

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 965**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

**SB0965, As Passed House, May 23, 2000**

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For Fiscal Year Ending  
September 30, 2001

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. Subject to the conditions set forth in this act, the  
4 amounts listed in this part are appropriated for the department of cor-  
5 rections for the fiscal year ending September 30, 2001, from the funds  
6 indicated in this part. The following is a summary of the appropriations  
7 in this part:

8 **DEPARTMENT OF CORRECTIONS**

9 APPROPRIATION SUMMARY:

10	Average population.....	51,189	
11	Full-time equated unclassified positions.....	16.0	
12	Full-time equated classified positions.....	19,768.8	
13	GROSS APPROPRIATION.....	\$	1,703,858,400
14	Interdepartmental grant revenues:		
15	Total interdepartmental grants and intradepartmental		
16	transfers.....		6,710,500
17	ADJUSTED GROSS APPROPRIATION.....	\$	1,697,147,900
18	Federal revenues:		
19	Total federal revenues.....		26,633,600
20	Special revenue funds:		
21	Total local revenues.....		429,500
22	Total private revenues.....		0
23	Total other state restricted revenues.....		50,484,300
24	State general fund/general purpose.....	\$	1,619,600,500
25	<b>Sec. 102. EXECUTIVE</b>		
26	Average population.....		480

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1	Full-time equated unclassified positions.....	16.0	
2	Full-time equated classified positions.....	84.5	
3	Unclassified positions--16.0 FTE positions.....	\$	1,290,900
4	Executive direction--82.5 FTE positions.....		7,912,700
5	Michigan youth correctional facility -- management		
6	services.....		11,086,900
7	Michigan youth correctional facility --		
8	administration--2.0 FTE positions.....		192,300
9	Average population.....	480	
10	Michigan youth correctional facility -- lease		
11	payments.....		<u>5,589,100</u>
12	GROSS APPROPRIATION.....	\$	26,071,900
13	Appropriated from:		
14	Federal revenues:		
15	Federal revenues and reimbursements.....		16,868,300
16	State general fund/general purpose.....	\$	9,203,600
17	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>		
18	Full-time equated classified positions.....	425.4	
19	Planning, research, and information services--86.5		
20	FTE positions.....	\$	9,858,200
21	Program services and education grants--34.0 FTE		
22	positions.....		5,719,200
23	Administrative services--67.6 FTE positions.....		5,818,100
24	Substance abuse administration and testing--1.0 FTE		
25	position.....		21,149,100
26	MDOC in-prison pilot drug treatment program.....		1,630,300

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1	MDOC technical violator drug treatment program.....	1,000,000
2	Inmate legal services.....	314,900
3	Training.....	15,723,800
4	Training administration--32.5 FTE positions.....	3,524,000
5	Prison industries operations--203.8 FTE positions....	15,504,100
6	Rent.....	2,240,800
7	Equipment and special maintenance.....	2,054,000
8	Worker's compensation.....	16,060,400
9	Compensatory buyout and union leave bank.....	275,000
10	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
11	GROSS APPROPRIATION..... \$	104,922,900
12	Appropriated from:	
13	Interdepartmental grant revenues:	
14	IDG-MDSP, Michigan justice training fund.....	616,700
15	Federal revenues:	
16	Federal revenues and reimbursements.....	5,709,400
17	Special revenue funds:	
18	Local restricted revenues and reimbursements.....	122,900
19	Correctional industries revolving fund.....	15,597,600
20	State restricted revenues and reimbursements.....	287,500
21	State general fund/general purpose..... \$	82,588,800
22	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
23	Average population.....	808
24	Full-time equated classified positions.....	2,325.7
25	Field programs--10.0 FTE positions..... \$	8,952,500
26	Personnel costs--1,546.0 FTE positions.....	92,189,600

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1	Parole board operations--22.0 FTE positions.....	1,658,000
2	Loans to parolees.....	204,400
3	Boot camp-phase III/intensive supervision--72.0 FTE	
4	positions.....	3,037,000
5	Parole/probation services.....	2,286,500
6	Tether operations--167.3 FTE positions.....	8,107,400
7	Community residential programs--269.1 FTE positions..	22,119,600
8	Technical rule violator program--104.3 FTE positions.	9,330,000
9	Special alternative incarceration program--135.0 FTE	
10	positions.....	<u>10,186,900</u>
11	GROSS APPROPRIATION..... \$	158,071,900
12	Appropriated from:	
13	Special revenue funds:	
14	Local restricted revenues and reimbursements.....	306,600
15	State restricted revenues and reimbursements.....	16,995,600
16	State general fund/general purpose..... \$	140,769,700
17	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
18	Full-time equated classified positions.....17.0	
19	Community corrections administration--17.0 FTE	
20	positions.....	1,518,900
21	Probation residential centers.....	14,896,600
22	Community corrections comprehensive plans and	
23	services.....	13,033,000
24	Public education and training.....	50,000
25	Regional jail program.....	100
26	County jail reimbursement program.....	<u>18,500,000</u>

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1	GROSS APPROPRIATION.....	\$	47,998,600
2	Appropriated from:		
3	Special revenue funds:		
4	State restricted revenues and reimbursements.....		13,744,700
5	State general fund/general purpose.....	\$	34,253,900
6	<b>Sec. 106. CONSENT DECREES</b>		
7	Average population.....		400
8	Full-time equated classified positions.....		577.4
9	Prisoner rehabilitation education program.....	\$	1,020,100
10	Hadix consent decree--157.0 FTE positions.....		10,762,900
11	DOJ consent decree--166.5 FTE positions.....		11,081,100
12	DOJ psychiatric plan - MDCH mental health services...		71,380,700
13	DOJ psychiatric plan - MDOC staff and services--253.9		
14	FTE positions.....		<u>15,369,200</u>
15	GROSS APPROPRIATION.....	\$	109,614,000
16	Appropriated from:		
17	State general fund/general purpose.....	\$	109,614,000
18	<b>Sec. 107. HEALTH CARE</b>		
19	Full-time equated classified positions.....		1,012.1
20	Health care administration--17.0 FTE positions.....	\$	2,031,000
21	Hospital and specialty care services.....		44,779,200
22	Vaccination program.....		1,491,300
23	Adrian clinical complex--31.2 FTE positions.....		3,435,900
24	Baraga clinical complex--18.9 FTE positions.....		1,488,000
25	Coldwater clinical complex--51.3 FTE positions.....		4,722,900
26	Detroit clinical complex--32.2 FTE positions.....		2,889,900

