

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5977 (Substitute H-2 as passed by the House)
House Bill 5978 (Substitute H-2 as passed by the House)
Sponsor: Representative Randy Richardville (H.B. 5977)
Representative Mike Kowall (H.B. 5978)
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 12-10-02

CONTENT

House Bill 5977 (H-2) would create the "Local Corrections Officers Training Act" to do the following:

- **Require the certification of local corrections officers, and establish certification requirements for local corrections officers hired after 2003.**
- **Create the "Local Corrections Officers Training Fund", to defray the costs of certifying and training local corrections officers.**
- **Create the Sheriffs Coordinating and Training Council, and prescribe its membership and duties.**
- **Create the Local Corrections Officers Advisory Board within the Council to develop and recommend minimum standards and requirements for local corrections officers.**

House Bill 5978 (H-2) would amend Public Act 171 of the Revised Statutes of 1846 (which provides for the regulation of county jails) to require each individual incarcerated in a county jail to pay a \$12 fee upon admittance, and require a county sheriff to forward the fees to the Fund (proposed by House Bill 5977) under certain circumstances.

The bills are tie-barred.

House Bill 5977 (H-2)

Sheriffs Coordinating and Training Council

The seven-member Council would consist of the president of the Michigan Sheriffs' Association; three sheriffs elected by the

Michigan Sheriffs' Association (one from a county with a population over 400,000; one from a county with a population between 100,000 and 400,000; and one from a county with a population below 100,000); two members elected by the Deputy Sheriff's Association; and one elected by the jail administrators committee of the Michigan Sheriffs' Association.

The Council would have to meet at least four times per year and hold special meetings when called by the chairperson. It would be subject to the Open Meetings Act. Council members would serve without compensation but would be entitled to actual expenses. A member could not be disqualified from holding any public office or employment by reason of his or her appointment to or membership on the Council, and would not have to forfeit that public office or employment by reason of his or her appointment to the Council, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

The Council would have to provide administrative support services for the Council and its executive secretary as provided by separate appropriation for the Council.

The Council could enter into agreements with, and cooperate with and assist, other public and private agencies or organizations to implement the intent of the bill. The Council also could make recommendations to the Legislature on matters pertaining to its responsibilities under the bill.

The Council could accept funds, grants, and gifts from any public or private source, which

would have to be used to defray the expenses incidental to implementing its responsibilities under the bill.

Training Office

The bill would create the Sheriffs Coordinating and Training Office as an autonomous entity in the Department of Corrections. The head of the office would be the Sheriffs Coordinating and Training Council. The chief executive officer of the Office would be the executive secretary, who would be appointed by the Council and hold office at the pleasure of the Council. The executive secretary would have to perform the functions and duties as assigned by the Council. The Council could employ other persons as it considered necessary to implement the intent and purpose of the bill. The Department would not be fiscally or programmatically responsible or liable for any of the responsibilities or duties of the Office, Council, or board contained in the bill.

Advisory Board; Minimum Standards

The bill would create the Local Corrections Officers Advisory Board within the Council. The Board's nine members would be appointed by the Council and would have to include three members of the Deputy Sheriff's Association; three members of the Michigan Sheriffs' Association; one member of the Police Officers Association of Michigan; one member of the Fraternal Order of Police; and one member of the Michigan Association of Counties. The Board members would serve without compensation, but would be entitled to actual expenses.

Within six months after the bill's effective date, and as often as necessary after that, the Board would have to develop and recommend minimum standards and requirements for local corrections officers, and submit those standards and requirements to the Council for its approval. The Board would have to recommend to the Council all facilities that the Board approved for providing training to local corrections officers under the bill.

The Board would have to make an annual report to the Council. The report would have to include pertinent data regarding the standards and requirements established, and an evaluation of the effectiveness of local

corrections officer training programs.

Within one year after the bill's effective date, and as often as necessary after that, the Council would have to approve minimum standards and requirements for local corrections officers with respect to the following:

- Recruitment, selection, and certification of new local corrections officers based upon, at least, work experience, educational achievement, and physical and mental fitness.
- New employee and continuing training programs.
- Recertification process.
- Course content of the vocational certificate program, the central training academy, and continuing training programs.
- Decertification process.

Certification

Beginning six months after the bill's effective date, an individual could not be a local corrections officer unless he or she was certified or recertified by the Council. The Council would have to certify, and recertify on an annual basis, those persons who satisfied the criteria prescribed in the bill.

Effective January 1, 2004, a person who was employed as a local corrections officer before that date, upon furnishing the Council satisfactory evidence of his or her employment as a local corrections officer, would have to be certified and recertified by the Council as a local corrections officer, if he or she applied to the Council within six months after the bill's effective date.

A person who was not employed as a local corrections officer before January 1, 2004, but who became employed as a local corrections officer on or after that date, could not be certified or recertified by the Council unless he or she met the following conditions:

- Was a citizen of the United States and 18 years old or older.
- Had obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.
- Within 12 months after becoming employed as a local corrections officer, had fulfilled

other standards and requirements developed by the Board and approved by the Council.

