

**SUBSTITUTE FOR  
HOUSE BILL NO. 4255**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; 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:**

# HB4255, As Passed House, March 21, 2001

House Bill No. 4255

2

For Fiscal Year Ending  
September 30, 2002

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, 2002, 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.....	50,467	
11	Full-time equated unclassified positions.....	16.0	
12	Full-time equated classified positions.....	19,497.0	
13	GROSS APPROPRIATION.....	\$	1,758,072,400
14	Appropriated from:		
15	Interdepartmental grant revenues:		
16	Total interdepartmental grants and intradepartmental		
17	transfers.....		6,227,900
18	ADJUSTED GROSS APPROPRIATION.....	\$	1,751,844,500
19	Federal revenues:		
20	Total federal revenues.....		26,532,400
21	Special revenue funds:		
22	Total local revenues.....		349,600
23	Total private revenues.....		0
24	Total other state restricted revenues.....		49,322,000
25	State general fund/general purpose.....	\$	1,675,640,500

26 Sec. 102. EXECUTIVE

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1	Average population.....	480	
2	Full-time equated unclassified positions.....	16.0	
3	Full-time equated classified positions.....	84.5	
4	Unclassified positions--16.0 FTE positions.....	\$	1,316,700
5	Executive direction--82.5 FTE positions.....		8,101,700
6	Michigan youth correctional facility - management		
7	services.....		11,374,400
8	Michigan youth correctional facility -		
9	administration--2.0 FTE positions.....		196,100
10	Average population.....	480	
11	Michigan youth correctional facility - lease payments		<u>5,589,100</u>
12	GROSS APPROPRIATION.....	\$	26,578,000
13	Appropriated from:		
14	Federal revenues:		
15	Federal revenues and reimbursements.....		17,159,600
16	State general fund/general purpose.....	\$	9,418,400
17	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>		
18	Full-time equated classified positions.....	427.6	
19	Planning, research, and information services--83.5		
20	FTE positions.....	\$	9,449,500
21	Program services--13.0 FTE positions.....		1,318,400
22	Administrative services--69.6 FTE positions.....		5,787,200
23	Substance abuse testing and treatment.....		21,075,500
24	MDOC in-prison pilot drug treatment program.....		1,630,300
25	MDOC technical violator drug treatment program.....		1,000,000
26	Inmate legal services.....		314,900

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1	Training.....	15,206,800
2	Training administration--37.5 FTE positions.....	4,104,700
3	Prison industries operations--224.0 FTE positions....	15,793,800
4	Rent.....	2,240,800
5	Equipment and special maintenance.....	2,054,000
6	Worker's compensation.....	20,937,400
7	Compensatory buyout and union leave bank.....	275,000
8	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
9	GROSS APPROPRIATION.....	\$ 105,239,300
10	Appropriated from:	
11	Interdepartmental grant revenues:	
12	IDG-MDSP, Michigan justice training fund.....	630,300
13	Federal revenues:	
14	Federal revenues and reimbursements.....	1,412,500
15	Special revenue funds:	
16	Correctional industries revolving fund.....	15,793,800
17	State general fund/general purpose.....	\$ 87,402,700
18	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
19	Average population.....	808
20	Full-time equated classified positions.....	2,333.7
21	Field programs.....	\$ 9,324,100
22	Personnel costs--1,560.0 FTE positions.....	99,412,600
23	Parole board operations--26.0 FTE positions.....	2,133,000
24	Loans to parolees.....	265,000
25	Boot camp-phase III/intensive supervision--72.0 FTE	
26	positions.....	3,342,100