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1	Ionia clinical complex--168.8 FTE positions.....	11,778,900
2	Jackson clinical complex--231.9 FTE positions.....	26,952,700
3	Kincheloe clinical complex--65.0 FTE positions.....	6,618,100
4	Lapeer clinical complex--18.2 FTE positions.....	1,517,500
5	Macomb clinical complex--17.4 FTE positions.....	1,610,200
6	Marquette clinical complex--50.0 FTE positions.....	4,456,300
7	Muskegon clinical complex--56.5 FTE positions.....	3,903,800
8	Newberry clinical complex--15.8 FTE positions.....	1,512,400
9	Oaks clinical complex--15.7 FTE positions.....	1,926,300
10	Ojibway clinical complex--17.8 FTE positions.....	1,634,000
11	Plymouth clinical complex--54.5 FTE positions.....	4,458,500
12	Pugsley clinical complex--17.8 FTE positions.....	1,446,600
13	Saginaw clinical complex--17.4 FTE positions.....	1,344,600
14	St. Louis clinical complex--60.6 FTE positions.....	5,486,900
15	Standish clinical complex--18.0 FTE positions.....	1,845,100
16	Ypsilanti clinical complex--36.1 FTE positions.....	<u>2,756,000</u>
17	GROSS APPROPRIATION..... \$	140,086,100
18	Appropriated from:	
19	Federal revenues:	
20	Federal revenues and reimbursements.....	83,500
21	State general fund/general purpose..... \$	140,002,600
22	<b>Sec. 108. CORRECTIONAL FACILITIES-ADMINISTRATION</b>	
23	Full-time equated classified positions.....482.5	
24	Correctional facilities administration--20.0 FTE	
25	positions..... \$	2,226,400
26	Housing inmates in federal institutions.....	494,000

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1	Federal school lunch program.....	712,800
2	Leased beds.....	100
3	Inmate housing fund.....	100
4	Dental lab operations.....	102,300
5	Print shop operations.....	657,000
6	Academic/vocational programs--462.5 FTE positions....	<u>37,261,500</u>
7	GROSS APPROPRIATION..... \$	41,454,200
8	Appropriated from:	
9	Intradepartmental transfer revenues:	
10	IDT - print shop user fees.....	657,000
11	IDT - dental lab user fees.....	102,300
12	Federal revenues:	
13	Federal revenues and reimbursements.....	1,026,800
14	Special revenue funds:	
15	Correctional industries revolving fund.....	83,800
16	State general fund/general purpose..... \$	39,584,300
17	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
18	Average population.....	14,090
19	Full-time equated classified positions.....	4,432.0
20	Alger maximum correctional facility-Munising--380.8	
21	FTE positions..... \$	27,630,100
22	Average population.....	844
23	Baraga maximum correctional facility-Baraga--446.2	
24	FTE positions.....	31,328,500
25	Average population.....	1,084
26	Chippewa correctional facility-Kincheloe--560.3 FTE	
27	positions.....	42,211,600

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1	Average population.....	2,322	
2	Kinross correctional facility-Kincheloe--570.1 FTE		
3	positions.....		44,415,200
4	Average population.....	2,423	
5	Marquette branch prison-Marquette--480.8 FTE		
6	positions.....		36,647,500
7	Average population.....	1,129	
8	Newberry correctional facility-Newberry--358.4 FTE		
9	positions.....		25,528,700
10	Average population.....	1,144	
11	Oaks correctional facility-Eastlake--419.8 FTE		
12	positions.....		30,770,800
13	Average population.....	900	
14	Ojibway correctional facility-Marenisco--233.6 FTE		
15	positions.....		15,974,600
16	Average population.....	1,196	
17	Pugsley correctional facility-Kingsley--235.8 FTE		
18	positions.....		14,632,800
19	Average population.....	954	
20	Saginaw correctional facility-Freeland--343.4 FTE		
21	positions.....		25,455,600
22	Average population.....	1,228	
23	Standish maximum correctional		
24	facility-Standish--402.8 FTE positions.....		<u>29,172,100</u>
25	Average population.....	866	
26	GROSS APPROPRIATION.....	\$	323,767,500

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1	Appropriated from:	
2	Special revenue funds:	
3	State restricted revenues and reimbursements.....	1,098,500
4	State general fund/general purpose..... \$	322,669,000
5	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>	
6	Average population.....	17,154
7	Full-time equated classified positions.....	5,479.6
8	Cooper street correctional facility-Jackson--	277.8
9	FTE positions..... \$	21,597,000
10	Average population.....	1,302
11	G. Robert Cotton correctional facility-Jackson--	463.3
12	FTE positions.....	34,583,200
13	Average population.....	1,842
14	Charles E. Egeler correctional	
15	facility-Jackson--	301.8 FTE positions.....
16	Average population.....	1,006
17	Gus Harrison correctional facility-Adrian--	542.6 FTE
18	positions.....	39,778,300
19	Average population.....	2,200
20	Huron Valley men's facility-Ypsilanti--	287.8 FTE
21	positions.....	21,295,900
22	Average population.....	497
23	Jackson maximum correctional facility-Jackson--	636.2
24	FTE positions.....	44,753,600
25	Average population.....	1,556
26	Macomb correctional facility-New Haven--	345.3 FTE
27	positions.....	24,688,700

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1	Average population.....	1,228	
2	Mound correctional facility-Detroit--355.4 FTE		
3	positions.....		24,426,800
4	Average population.....	1,044	
5	Parnall correctional facility-Jackson--295.0 FTE		
6	positions.....		22,360,600
7	Average population.....	1,448	
8	Ryan correctional facility-Detroit--346.3 FTE		
9	positions.....		25,144,100
10	Average population.....	1,044	
11	Scott correctional facility-Plymouth--340.7 FTE		
12	positions.....		24,231,500
13	Average population.....	847	
14	Southern Michigan correctional		
15	facility-Jackson--482.6 FTE positions.....		30,553,500
16	Average population.....	881	
17	Thumb correctional facility-Lapeer--333.7 FTE		
18	positions.....		25,303,500
19	Average population.....	1,214	
20	Western Wayne correctional facility-Plymouth--346.1		
21	FTE positions.....		26,200,400
22	Average population.....	1,045	
23	Jackson area support and services--125.0 FTE		
24	positions.....		<u>19,651,100</u>
25	GROSS APPROPRIATION.....	\$	404,964,800
26	Appropriated from:		

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1	Intradepartmental transfer revenues:	
2	IDT - surplus food user fees.....	254,500
3	IDT - production kitchen user fees.....	5,080,000
4	Federal revenues:	
5	Federal revenues and reimbursements.....	2,945,600
6	Special revenue funds:	
7	State restricted revenues and reimbursements.....	1,554,000
8	State general fund/general purpose..... \$	395,130,700
9	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>	
10	Average population.....	18,257
11	Full-time equated classified positions.....	4,932.6
12	Bellamy Creek correctional facility-Ionia--445.0 FTE	
13	positions..... \$	8,987,700
14	Average population.....	1,500
15	E.C. Brooks correctional facility-Muskegon--517.3 FTE	
16	positions.....	39,046,800
17	Average population.....	2,200
18	Carson City correctional facility-Carson City--536.2	
19	FTE positions.....	40,878,200
20	Average population.....	2,200
21	Florence Crane correctional facility-Coldwater--399.8	
22	FTE positions.....	29,791,500
23	Average population.....	1,350
24	Richard A. Handlon Michigan training	
25	unit-Ionia--269.0 FTE positions.....	21,028,100
26	Average population.....	1,315

