OUT BY THE LOCAL GOVERNMENTAL  
14 OR PRIVATE ENTITY. THE FACILITY USED FOR AN ALTERNATIVE CORREC-  
15 TIONS CENTER SHALL BE SUITABLE FOR CONFINING PROBATIONERS AS PRO-  
16 VIDED IN SUBSECTION (4). WHENEVER POSSIBLE, THE DEPARTMENT SHALL  
17 CONVERT EXISTING BUILDINGS INTO ALTERNATIVE CORRECTIONS FACILI-  
18 TIES, RATHER THAN BUILD NEW FACILITIES. IN CONVERTING AN EXIST-  
19 ING FACILITY, THE DEPARTMENT SHALL REDUCE THE CAPITAL OUTLAY COST  
20 OF THE CONVERSION BY USING THE LABOR OF PARTICIPATING PROBATION-  
21 ERS TO THE GREATEST EXTENT POSSIBLE.

22 (3) A PERSON SENTENCED TO PARTICIPATION IN A PROBATION RESI-  
23 DENTIAL PROGRAM AS A CONDITION OF PROBATION SHALL SERVE THAT POR-  
24 TION OF HIS OR HER TERM OF PROBATION IN AN ALTERNATIVE CORREC-  
25 TIONS CENTER. A PROBATIONER HOUSED IN AN ALTERNATIVE CORRECTIONS  
26 CENTER SHALL DO ALL OF THE FOLLOWING:

1 (A) REIMBURSE THE STATE FOR THE COST OF THE PROBATIONER'S  
2 ROOM AND BOARD AT THE CENTER.

3 (B) PROVIDE HIS OR HER HEALTH CARE INSURANCE WHILE HOUSED AT  
4 THE CENTER, OR REIMBURSE THE STATE FOR PROVIDING THE ACTUAL COST  
5 OF THE PROBATIONER'S HEALTH CARE WHILE HOUSED AT THE CENTER.

6 (C) PERFORM NOT LESS THAN 10 HOURS PER WEEK OF SUPERVISED  
7 COMMUNITY SERVICE OR VOLUNTEER WORK.

8 (D) PAY RESTITUTION TO THE VICTIM OF THE PROBATIONER'S CRIME  
9 OR THE VICTIM'S ESTATE IF THE PROBATIONER WAS ORDERED TO MAKE  
10 RESTITUTION PURSUANT TO THE CRIME VICTIM'S RIGHTS ACT, ACT NO. 87  
11 OF THE PUBLIC ACTS OF 1985, BEING SECTIONS 780.751 TO 780.834 OF  
12 THE MICHIGAN COMPILED LAWS, OR THE CODE OF CRIMINAL PROCEDURE,  
13 ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 760.1 TO  
14 776.21 OF THE MICHIGAN COMPILED LAWS.

15 (E) PAY ANY ASSESSMENT THE PROBATIONER WAS ORDERED TO PAY  
16 PURSUANT TO SECTION 5 OF ACT NO. 196 OF THE PUBLIC ACTS OF 1989,  
17 BEING SECTION 780.905 OF THE MICHIGAN COMPILED LAWS.

18 (F) PAY THE COST OF ANY FAMILY SUPPORT ORDER APPLICABLE TO  
19 THE PROBATIONER.

20 (G) PARTICIPATE IN INTENSIVE SUBSTANCE ABUSE COUNSELING AND  
21 TREATMENT, IF DETERMINED TO BE APPROPRIATE BY THE DEPARTMENT, AND  
22 PAY THE COST OF THAT COUNSELING AND TREATMENT.

23 (H) IF THE PROBATIONER WAS CONVICTED OF VIOLATING SECTION  
24 520B, 520C, 520D, OR 520E OF THE MICHIGAN PENAL CODE, ACT NO. 328  
25 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 750.520B, 750.520C,  
26 750.520D, AND 750.520E OF THE MICHIGAN COMPILED LAWS, INVOLVING

1 CRIMINAL SEXUAL CONDUCT, PARTICIPATE IN INTENSIVE COUNSELING AND  
2 TREATMENT FOR THAT BEHAVIOR, AND PAY THE COST OF THAT TREATMENT.

3 (1) PARTICIPATE IN EMPLOYMENT, AS DETERMINED TO BE APPROPRI-  
4 ATE BY THE DEPARTMENT, AND PAY THE COST OF TRANSPORTATION TO AND  
5 FROM THE PLACE OF EMPLOYMENT.

6 (4) A PROBATIONER RESIDING IN AN ALTERNATIVE CORRECTIONS  
7 CENTER SHALL BE CONFINED IN THE CENTER UNDER STRICT SUPERVISION  
8 AT ALL TIMES OTHER THAN PERIODS DURING WHICH THE PROBATIONER IS  
9 PARTICIPATING IN AN ACTIVITY DESCRIBED SUBSECTION (3) THAT TAKES  
10 PLACE AWAY FROM THE CENTER.

11 (5) THE DEPARTMENT SHALL ESTABLISH RULES FOR THE BEHAVIOR  
12 AND CONDUCT OF PROBATIONERS AT ALTERNATIVE CORRECTIONS CENTERS.  
13 A PROBATIONER WHO COMMITS A SUBSTANTIAL VIOLATION OF ANY OF THOSE  
14 RULES SHALL BE CONSIDERED IN VIOLATION OF HIS OR HER PROBATION,  
15 AND SHALL BE REMOVED FROM THE CENTER AND RETURNED TO COURT FOR  
16 SENTENCING.