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1	Parole/probation services.....	2,286,500
2	Tether operations--167.3 FTE positions.....	8,489,700
3	Community residential programs--269.1 FTE positions..	22,461,700
4	Average population.....808	
5	Technical rule violator program--104.3 FTE positions.	9,562,300
6	Special alternative incarceration program--135.0 FTE	
7	positions.....	<u>10,463,600</u>
8	GROSS APPROPRIATION..... \$	167,740,600
9	Appropriated from:	
10	Special revenue funds:	
11	Local restricted revenues and reimbursements.....	349,600
12	State restricted revenues and reimbursements.....	16,323,800
13	State general fund/general purpose..... \$	151,067,200
14	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
15	Full-time equated classified positions.....17.0	
16	Community corrections administration--17.0 FTE	
17	positions..... \$	1,549,200
18	Probation residential centers.....	15,697,000
19	Community corrections comprehensive plans and	
20	services.....	13,033,000
21	Public education and training.....	50,000
22	Regional jail program.....	100
23	County jail reimbursement program.....	<u>18,500,000</u>
24	GROSS APPROPRIATION..... \$	48,829,300
25	Appropriated from:	
26	Special revenue funds:	

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1	State restricted revenues and reimbursements.....	13,192,100
2	State general fund/general purpose..... \$	35,637,200
3	<b>Sec. 106. CONSENT DECREES</b>	
4	Average population.....	400
5	Full-time equated classified positions.....	577.4
6	Hadix consent decree--157.0 FTE positions..... \$	11,018,900
7	DOJ consent decree--166.5 FTE positions.....	11,343,300
8	DOJ psychiatric plan - MDCH mental health services...	73,796,000
9	DOJ psychiatric plan - MDOC staff and services--253.9	
10	FTE positions.....	<u>15,732,800</u>
11	GROSS APPROPRIATION..... \$	111,891,000
12	Appropriated from:	
13	State general fund/general purpose..... \$	111,891,000
14	<b>Sec. 107. HEALTH CARE</b>	
15	Full-time equated classified positions.....	969.7
16	Health care administration--16.0 FTE positions..... \$	2,011,600
17	Hospital and specialty care services.....	47,692,100
18	Vaccination program.....	1,491,300
19	Northern region clinical complexes--238.4 FTE	
20	positions.....	23,108,800
21	Southeastern region clinical complexes--422.0 FTE	
22	positions.....	44,719,500
23	Southwestern region clinical complexes--293.3 FTE	
24	positions.....	<u>25,844,400</u>
25	GROSS APPROPRIATION..... \$	144,867,700
26	Appropriated from:	

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1	Federal revenues:	
2	Federal revenues and reimbursements.....	85,000
3	Special revenue funds:	
4	State restricted revenues and reimbursements.....	100,400
5	State general fund/general purpose..... \$	144,682,300
6	<b>Sec. 108. CORRECTIONAL FACILITIES-ADMINISTRATION</b>	
7	Full-time equated classified positions.....534.5	
8	Correctional facilities administration--33.0 FTE	
9	positions..... \$	3,292,800
10	Housing inmates in federal institutions.....	494,000
11	Education services and federal education grants--23.0	
12	FTE positions.....	4,598,400
13	Federal school lunch program.....	712,800
14	Leased beds.....	100
15	Inmate housing fund.....	100
16	Dental lab operations.....	102,300
17	Academic/vocational programs--478.5 FTE positions....	<u>38,531,200</u>
18	GROSS APPROPRIATION..... \$	47,731,700
19	Appropriated from:	
20	Intradepartmental transfer revenues:	
21	IDT, dental lab user fees.....	102,300
22	Federal revenues:	
23	Federal revenues and reimbursements.....	5,331,000
24	State general fund/general purpose..... \$	42,298,400
25	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
26	Average population.....14,330	

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1	Full-time equated classified positions.....	4,497.2	
2	Alger maximum correctional facility-Munising--	381.4	
3	FTE positions.....		\$ 28,374,400
4	Average population.....	844	
5	Baraga maximum correctional facility-Baraga--	448.2	
6	FTE positions.....		32,295,700
7	Average population.....	1,084	
8	Chippewa correctional facility-Kincheloe--	566.7 FTE	
9	positions.....		43,187,800
10	Average population.....	2,322	
11	Kinross correctional facility-Kincheloe--	574.3 FTE	
12	positions.....		45,572,900
13	Average population.....	2,423	
14	Marquette branch prison-Marquette--	429.8 FTE	
15	positions.....		35,016,200
16	Average population.....	1,129	
17	Newberry correctional facility-Newberry--	359.4 FTE	
18	positions.....		26,434,200
19	Average population.....	1,144	
20	Oaks correctional facility-Eastlake--	417.8 FTE	
21	positions.....		31,331,100
22	Average population.....	900	
23	Ojibway correctional facility-Marenisco--	295.4 FTE	
24	positions.....		20,586,700
25	Average population.....	1,196	
26	Pugsley correctional facility-Kingsley--	231.4 FTE	
27	positions.....		15,084,400