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1	Ionia maximum correctional facility-Ionia--373.0 FTE	
2	positions.....	26,518,000
3	Average population.....636	
4	Ionia temporary correctional facility-Ionia--208.9	
5	FTE positions.....	16,418,500
6	Average population.....960	
7	Lakeland correctional facility-Coldwater--268.9 FTE	
8	positions.....	21,145,600
9	Average population.....1,200	
10	Michigan reformatory-Ionia--392.1 FTE positions.....	32,344,800
11	Average population.....1,338	
12	Muskegon correctional facility-Muskegon--310.4 FTE	
13	positions.....	24,451,200
14	Average population.....1,310	
15	Pine River correctional facility-St. Louis--225.6 FTE	
16	positions.....	16,265,400
17	Average population.....960	
18	Riverside correctional facility-Ionia--341.0 FTE	
19	positions.....	26,513,800
20	Average population.....1,034	
21	St. Louis correctional facility-St. Louis--645.4 FTE	
22	positions.....	<u>43,516,900</u>
23	Average population.....2,254	
24	GROSS APPROPRIATION..... \$	346,906,500
25	Appropriated from:	
26	Special revenue funds:	

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1	State restricted revenues and reimbursements.....	1,122,600
2	State general fund/general purpose..... \$	345,783,900

3

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PART 2

6

PROVISIONS CONCERNING APPROPRIATIONS

7 **GENERAL SECTIONS**

8

Sec. 201. Pursuant to section 30 of article IX of the state consti-

9 tution of 1963, total state spending from state resources under part 1

10 for fiscal year 2000-2001 is \$1,669,567,000.00 and state spending from

11 state resources to be paid to local units of government for fiscal year

12 2000-2001 is \$81,056,300.00. The itemized statement below identifies

13 appropriations from which spending to units of local government will

14 occur:

15 DEPARTMENT OF CORRECTIONS

16 Field operations - assumption of county probation

17	staff.....	36,909,600
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18	Prosecutorial and detainer expenses.....	4,051,000
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19	Public service work projects.....	12,116,000
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20 Community corrections comprehensive plans and

21	services.....	13,033,000
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22	Community corrections probation residential centers..	14,896,600
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23	Community corrections public education and training..	50,000
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24	Regional jail program.....	<u>100</u>
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25	TOTAL..... \$	81,056,300
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26 Sec. 202. The appropriations authorized under this act are subject

27 to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

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1       Sec. 203. As used in this act:

2       (a) "Department" or "MDOC" means the Michigan department of  
3 corrections.

4       (b) "DOJ" means the United States department of justice.

5       (c) "FTE" means full-time equated position.

6       (d) "IDG" means interdepartmental grant.

7       (e) "IDT" means intradepartmental transfer.

8       (f) "MDCH" means the Michigan department of community health.

9       (g) "MDSP" means the Michigan department of state police.

10       (h) "PREP" means the prisoner rehabilitation and education program.

11       Sec. 204. The department of civil service shall bill departments  
12 and agencies at the end of the first fiscal quarter for the 1% charge  
13 authorized by section 5 of article XI of the state constitution of 1963.  
14 Payments shall be made for the total amount of the billing by the end of  
15 the second fiscal quarter.

16       Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on  
17 the state classified civil service. State departments and agencies are  
18 prohibited from hiring any new full-time state classified civil service  
19 employees and prohibited from filling any vacant state classified civil  
20 service positions. This hiring freeze does not apply to internal trans-  
21 fers of classified employees from 1 position to another within a depart-  
22 ment or to positions that are funded with 80% or more federal or  
23 restricted funds.

24       (2) The state budget director shall grant exceptions to this hiring  
25 freeze when the state budget director believes that the hiring freeze  
26 will result in rendering a state department or agency unable to deliver  
27 basic services. The state budget director shall report by the fifteenth

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1 of each month to the chairpersons of the senate and house of  
2 representatives standing committees on appropriations the number of  
3 exceptions to the hiring freeze approved during the previous month and  
4 the justification for the exception.

5       Sec. 206. (1) In addition to the funds appropriated in part 1,  
6 there is appropriated an amount not to exceed \$20,000,000.00 for federal  
7 contingency funds. These funds are not available for expenditure until  
8 they have been transferred to another line item in this act under  
9 section 393(2) of the management and budget act, 1984 PA 431,  
10 MCL 18.1393.

11       (2) In addition to the funds appropriated in part 1, there is appro-  
12 priated an amount not to exceed \$5,000,000.00 for state restricted con-  
13 tingency funds. These funds are not available for expenditure until they  
14 have been transferred to another line item in this act under  
15 section 393(2) of the management and budget act, 1984 PA 431,  
16 MCL 18.1393.

17       (3) In addition to the funds appropriated in part 1, there is appro-  
18 priated an amount not to exceed \$5,000,000.00 for local contingency  
19 funds. These funds are not available for expenditure until they have  
20 been transferred to another line item in this act under section 393(2) of  
21 the management and budget act, 1984 PA 431, MCL 18.1393.

22       (4) In addition to the funds appropriated in part 1, there is appro-  
23 priated an amount not to exceed \$5,000,000.00 for private contingency  
24 funds. These funds are not available for expenditure until they have  
25 been transferred to another line item in this act under section 393(2) of  
26 the management and budget act, 1984 PA 431, MCL 18.1393.



1       Sec. 207. At least [120] days before beginning any effort to  
2 privatize, the department shall submit a complete project plan to the  
3 appropriate senate and house of representatives appropriations subcommit-  
4 tees and the senate and house fiscal agencies. The plan shall include  
5 the criteria under which the privatization initiative will be evaluated.  
6 The evaluation shall be completed and submitted to the appropriate senate  
7 and house of representatives appropriations subcommittees and the senate  
8 and house fiscal agencies within 30 months.

9       Sec. 208. The department shall continue to pilot the use of the  
10 Internet to fulfill the reporting requirements of this act. This may  
11 include transmission of reports via electronic mail to the recipients  
12 identified for each reporting requirement or it may include placement of  
13 reports on the Internet or legislative Intranet site. The senate and  
14 house of representatives appropriations subcommittees and senate and  
15 house fiscal agencies shall be notified in writing of the Internet or  
16 Intranet site of any such report. Quarterly, the department shall pro-  
17 vide a cumulative listing of the reports submitted during the most recent  
18 3-month period along with the Internet or Intranet site of each report,  
19 and a list of those reports expected to be transmitted in the following  
20 quarter.

21       Sec. 209. Funds appropriated in part 1 shall not be used for the  
22 purchase of foreign goods or services, or both, if competitively priced  
23 and of comparable quality American goods or services, or both, are  
24 available.

25       Sec. 210. The director of each department receiving appropriations  
26 in part 1 shall take all reasonable steps to ensure businesses in  
27 deprived and depressed communities compete for and perform contracts to

1 provide services or supplies, or both. Each director shall strongly  
2 encourage firms with which the department contracts to subcontract with  
3 certified businesses in depressed and deprived communities for services,  
4 supplies, or both.

5       Sec. 211. (1) Pursuant to the provisions of civil service rules and  
6 regulations and applicable collective bargaining agreements, individuals  
7 seeking employment with the department shall submit to a controlled sub-  
8 stance test. The test shall be administered by the department.

9       (2) Individuals seeking employment with the department who refuse to  
10 take a controlled substance test or who test positive for the illicit use  
11 of a controlled substance on such a test shall be denied employment.

12       Sec. 212. The department may charge fees and collect revenues in  
13 excess of appropriations in part 1 not to exceed the cost of employee  
14 meals, academic/vocational services, custody escorts, compassionate  
15 visits, union steward activities, public work programs, and emergency  
16 services provided to units of government. The revenues and fees col-  
17 lected shall be appropriated for all expenses associated with these serv-  
18 ices and activities.