- Had fulfilled the standards and requirements developed by the Council upon the recommendation of the Board for recertification.

Local Corrections Officers Training Fund

The bill would create the Fund in the State Treasury, to be administered by the Council. The fees and civil fines collected from county inmates (as proposed in House Bill 5978 (H-2)), as well as funds from any other source as provided by law, would have to be credited to the Fund. The Council could use the Fund only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the Office, Board, and Council; and other expenditures related to the proposed requirements.

Only counties that forwarded to the Fund 100% of fees collected under House Bill 5978 (H-2) would be eligible to receive grants from the Fund. A county that received funds from the Council could use those funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county, and could not use the funds to supplant current spending by the county for those purposes, including State grants and training funds.

The Council, upon written request, would have to reimburse the full amount of any fee paid by a person who was incarcerated pending trial and was found not guilty, or whose prosecution was terminated for any reason. The Council would have to create and make available to all local correctional facilities in the State a written form explaining these provisions.

Unspent money remaining in the Fund at the end of the fiscal year would remain in the Fund and would not revert to the General Fund.

House Bill 5978 (H-2)

The bill provides that, beginning January 1, 2003, every person incarcerated in a county jail would have to pay a \$12 fee to the county

sheriff when admitted to the jail. The county sheriff would have to collect the fee by withdrawing the amount from any inmate account maintained by the sheriff for the inmate. Once each calendar quarter, the sheriff would have to forward all the fees to the proposed Local Corrections Officers Training Fund, except as provided below.

A county could retain \$10 of the fee, and send \$2 to the Fund, if it met either of the following criteria:

- The sheriff's office of the county required local corrections officers to complete at least 160 hours of training as recommended by the State Department of Corrections.
- The proposed Sheriffs Coordinating and Training Council had certified that the county's standards and requirements for the training of local corrections officers equaled or exceeded the standards and requirements approved by the Council.

If a county retained \$10 from each fee, it could be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. Revenue from the fees could not be used to supplant current spending by the county for continuing education, certification, recertification, and training of local corrections officers.

An inmate who failed to pay a fee before being discharged from the jail would be liable for a civil fine of \$100. A sheriff or deputy sheriff could issue an appearance ticket by the sheriff or a deputy sheriff to a person who failed to pay a fee. The county prosecutor for the county in which the jail was located would be responsible for enforcing the civil violation. The fine would have to be paid to the county treasurer who, once each calendar quarter, would have to forward the fines to the proposed Fund.

A person who was incarcerated in a jail pending trial or arraignment would be entitled to a full refund of the fee if the prosecution against him or her were terminated for any reason, or if he or she were found not guilty of the charges. Each person required to pay the fee would have to be given a written form

explaining the circumstances under which he or she could request a refund.

Proposed MCL 801.4b (H.B. 5978)

Legislative Analyst: George Towne

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

House Bill 5977 (H-2) would create the Sheriffs Coordinating and Training Office as an autonomous entity within the Department of Corrections (DOC). According to the bill, the DOC would not be fiscally responsible for the Office. Costs would include expense reimbursement for the seven-member Council, administrative support services and an executive secretary for the Council, and grants to counties to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers. The Council would be funded by revenues generated from the collection of a \$12 fee assessed to each person incarcerated in a county jail. County sheriffs would be responsible for collecting the fees and sending the quarterly revenue to the Department of Treasury, which would maintain the Local Corrections Officers Training Fund.

According to 2001 jail data reported by counties to the DOC, which represents approximately 90% of jail beds statewide, there were 287,380 admissions to jail. If one assumes a 100% collection rate for those admissions, and that the resulting revenue would represent 90% of statewide revenue, then the bills could generate up to \$3.8 million. Thus, a 50% collection rate would generate approximately \$1.9 million. The bills would allow counties that already met certain training requirements to retain \$10 of each fee for additional education, certification, training, etc. Those counties would be required to send only the remaining \$2 per prisoner to the Local Corrections Officers Training Fund. There are no data to indicate how many counties this would apply to and how this would affect the potential statewide revenue. Only counties that sent 100% of the collected fees would be eligible to apply for grants from the Fund.

Although House Bill 5977 (H-2) would require the Council to establish minimum training

requirements for certification as a local corrections officer, a 160-hour training course has been developed for local corrections officers under the Correctional Officers' Training Act. In 2002, this course was offered at Kirtland Community College at a cost of \$12,500 for a class capacity of 25. Assuming similar costs, the required training would cost approximately \$500 per officer. This figure, however, is based on an assumption of free classroom space, and it does not include the costs of lodging, meals, salaries, or benefits for officers while in training, or overtime or other costs that local agencies could incur while officers were in training. Training would be required only for those officers hired after January 1, 2004.

Fiscal Analyst: Bethany Wicksall
Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.