



HOUSE BILL No. 4974

October 12, 1999, Introduced by Rep. Scranton and referred to the Committee on Local Government and Urban Policy.

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 allow for the operation of certain facilities by private entities; 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,"

by amending section 65i (MCL 791.265i), as added by 1990 PA 353, and by adding section 65j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65i. (1) The legislative body of a city, village, or
2 township in which a community corrections center is located may
3 form a 5-member citizens' council by sending written notice of
4 its intention to form a citizens' council to the board of commis-
5 sioners of the county in which the city, village, or township is
6 located.

7 (2) Within 30 days after receiving the notice, the county
8 board of commissioners or, in a county that has a county execu-
9 tive, the county executive subject to the concurrence of the
10 county board of commissioners, shall appoint 5 members to the
11 council. Three of the members shall be residents of the city,
12 village, or township in which the community corrections center is
13 located, 1 OF WHOM SHALL BE AN ELECTED OFFICIAL OF THAT CITY,
14 VILLAGE, OR TOWNSHIP. The remaining 2 members need not be resi-
15 dents of that city, village, or township, but shall be residents
16 of the county. Each member shall serve at the pleasure of the
17 county board of commissioners or county executive that appointed
18 that member.

19 (3) A citizens' council shall select a chairperson from
20 among its members and other officers necessary for conducting the
21 council's business. A citizens' council shall meet at a place
22 and time determined by the chairperson.

23 (4) The supervisor of a community corrections center, at the
24 request of the chairperson of the citizens' council in whose
25 jurisdiction that community corrections center is located, shall
26 meet with the council and, if requested by the chairperson, shall

1 provide to the council any of the following information for that
2 community corrections center for the reporting period agreed to
3 by the chairperson and the center supervisor:

4 (a) The number of prisoners placed in the community correc-
5 tions center and the number of prisoners returned from the commu-
6 nity corrections center to a state correctional facility.

7 (b) The institutional number, record of convictions, and
8 term of sentence of each prisoner placed in the center, and a
9 summary of the disciplinary problems or major misconduct
10 citations, if any, for each of those prisoners while in the
11 center; and written documentation verifying that the prisoners in
12 the community corrections center were in compliance with the com-
13 munity status criteria on the date of their placement into the
14 community corrections center. The written information provided
15 under this ~~subsection~~ SUBDIVISION, and all copies of that
16 information, may be distributed to the committee only for the
17 duration of the meeting, and after the meeting shall be retained
18 by the supervisor of the community corrections center or his or
19 her designee.

20 (c) The number of prisoners in the center who, while in the
21 center, tested positive for the presence of alcohol or controlled
22 substances, resulting in a major misconduct violation.

23 (d) The number of prisoners who were apprehended and charged
24 with the commission of a new criminal offense while in the
25 center, or after they had escaped from the center and before they
26 had been recaptured.

1 (e) The number of incidents resulting in a major misconduct
2 violation in which a prisoner placed in the center was absent
3 from the center without authorization, or failed to report to
4 employment, school, treatment, or other destination as to which
5 the prisoner's absence from the center was authorized.

6 (f) The number of prisoners in the center who are in treat-
7 ment programs, and a summary of the services offered by those
8 programs.

9 (g) The number of prisoners in the center who are employed,
10 and the number who are in education programs.

11 (h) The number of personnel employed at the center and their
12 job classifications, and the number and job classification of any
13 personnel positions at the center that are not filled at the time
14 of the report.

15 (5) A center supervisor shall not be required to meet with a
16 citizens' council more often than once each month. If the center
17 supervisor is unavailable at the time of a meeting called pursu-
18 ant to subsection (4), the regional supervisor may appoint a des-
19 ignee to act on the center supervisor's behalf. If a community
20 corrections center does not have a center supervisor, the duties
21 of the center supervisor under this section shall be performed by
22 a regional supervisor, field agent, or other person designated by
23 the department as being generally responsible for overseeing the
24 daily operation of that community corrections center.

25 (6) If a citizens' council believes that the placement of a
26 prisoner into a community corrections center within its
27 jurisdiction was made in violation of the community status

1 criteria, the council shall give written or verbal notice to the
2 center supervisor. If the center supervisor believes that the
3 council was incorrect in its determination, the center supervisor
4 or his or her designee shall meet with the council or chairperson
5 of the council within 2 business days after receiving the notice,
6 and shall review the prisoner's record and the community place-
7 ment criteria and shall determine whether or not the placement
8 violates the community placement criteria. If it is determined
9 by the center supervisor that the placement does violate the com-
10 munity placement criteria, the department shall reclassify the
11 prisoner to be returned to a state correctional facility.

12 (7) Each citizens' council may report annually to the county
13 board of commissioners for that county or, in a county that has a
14 county executive, to the county executive, and the state repre-
15 sentatives and state senators for that district. The report
16 shall describe the effect on the city, village, or township and
17 the surrounding communities of the community corrections centers
18 in the council's jurisdiction, and shall include a summary of
19 information provided to the council under subsection (4).

20 (8) A citizens' council also shall do all of the following:

21 (a) Act as a liaison between the residents of the area
22 affected by the community corrections center or centers in its
23 jurisdiction and the department as to issues concerning the
24 center or centers.

25 (b) Review policies and procedures governing the operation
26 of the center or centers in its jurisdiction, including placement
27 and supervision standards.

1 SEC. 65J. A BOARD OR COMMISSION THAT HAS AUTHORITY OVER THE
2 PLACEMENT OR OPERATION OF A COMMUNITY CORRECTIONS CENTER OR OTHER
3 COMMUNITY FACILITY THAT HOUSES PRISONERS, OR THAT HAS THE AUTHOR-
4 ITY TO ADVISE THE DEPARTMENT ON THOSE ISSUES, SHALL HAVE AT LEAST
5 1 MEMBER WHO IS A LOCAL ELECTED OFFICIAL OF THE CITY, VILLAGE, OR
6 TOWNSHIP IN WHICH THE CENTER OR FACILITY IS LOCATED.