19       Sec. 213. Of the state general fund/general purpose revenue appro-  
20 priated in part 1, \$512,266,500.00 represents a state spending increase  
21 over the amount provided to the department for the fiscal year ending  
22 September 30, 1994, and may be used to meet state match requirements of  
23 programs contained in the violent crime control and law enforcement act  
24 of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs,  
25 so that any additional federal funds received shall supplement funding  
26 provided to the department in part 1.

**SB0965, As Passed House, May 23, 2000**

Senate Bill No. 965

19

1       Sec. 214. A prisoner who wins money in a lottery shall pay from  
2 those winnings the amount necessary to reimburse the state for the  
3 accrued cost of incarcerating that prisoner.

4       Sec. 215. By September 30, 2001, the department shall report to the  
5 senate and house appropriations subcommittees on corrections, the senate  
6 and house fiscal agencies, and the state budget director the amount of  
7 savings realized through the consolidation of special alternative incar-  
8 ceration line items and of facility line items, and how such savings were  
9 utilized within their respective line items.

10       Sec. 216. The department shall provide quarterly reports on the  
11 Michigan youth correctional facility to the members of the senate and  
12 house appropriations subcommittees on corrections, the senate and house  
13 fiscal agencies, and the state budget director. The reports shall pro-  
14 vide information relevant to an assessment of the safety and security of  
15 the institution, including, but not limited to, information on the number  
16 of critical incidents by type occurring at the facility, the number of  
17 custody staff at the facility, staff turnover rates, staff vacancy rates,  
18 overtime reports, prisoner grievances, and number and severity of  
19 assaults occurring at the facility. The reports also shall provide  
20 information on programming available at the facility and on program  
21 enrollments, including, but not limited to, academic/vocational programs,  
22 counseling programs, mental health treatment programs, substance abuse  
23 treatment programs, and cognitive restructuring programs.

24       Sec. 217. The department shall require the contract monitor for the  
25 Michigan youth correctional facility to provide a manual to each prisoner  
26 at intake that details programs and services available at the facility,  
27 the processes by which prisoner complaints and grievances can be pursued,

1 and the identity of staff available at the facility to answer questions  
2 regarding the information in the manual. The contract monitor shall  
3 obtain written verification of receipt from each prisoner receiving the  
4 manual. The contract monitor also shall answer prisoner questions  
5 regarding facility programs, services, and grievance procedures.

[Sec. 218. The department shall report by April 1, 2001 to the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the amount of milk and milk products produced and distributed, by month and location, during the preceding fiscal year.]

**6 SUBSTANCE ABUSE TESTING AND TREATMENT**

7       Sec. 301. (1) The department shall screen and assess each prisoner  
8 for alcohol and other drug involvement to determine the need for further  
9 treatment. The assessment process shall be designed to identify the  
10 severity of alcohol and other drug addiction and determine the treatment  
11 plan, if appropriate.

12       (2) Subject to the availability of funding resources, the department  
13 shall provide substance abuse treatment to prisoners with priority given  
14 to those prisoners who are most in need of treatment and who can best  
15 benefit from program intervention based on the screening and assessment  
16 provided under subsection (1).

17       Sec. 302. (1) In expending residential substance abuse treatment  
18 services funds appropriated by this act, the department shall ensure to  
19 the maximum extent possible that residential substance abuse treatment  
20 services are available statewide.

21       (2) By April 1, 2001, the department shall report to the house and  
22 senate appropriations subcommittees on corrections and the house and  
23 senate fiscal agencies on the allocation, distribution, and expenditure  
24 of all funds appropriated by the substance abuse administration and  
25 testing line item. Information required by this subsection shall, where

1 possible, be separated by MDOC administrative region and by offender  
2 type, including at a minimum a distinction between prisoners, parolees,  
3 and probationers.

4       Sec. 304. The amount appropriated in section 103 for the MDOC  
5 in-prison drug treatment program shall be used by the department to con-  
6 tinue to implement a minimum of 2 in-prison drug treatment programs, with  
7 at least 1 program being for male prisoners and 1 for female prisoners.

8       Sec. 305. The amount appropriated in section 103 for the MDOC tech-  
9 nical violator pilot drug treatment program shall be used by the depart-  
10 ment to continue to implement a pilot program aimed at reducing parolee  
11 and probationer prison admissions for substance abuse related technical  
12 violations or crimes.

13       Sec. 306. (1) The purpose of the substance abuse treatment pilot  
14 programs funded under sections 304 and 305 and under 1998 PA 321 is to  
15 evaluate and compare various substance abuse treatment modalities with  
16 regard to cost and impact on prison admission, length of stay, jail util-  
17 ization, and offender relapse and recidivism and to provide for continued  
18 monitoring of offenders and evaluation of program efficacy.

19       (2) Any funds appropriated under section 103 for the MDOC in-prison  
20 drug treatment program and the MDOC technical violator pilot drug treat-  
21 ment program that remain unexpended at the end of the fiscal year shall  
22 not revert to the general fund but instead shall be placed in separate  
23 work project accounts to be spent as provided under this section and  
24 sections 304 and 305.

25       (3) The department shall contract with 1 or more independent third  
26 parties for evaluation of alcohol and substance abuse programs  
27 administered by the department, including in-prison programs and programs

1 provided through community placement or field programs. The evaluation  
2 shall measure the impact of alcohol and other substance abuse programs on  
3 prison admission, length of stay, jail utilization, and offender relapse  
4 and recidivism. The evaluation of a program funded under section 219(6)  
5 of 1998 PA 321 shall be consistent with any requirements contained in the  
6 federal residential substance abuse and treatment grant for that  
7 program. Evaluation of substance abuse treatment pilot programs funded  
8 under sections 304 and 305 of this act and sections 220 and 221 of 1998  
9 PA 321 shall be consistent with recommendations developed and agreed to  
10 under section 222 of 1998 PA 321, and shall be structured so as to allow  
11 the pilot programs funded under this act and under 1998 PA 321 to be com-  
12 pared with each other. Evaluations required by this section shall to the  
13 extent feasible compare offenders treated under those programs with other  
14 offenders of similar characteristics.

15 (4) The department shall develop agreements with 1 or more indepen-  
16 dent third parties for monitoring of implementation of substance abuse  
17 treatment pilot programs funded under this act and under 1998 PA 321.

18 (5) The department shall report by April 1, 2001 to the house and  
19 senate appropriations subcommittees on corrections and the house and  
20 senate fiscal agencies on the progress on implementation of the substance  
21 abuse treatment pilot programs funded under this act, 1999 PA 92, and  
22 1998 PA 321 and on implementation of evaluation and monitoring require-  
23 ments provided by this section.

**1 EXECUTIVE**

2       Sec. 401. The department shall submit 3-year and 5-year prison pop-  
3 ulation projection updates by February 1, 2001 to the senate and house  
4 appropriations subcommittees on corrections, the senate and house fiscal  
5 agencies, and the state budget director.

