

HOUSE BILL No. 4261

February 11, 1997, Introduced by Reps. Llewellyn, Jaye, Goschka, McBryde, Gernaat, Walberg and Hammerstrom and referred to the Committee on Corrections.

A bill to amend 1953 PA 232, entitled

"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,"

(MCL 791.201 to 791.283), by adding section 65j.

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 65j to read as
4 follows:

5 SEC. 65J. (1) THE DEPARTMENT SHALL REQUIRE ALL ELIGIBLE
6 ABLE-BODIED LEVEL I PRISONERS, EXCEPT PRISONERS DESCRIBED IN
7 SUBSECTION (5), TO SPEND A MINIMUM OF 20 HOURS PER WEEK DOING
8 COMMUNITY SERVICE WORK, TO THE EXTENT COMMUNITY SERVICE WORK IS
9 AVAILABLE IN SURROUNDING COMMUNITIES AND IS APPROVED BY THE LOCAL
10 COMMUNITY IN WHICH THE WORK WILL BE PERFORMED. EXCEPT AS PRO-
11 VIDED IN SUBSECTION (2), THE WORK SHALL BE PHYSICAL LABOR AND MAY
12 INCLUDE, BUT NEED NOT BE LIMITED TO, WORKING IN SWAMPS AND FOREST
13 LANDS, CLEANING LITTER IN SWAMPS AND FOREST LANDS, CLEARING
14 ROADS, MAINTAINING PARKS AND OTHER COUNTY, STATE, AND MUNICIPAL
15 FACILITIES, ENVIRONMENTAL RESOURCE RECOVERY, AND FORESTRY
16 OPERATIONS.

17 (2) NONPHYSICAL COMMUNITY SERVICE WORK SHALL BE ASSIGNED TO
18 A PRISONER BY THE DEPARTMENT WHEN THE DEPARTMENT CONSIDERS IT
19 APPROPRIATE FOR THE REHABILITATION OF THAT PRISONER.

20 (3) WHILE PERFORMING THE WORK REQUIRED UNDER THIS SECTION,
21 EACH PRISONER SHALL BE SECURED BY MEASURES CONSIDERED APPROPRIATE
22 BY THE DEPARTMENT.

23 (4) COMMUNITY SERVICE WORK THAT IS TO BE PERFORMED OUTSIDE
24 AND AWAY FROM A CORRECTIONAL FACILITY SHALL BE PERFORMED WEATHER
25 PERMITTING, FOR THE SAFETY AND WELFARE OF THE PRISONERS AND
26 CORRECTIONS EMPLOYEES.

1 (5) LEVEL I PRISONERS WHO WERE CONVICTED OF AN ASSAULTIVE
2 CRIME SHALL ONLY BE ELIGIBLE FOR ON-SITE PRISON LABOR IN LIEU OF
3 COMMUNITY SERVICE WORK. THEIR ASSIGNED WORK MAY INCLUDE, BUT IS
4 NOT LIMITED TO, LAWN MOWING WITH NONMOTORIZED LAWN MOWING
5 EQUIPMENT.

6 (6) OTHER CRITERIA FOR DETERMINING WHICH PRISONERS MAY BE
7 ASSIGNED TO COMMUNITY SERVICE WORK MAY BE ESTABLISHED BY THE
8 DEPARTMENT AS NECESSARY TO ENSURE PUBLIC SAFETY.

9 (7) THE DIRECTOR, OR HIS OR HER DESIGNEES, SHALL PROVIDE
10 INFORMATION TO LOCAL OFFICIALS AND SHALL CONDUCT INFORMATIONAL
11 SEMINARS ADVISING LOCAL UNITS OF GOVERNMENT AND COMMUNITY SERVICE
12 ORGANIZATIONS OF THE AVAILABILITY OF PRISONERS FOR COMMUNITY
13 SERVICE WORK UNDER THIS SECTION.

14 (8) THE DEPARTMENT SHALL LIMIT WORK ASSIGNMENTS UNDER THIS
15 SECTION TO THOSE SERVICES THAT ARE NOT PROVIDED BY THE PRIVATE
16 SECTOR.

17 (9) THE REQUIREMENTS OF THIS SECTION APPLY ONLY TO THE
18 EXTENT THAT FUNDS ARE APPROPRIATED TO THE DEPARTMENT FOR PURPOSES
19 OF IMPLEMENTING THIS SECTION.

20 (10) AS USED IN THIS SECTION:

21 (A) "ASSAULTIVE CRIME" MEANS AN OFFENSE AGAINST A PERSON
22 DESCRIBED IN SECTION 82, 83, 84, 86, 87, 88, 89, 316, 317, 321,
23 349, 349A, 350, 397, 520B, 520C, 520D, 520E, 520G, 529, 529A, OR
24 530 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.82, 750.83,
25 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317,
26 750.321, 750.349, 750.349A, 750.350, 750.397, 750.520B, 750.520C,
27 750.520D, 750.520E, 750.520G, 750.529, 750.529A, AND 750.53.

1 (B) "LEVEL I PRISONER" MEANS A PRISONER WHO HAS BEEN GIVEN A
2 LEVEL I SECURITY CLASSIFICATION BY THE DEPARTMENT, ON A SCALE OF
3 6 LEVELS IN WHICH LEVEL I IS THE LEAST RESTRICTIVE LEVEL.