6       Sec. 402. (1) The department shall annually prepare and submit  
7 individual reports for the technical rule violator program, the community  
8 residential program, the electronic tether program, and the special  
9 alternative to incarceration program. The reports shall include the  
10 following:

- 11       (a) Monthly new participants.
- 12       (b) Monthly participant unsuccessful terminations, including cause.
- 13       (c) Number of successful terminations.
- 14       (d) End month population by facility/program.
- 15       (e) Average length of placement.
- 16       (f) Return to prison statistics.
- 17       (g) Description of program location(s), capacity, and staffing.
- 18       (h) Sentencing guideline scores and actual sentence statistics for  
19 participants, if applicable.
- 20       (i) Comparison with prior year statistics.
- 21       (j) Analysis of the impact on prison admissions and jail utilization  
22 and the cost effectiveness of the program.

23       (2) Annual reports shall be prepared and submitted by April 1, 2001  
24 to the house and senate appropriations subcommittees on corrections, the  
25 house and senate fiscal agencies, and the state budget director.

26       Sec. 403. From the funds appropriated in part 1, the department  
27 shall continue to maintain county jail services staff sufficient to

1 enable the department to continue to fulfill its functions of providing  
2 technical support, inspections of county jails, and maintenance of the  
3 jail reimbursement program.

4       Sec. 404. The department shall report to the senate and house  
5 appropriations subcommittees on corrections, the senate and house fiscal  
6 agencies, and the state budget director by April 1, 2001 on the ratio of  
7 correctional officers to prisoners for each correctional institution, the  
8 ratio of shift command staff to line custody staff, and the ratio of non-  
9 custody institutional staff to prisoners for each correctional  
10 institution.

11       Sec. 405. (1) The department shall review and revise as necessary  
12 policy proposals that provide alternatives to prison for offenders being  
13 sentenced to prison as a result of technical probation violations and  
14 technical parole violations. To the extent the department has insuffi-  
15 cient policies or resources to affect the continued increase in prison  
16 commitments among these offender populations, the department shall  
17 explore other policy options to allow for program alternatives, including  
18 department or OCC funded programs, local level programs, and programs  
19 available through private agencies that may be used as prison alterna-  
20 tives for these offenders.

21       (2) To the extent policies or programs described in subsection (1)  
22 are used, developed, or contracted for, the department may request that  
23 funds appropriated in part 1 be transferred under section 393(2) of the  
24 management and budget act, 1984 PA 431, MCL 18.1393, for their  
25 operation.

26       (3) The department shall continue to utilize parole violator  
27 processing guidelines that require parole agents to utilize all available



1 appropriate community-based, nonincarcerative postrelease sanctions and  
2 services when appropriate. The department shall periodically evaluate  
3 such guidelines for modification, in response to emerging information  
4 from the pilot projects for substance abuse treatment provided under this  
5 act and applicable provisions of prior budget acts for the department.

6 (4) By March 1, 2001, the department shall report to the senate and  
7 house appropriations subcommittees on corrections, senate and house  
8 fiscal agencies, and state budget director on the effect that any recom-  
9 mended policy changes for technical violators of parole and technical  
10 violators of probation would have on admission to prison and jail and the  
11 impact on other program alternatives.

12 **ADMINISTRATION AND PROGRAMS**

13 Sec. 501. From the funds appropriated in part 1 for prosecutorial  
14 and detainer expenses, the department shall reimburse counties for hous-  
15 ing and custody of parole violators and offenders being returned by the  
16 department from community placement to institutional status and for pris-  
17 oners who volunteer for placement in a county jail.

18 Sec. 502. It is the intent of the legislature to encourage the  
19 department to expand prison industries operations by seeking strategic  
20 partnerships with private industry.

**1 FIELD OPERATIONS ADMINISTRATION**

2       Sec. 601. (1) It is the intent of the legislature that the funding  
3 appropriated in section 104 for parole and probation agents will provide  
4 sufficient parole and probation agents to maintain a ratio of 90 workload  
5 units per agent.

6       (2) From the funds appropriated in part 1, the department shall con-  
7 duct a statewide caseload audit of field agents. The audit shall address  
8 public protection issues and assess the ability of the field agents to  
9 complete their professional duties. The results of the audit shall be  
10 submitted to the senate and house appropriations subcommittees on correc-  
11 tions and the senate and house fiscal agencies by September 30, 2001.

12       Sec. 602. (1) Of the amount appropriated in section 104 for field  
13 programs, \$546,900.00 is for the community service work program and shall  
14 be used for salaries and wages and fringe benefit costs of community  
15 service coordinators employed by the department to supervise offenders  
16 participating in work crew assignments. Funds shall also be used to  
17 cover motor transport division rates on state vehicles used to transport  
18 offenders to community service work project sites.

19       (2) The community service work program shall provide adult offenders  
20 with community service work of tangible benefit to a community while ful-  
21 filling court-ordered community service work sanctions and other postcon-  
22 viction obligations.

23       (3) As used in this section, "community service work" means work  
24 performed by an offender in an unpaid position with a nonprofit or tax  
25 supported or government agency for a specified number of hours of work or  
26 service within a given time period.

1       Sec. 603. (1) All prisoners, probationers, and parolees involved  
2 with the electronic tether program shall reimburse the department for the  
3 equipment costs and telephone charges associated with their participation  
4 in the program. The department may require community service work reim-  
5 bursement as a means of payment for those able-bodied individuals unable  
6 to pay for the cost of the equipment.

7       (2) Program participant contributions and local community tether  
8 program reimbursement for the electronic tether program appropriated in  
9 section 104 are related to program expenditures and may be used to offset  
10 expenditures for this purpose.

11       (3) Included in the appropriation in section 104 is adequate funding  
12 to implement the community tether program to be administered by the  
13 department. The community tether program is intended to provide sentenc-  
14 ing judges and county sheriffs in coordination with local community cor-  
15 rections advisory boards access to the state's electronic tether program  
16 to reduce prison admissions and improve local jail utilization. The  
17 department shall determine the appropriate distribution of the tether  
18 units throughout the state based upon locally developed comprehensive  
19 corrections plans pursuant to the community corrections act, 1988 PA 511,  
20 MCL 791.401 to 791.414.

21       (4) For a fee determined by the department, the department will pro-  
22 vide counties with the tether equipment, replacement parts, administra-  
23 tive oversight of the equipment's operation, notification of violators,  
24 and periodic reports regarding county program participants. Counties are  
25 responsible for tether equipment installation and service and apprehen-  
26 sion of program violators. For an additional fee as determined by the  
27 department, the department will provide staff to install and service the

1 equipment. Counties are responsible for the coordination and  
2 apprehension of program violators.

3 (5) Any county with tether charges outstanding over 60 days shall be  
4 considered in violation of the community tether program agreement and  
5 lose access to the program.

6 Sec. 604. Community-placement prisoners and parolees shall reim-  
7 burse the department for the operational costs of the program. As an  
8 alternative method of payment, the department may develop a community  
9 service work schedule for those individuals unable to meet reimbursement  
10 requirements established by the department.

11 Sec. 605. The department shall establish a uniform rate to be paid  
12 by agencies that benefit from public work services provided by special  
13 alternative incarceration participants and prisoners.

14 Sec. 606. As a condition of receiving funds appropriated in section  
15 104, the department shall provide annual training in universal precau-  
16 tions for airborne and bloodborne pathogens for all field operations  
17 employees who conduct instant drug tests.

18 **COMMUNITY CORRECTIONS**

19 Sec. 701. The office of community corrections shall provide and  
20 coordinate the delivery and implementation of services in communities to  
21 facilitate successful offender reintegration into the community.  
22 Programs and services to be offered shall include, but are not limited  
23 to, technical assistance for comprehensive corrections plan development,  
24 new program start-up funding, program funding for those programs  
25 delivering services for eligible offenders in geographic areas identified

1 by the office of community corrections as having a shortage of available  
2 services, technical assistance, referral services for education, employ-  
3 ment services, and substance abuse and family counseling. As used in  
4 this act:

5 (a) "Alternative to incarceration in a state facility or jail" means  
6 a program that involves offenders who receive a sentencing disposition  
7 which appears to be in place of incarceration in a state correctional  
8 facility or jail based on historical local sentencing patterns or which  
9 amounts to a reduction in the length of sentence in a jail.

10 (b) "Goal" means the intended or projected result of a comprehensive  
11 corrections plan or community corrections program to reduce prison com-  
12 mitment rates, to reduce the length of stay in a jail, or to improve the  
13 utilization of a jail.

14 (c) "Jail" means a facility operated by a local unit of government  
15 for the physical detention and correction of persons charged with or con-  
16 victed of criminal offenses.

17 (d) "Offender eligibility criteria" means particular criminal viola-  
18 tions, state felony sentencing guidelines descriptors, and offender char-  
19 acteristics developed by advisory boards and approved by local units of  
20 government that identify the offenders suitable for community corrections  
21 programs funded through the office of community corrections.

22 (e) "Offender target population" means felons or misdemeanants who  
23 would likely be sentenced to imprisonment in a state correctional facil-  
24 ity or jail, who would not increase the risk to the public safety, who  
25 have not demonstrated a pattern of violent behavior, and who do not have  
26 criminal records that indicate a pattern of violent offenses.

1 (f) "Offender who would likely be sentenced to imprisonment" means  
2 either of the following:

3 (i) A felon or misdemeanor who receives a sentencing disposition  
4 that appears to be in place of incarceration in a state correctional  
5 facility or jail, according to historical local sentencing patterns.

6 (ii) A currently incarcerated felon or misdemeanor who is granted  
7 early release from incarceration to a community corrections program or  
8 who is granted early release from incarceration as a result of a commu-  
9 nity corrections program.

10 Sec. 702. (1) The funds included in section 105 for community cor-  
11 rections comprehensive plans and services are to encourage the develop-  
12 ment through technical assistance grants, implementation, and operation  
13 of community corrections programs which serve as an alternative to incar-  
14 ceration in a state facility or jail. The comprehensive corrections  
15 plans shall include an explanation of how the public safety will be main-  
16 tained, the goals for the local jurisdiction, offender target populations  
17 intended to be affected, offender eligibility criteria for purposes out-  
18 lined in the plan, and how the plans will meet the following objectives,  
19 consistent with section 8(4) of the community corrections act, 1988  
20 PA 511, MCL 791.408:

21 (a) Reduce admissions to prison of nonviolent offenders who would  
22 have otherwise received an active sentence, including probation  
23 violators.

24 (b) Improve the appropriate utilization of jail facilities, the  
25 first priority of which is to open jail beds intended to house otherwise  
26 prison-bound felons, and the second priority being to appropriately  
27 utilize jail beds so that jail crowding does not occur.

1 (c) Open jail beds through the increase of pretrial release  
2 options.

3 (d) Reduce the readmission to prison of parole violators.

4 (e) Reduce the admission or readmission to prison of offenders,  
5 including probation violators and parole violators, for substance abuse  
6 violations.

7 (2) The award of community corrections comprehensive plans funds  
8 must be based on criteria that shall include, but not be limited to, the  
9 prison commitment rate by category of offenders, trends in prison commit-  
10 ment rates and jail utilization, historical trends in community correc-  
11 tions program capacity and program utilization, and the projected impact  
12 and outcome of annual policies and procedures of programs on prison com-  
13 mitment rates and jail utilization.

14 (3) Funds awarded for probation residential centers in section 105  
15 shall provide for a per diem reimbursement of not more than \$43.00.

16 Sec. 703. The comprehensive corrections plans shall also include,  
17 where appropriate, descriptive information on the full range of sanctions  
18 and services which are available and utilized within the local jurisdic-  
19 tion and an explanation of how jail beds, probation residential services,  
20 the special alternative incarceration program (boot camp), probation  
21 detention centers, the electronic monitoring program for probationers,  
22 and treatment and rehabilitative services will be utilized to support the  
23 objectives and priorities of the comprehensive corrections plan and the  
24 purposes and priorities of section 8(4) of the community corrections act,  
25 1988 PA 511, MCL 791.408. The plans shall also include, where appropri-  
26 ate, provisions that detail how the local communities plan to respond to  
27 sentencing guidelines found in chapter XVII of the code of criminal

1 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county  
2 jail reimbursement program pursuant to section 707 of this act. The  
3 state community corrections board shall encourage local community correc-  
4 tions boards to include in their comprehensive corrections plans strate-  
5 gies to collaborate with local alcohol and drug treatment agencies of the  
6 department of community health for the provision of alcohol and drug  
7 screening, assessment, case management planning, and delivery of treat-  
8 ment to alcohol- and drug-involved offenders, including, but not limited  
9 to, probation and parole violators who are at risk of revocation.

10       Sec. 704. (1) As part of the March biannual report specified under  
11 section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412,  
12 which requires an analysis of the impact of that act on prison admissions  
13 and jail utilization, the department shall submit to the senate and house  
14 appropriations subcommittees on corrections, the senate and house fiscal  
15 agencies, and the state budget director the following information for  
16 each county and counties consolidated for comprehensive corrections  
17 plans:

18       (a) Approved technical assistance grants and comprehensive correc-  
19 tions plans including each program and level of funding, the utilization  
20 level of each program, and profile information of enrolled offenders.

21       (b) If federal funds are made available, the number of participants  
22 funded, the number served, the number successfully completing the pro-  
23 gram, and a summary of the program activity.

24       (c) Status of the community corrections information system and the  
25 jail population information system.



1 (d) Data on probation residential centers, including participant  
2 data, participant sentencing guideline scores, program expenditures,  
3 average length of stay, and bed utilization data.

4 (e) Offender disposition data by sentencing guideline range, by dis-  
5 position type, number and percent statewide and by county, current year,  
6 and comparisons to prior 3 years.

7 (2) The report required under subsection (1) shall include the total  
8 funding allocated, program expenditures, required program data, and  
9 year-to-date totals.

10 (3) It is the intent of the legislature that the funds appropriated  
11 in section 105 for public education and training be fully expended. To  
12 this end, the department shall submit by October 15, 2000 to the house  
13 and senate appropriations subcommittees on corrections plans for public  
14 education grants to communities and yearly training in cooperation with  
15 local community corrections advisory boards based on full expenditure of  
16 the funds appropriated in section 105 for public education and training.

17 Sec. 705. (1) The department shall identify and coordinate informa-  
18 tion regarding the availability of and the demand for community correc-  
19 tions programs, jail-based community corrections programs, and basic  
20 state required jail data.

21 (2) The department shall be responsible for the collection, analy-  
22 sis, and reporting of state required jail data.

23 (3) As a prerequisite to participation in the programs and services  
24 offered through the department, counties shall provide basic jail data to  
25 the department.

26 Sec. 706. From the funds appropriated in section 105 for community  
27 corrections comprehensive plans and services and probation residential

1 services, no funds shall be awarded to local jurisdictions that have not  
2 had their community corrections comprehensive plans, budget requests, and  
3 substantial modifications approved by the local community corrections  
4 advisory board and the local governing authority, officially reviewed by  
5 the state community corrections board, and approved by the director of  
6 the department.

7       Sec. 707. (1) The department shall administer a county jail reim-  
8 bursement program from the funds appropriated in section 105 for the pur-  
9 pose of reimbursing counties for housing in jails felons who otherwise  
10 would have been sentenced to prison.

11       (2) The county jail reimbursement program shall reimburse counties  
12 for housing and custody of convicted felons if the conviction was for a  
13 crime committed before January 1, 1999 and 1 of the following applies:

14       (a) The felon would otherwise have been sentenced to a state prison  
15 term with a minimum sentencing guidelines range minimum of 12 months or  
16 more.

17       (b) The felon was convicted of operating a motor vehicle under the  
18 influence of intoxicating liquor or a controlled substance, or a combina-  
19 tion of both, third or subsequent offense, under section 625(8)(c) of the  
20 Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor stat-  
21 ute, punishable as a felony.

22       (c) The felon was sentenced under section 11 or 12 of chapter IX of  
23 the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

24       (3) The county jail reimbursement program shall reimburse counties  
25 for housing and custody of convicted felons if the conviction was for a  
26 crime committed on or after January 1, 1999 and 1 of the following  
27 applies:

1 (a) The felon was convicted of operating a motor vehicle under the  
2 influence of intoxicating liquor or a controlled substance, or a combina-  
3 tion of both, third or subsequent offense, under section 625(8)(c) of the  
4 Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor stat-  
5 ute, punishable as a felony.

6 (b) The felon's sentencing guidelines recommended range upper limit  
7 is more than 18 months, the felon's sentencing guidelines recommended  
8 range lower limit is 12 months or less, the felon's prior record variable  
9 score is 35 or more points, and the felon's sentence is not for commis-  
10 sion of a crime in crime class G or crime class H under chapter XVII of  
11 the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

12 (c) The felon's minimum sentencing guidelines range minimum is more  
13 than 12 months.

14 (4) Except as provided in subsection (5), state reimbursement under  
15 this section for prisoner housing and custody expenses per diverted  
16 offender for the first 90 days of the offender's incarceration shall be  
17 \$47.00 per diem for a county with a population of more than 100,000 and  
18 \$42.00 per diem for a county with a population of 100,000 or less. After  
19 the diverted offender has been incarcerated 90 days, state reimbursement  
20 shall be \$40.00 per diem for the remainder of the incarceration up to 1  
21 year total.

22 (5) For the first 90 days for diverted offenders housed in beds  
23 developed under multicounty projects approved and funded under section  
24 807 of 1998 PA 321, state reimbursement shall be \$47.00 per diem. After  
25 the diverted offender has been incarcerated 90 days, state reimbursement  
26 shall be \$40.00 per diem for the remainder of the incarceration up to 1  
27 year total.

1       (6) From the funds appropriated in section 105 for the county jail  
2 reimbursement program, the department shall contract for an ongoing study  
3 to determine the impact of the new legislative sentencing guidelines.  
4 The study shall analyze historical sentencing patterns of jurisdictions  
5 as well as current and future patterns in order to determine and quantify  
6 the population impact on prisons and jails of the new guidelines as well  
7 as to identify and define felon or crime characteristics or sentencing  
8 guidelines scores that indicate a felon is a prison diversion. The  
9 department shall contract for a local and statewide study for this pur-  
10 pose and provide periodic reports regarding the status and findings of  
11 the study to the house and senate appropriations subcommittees on correc-  
12 tions, the house and senate fiscal agencies, and the state budget  
13 director.

14       (7) The department, the Michigan association of counties, and the  
15 Michigan sheriffs' association shall review the periodic findings of the  
16 study required in subsection (6) and, if appropriate, recommend modifica-  
17 tion of the criteria for reimbursement contained in subsection (3)(b) and  
18 (c). Any recommended modification shall be forwarded to the house and  
19 senate appropriations subcommittees on corrections.

20       (8) The department shall reimburse counties for offenders in jail  
21 based upon the reimbursement eligibility criteria in place on the date  
22 the offender was originally sentenced for the reimburseable offense.

23       (9) County jail reimbursement program expenditures shall not exceed  
24 the amount appropriated in section 105 for this purpose. Payments to  
25 counties under the county jail reimbursement program shall be made in the  
26 order in which properly documented requests for reimbursements are  
27 received. A request shall be considered to be properly documented if it

1 meets MDOC requirements for documentation. As a condition of expending  
2 funds under this section, the department shall by October 15, 2000 dis-  
3 tribute the documentation requirements to all counties.

4       Sec. 708. (1) From the funds appropriated in section 105 for proba-  
5 tion residential centers, funds are allocated for the operation of a pro-  
6 bation detention program in a county that has adopted a charter pursuant  
7 to 1966 PA 293, MCL 45.501 to 45.521. The probation detention program  
8 shall have a capacity of 100 beds. The department shall provide the pro-  
9 gram administrator monthly with 90-day projections of the numbers of beds  
10 expected to be needed for probationers and parolees in Phase II residen-  
11 tial placement under section 4(2) of the special alternative carcera-  
12 tion act, 1988 PA 287, MCL 798.14, and the program administrator shall  
13 make beds available as necessary to house probationers and parolees  
14 entering Phase II residential placement.

15       (2) Funds awarded for probation residential centers in section 105  
16 shall provide for a per diem reimbursement of not more than \$43.00.

17       (3) Payments under this section for operation of the probation  
18 detention program shall be made at the same rates applicable to disburse-  
19 ment of other funds awarded under the probation residential centers line  
20 item, not to exceed a total expenditure of \$1,569,580.00.

21       (4) The purpose of the probation detention program is to reduce the  
22 admission to prison of probation violators by providing a community pun-  
23 ishment program within a secure environment with 24-hour supervision and  
24 programming with an emphasis on structured daily activities. Programming  
25 shall include, but need not be limited to, the following components that  
26 may be provided directly or by referral:

- 1 (a) Orientation and assessment.
- 2 (b) Substance abuse counseling.
- 3 (c) Life skills counseling.
- 4 (d) Education.
- 5 (e) Employment preparation.
- 6 (f) Vocational training.
- 7 (g) Employment.
- 8 (h) Community service.
- 9 (i) Physical training.
- 10 (j) Cognitive skill training.
- 11 (5) The probation detention program shall reduce the admission to
- 12 prison of probation violators directly or indirectly by providing a pro-
- 13 gram for direct sentencing of felony probation violators who likely would
- 14 be prison-bound based on historical local sentencing practices or by
- 15 removing probation violators from jail with a resulting increase in the
- 16 number of jail beds available and used for felons who otherwise would be
- 17 likely to be sentenced to prison based on historical local sentencing
- 18 practices.
- 19 (6) The operation of the probation detention program shall be
- 20 included in an approved community corrections comprehensive plan for the
- 21 county described in subsection (1) pursuant to the community corrections
- 22 act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with
- 23 sections 701, 702, 703, and 706.
- 24 (7) The comprehensive plan shall specify the programs, eligibility
- 25 criteria, referral, and enrollment process, the assessment and
- 26 client-specific planning case management process, a program design that
- 27 includes a variable length of stay based on assessed need, and the

1 evaluation methodology to show the impact of the program on prison  
2 admissions and recidivism.

3 (8) The length of stay for a probationer or parolee in Phase II res-  
4 idential placement shall be at the department's discretion based on the  
5 offender assessment and client-specific planning case management process  
6 and the offender's progress at meeting the case management objectives,  
7 but shall not exceed 120 days.

8 (9) The department shall require the program administrator to report  
9 not later than March 1, 2001 to the state budget director, the senate and  
10 house fiscal agencies, and the senate and house appropriations subcommit-  
11 tees on corrections concerning the program's impact on prison admissions  
12 and recidivism including, but not limited to, the numbers of offenders  
13 released from the probation detention program who are arrested for a  
14 felony offense within 1 year of their termination from the program.

15 **CONSENT DECREES**

16 Sec. 801. Funding appropriated in section 106 for consent decree  
17 line items is appropriated into separate control accounts created for  
18 each line item. Funding in each control account shall be distributed as  
19 necessary into separate accounts created for the purpose of separately  
20 identifying costs and expenditures associated with each consent decree.

21 Sec. 802. The maximum reimbursement to colleges participating in  
22 the prisoner rehabilitation and education program (PREP) shall be limited  
23 to \$4.00 per student contact hour not to exceed 19.5 contact hours per  
24 semester credit hour.

1       Sec. 803. (1) Appropriations in this act shall not be used to pay  
2 any costs associated with college or university programming for prison  
3 inmates, unless such payments are required by existing court orders or  
4 consent decrees.

5       (2) If the department is successful in modifying the consent decree  
6 to eliminate required college and university programming, all funding for  
7 the prisoner rehabilitation and education program shall be used for  
8 employee leadership training.

**9 HEALTH CARE**

10       Sec. 901. The department shall not expend funds appropriated under  
11 part 1 for any surgery, procedure, or treatment to provide or maintain a  
12 prisoner's sex change unless it is determined medically necessary by a  
13 physician.

14       Sec. 902. The department may require prisoners to pay a copayment  
15 of not less than \$3.00 for nonemergency medical care.

16       Sec. 903. (1) As a condition of expenditure of the funds appropri-  
17 ated in part 1, the department shall report to the senate and house  
18 appropriations subcommittees on corrections on January 1, 2001 and July  
19 1, 2001 the status of payments from contractors to vendors for health  
20 care services provided to prisoners, as well as the status of the con-  
21 tracts, and an assessment of prisoner health care quality.

22       (2) It is the intent of the legislature that, in the interest of  
23 providing the most efficient and cost-effective delivery of health care,  
24 local health care providers shall be considered and given the opportunity  
25 to competitively bid as vendors under future managed care contracts.



1       (3) It is the intent of the legislature that by September 30, 2001,  
2 the auditor general shall audit the delivery of health care to  
3 prisoners. The audit should determine the extent, if any, of cost sav-  
4 ings that have been realized through privatization of prisoner health  
5 care, and include the amount of total vendor payments, estimated adminis-  
6 trative costs, and the amount of outstanding payments during the most  
7 recent contract period.

**8 INSTITUTIONAL OPERATIONS**

9       Sec. 1001. As a condition of expenditure of the funds appropriated  
10 in part 1, the department shall ensure that smoking areas are designated  
11 for use by prisoners and staff at each facility. At a minimum, all out-  
12 door areas within each facility's perimeter shall be designated for smok-  
13 ing, except that smoking may be forbidden within 20 feet of any building  
14 designated as nonsmoking or smoke-free.

15       Sec. 1002. From the funds appropriated in part 1, the department  
16 shall allocate sufficient funds to develop a pilot children's visitation  
17 program. The pilot program shall teach parenting skills and arrange for  
18 day visitation at these facilities for parents and their children, except  
19 for the families of prisoners convicted of a crime involving criminal  
20 sexual conduct in which the victim was less than 18 years of age or  
21 involving child abuse.

22       Sec. 1003. It is the intent of the legislature that possession and  
23 use of personal property by prisoners be considered a privilege and not a  
24 right.

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1       Sec. 1004. As a condition of expenditure of funds appropriated in  
2 part 1, the department shall prohibit prisoners from using  
3 interdepartmental mail except to correspond with the department.

4       Sec. 1005. Funds appropriated under part 1 shall not be expended to  
5 provide prisoners with access to or use of the Internet or any similar  
6 system.

7       Sec. 1006. Any department employee who, in the course of his or her  
8 job, is determined by a physician to have had a potential exposure to the  
9 hepatitis B virus, shall receive a hepatitis B vaccination upon request.

10       Sec. 1007. As a condition of receiving the funds appropriated in  
11 part 1, the department shall prepare a report by September 30, 2001 on  
12 lawsuits brought against departmental employees by prisoners. The report  
13 shall include the number of cases found to be meritorious and nonmerito-  
14 rious by the courts. Of the meritorious cases, the report shall provide  
15 the number of suits that involved male departmental employees and the  
16 number that involved female employees, as well as the number of employees  
17 disciplined in these actions and the proportion of male employees and  
18 female employees disciplined.

19       Sec. 1008. From the funds appropriated in part 1, the department  
20 shall contract for or perform its own evaluation of Project RESTART and  
21 Project CHANGE to determine whether funding for these programs should be  
22 continued. A report on the results of the study shall be submitted to  
23 the house and senate appropriations subcommittees on corrections and the  
24 house and senate fiscal agencies by March 1, 2001. The study shall mea-  
25 sure cognitive changes and recidivism rates, if appropriate, and track  
26 the security level changes for participants in comparison to the  
27 participant's skills and abilities upon entry to the program, to a

1 control group of prisoners who would have been eligible for the program,  
2 but could not participate due to relocation, parole, or other like situa-  
3 tions, and to the general population.

4       Sec. 1009. (1) The inmate housing fund shall be used for the custo-  
5 dy, treatment, clinical, and administrative costs associated with the  
6 housing of prisoners other than those specifically budgeted for elsewhere  
7 in this act. Funding in the inmate housing fund is appropriated into a  
8 separate control account. Funding in the control account shall be dis-  
9 tributed as necessary into separate accounts created to separately iden-  
10 tify costs for specific purposes.

11       (2) Quarterly reports on all expenditures from the inmate housing  
12 fund shall be submitted by the department to the state budget director,  
13 the senate and house appropriations subcommittees on corrections, and the  
14 senate and house fiscal agencies.

15       Sec. 1010. The department shall provide programs that allow prison-  
16 ers to self-rehabilitate for successful reintegration into the  
17 community. The department shall report to the senate and house of repre-  
18 sentatives appropriations subcommittees on corrections, the senate and  
19 house fiscal agencies, and the state budget director, the number of pris-  
20 oners enrolled as of September 30, 2000 in each academic/vocational pro-  
21 gram offered, the number of prisoners completing the program during  
22 fiscal year 1999-2000, and the number of prisoners on waiting lists. The  
23 report shall include information on Michigan prison build program out-  
24 comes, including, but not limited to, the number of prisoners who partic-  
25 ipated in the program during fiscal year 1999-2000; the number of  
26 houses/components completed; facilities included in the program.