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1	Average population.....	954	
2	Saginaw correctional facility-Freeland--387.6 FTE		
3	positions.....		27,869,100
4	Average population.....	1,468	
5	Standish maximum correctional		
6	facility-Standish--405.2 FTE positions.....		<u>30,405,400</u>
7	Average population.....	866	
8	GROSS APPROPRIATION.....	\$	336,157,900
9	Appropriated from:		
10	Special revenue funds:		
11	State restricted revenues and reimbursements.....		1,137,600
12	State general fund/general purpose.....	\$	335,020,300
13	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>		
14	Average population.....	17,692	
15	Full-time equated classified positions.....	5,576.0	
16	Cooper street correctional facility-Jackson--285.2		
17	FTE positions.....	\$	22,894,400
18	Average population.....	1,360	
19	G. Robert Cotton correctional facility-Jackson--467.5		
20	FTE positions.....		35,810,400
21	Average population.....	1,842	
22	Charles E. Egeler correctional		
23	facility-Jackson--302.8 FTE positions.....		21,135,700
24	Average population.....	1,006	
25	Gus Harrison correctional facility-Adrian--542.6 FTE		
26	positions.....		40,770,900

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1	Average population.....	2,200
2	Huron Valley men's facility-Ypsilanti--292.8 FTE	
3	positions.....	21,842,500
4	Average population.....	497
5	Jackson maximum correctional facility-Jackson--657.0	
6	FTE positions.....	48,287,100
7	Average population.....	1,556
8	Macomb correctional facility-New Haven--388.3 FTE	
9	positions.....	26,832,400
10	Average population.....	1,468
11	Mound correctional facility-Detroit--355.4 FTE	
12	positions.....	25,588,300
13	Average population.....	1,044
14	Parnall correctional facility-Jackson--298.0 FTE	
15	positions.....	23,437,000
16	Average population.....	1,448
17	Ryan correctional facility-Detroit--346.3 FTE	
18	positions.....	25,887,400
19	Average population.....	1,044
20	Scott correctional facility-Plymouth--340.7 FTE	
21	positions.....	24,828,500
22	Average population.....	847
23	Southern Michigan correctional	
24	facility-Jackson--482.6 FTE positions.....	31,503,900
25	Average population.....	881
26	Thumb correctional facility-Lapeer--382.7 FTE	
27	positions.....	27,796,900

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1	Average population.....	1,454	
2	Western Wayne correctional facility-Plymouth--	328.1	
3	FTE positions.....		26,229,200
4	Average population.....	1,045	
5	Jackson area support and services--	106.0 FTE	
6	positions.....		<u>19,060,100</u>
7	GROSS APPROPRIATION.....	\$	421,904,700
8	Appropriated from:		
9	Intradepartmental transfer revenues:		
10	IDT, surplus food user fees.....		262,200
11	IDT, production kitchen user fees.....		5,233,100
12	Federal revenues:		
13	Federal revenues and reimbursements.....		2,544,300
14	Special revenue funds:		
15	State restricted revenues and reimbursements.....		1,397,300
16	State general fund/general purpose.....	\$	412,467,800
17	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		
18	Average population.....	16,757	
19	Full-time equated classified positions.....	4,479.4	
20	E.C. Brooks correctional facility-Muskegon--	516.3 FTE	
21	positions.....	\$	40,187,100
22	Average population.....	2,200	
23	Carson City correctional facility-Carson City--	551.8	
24	FTE positions.....		41,902,800
25	Average population.....	2,200	
26	Florence Crane correctional facility-Coldwater--	398.8	
27	FTE positions.....		30,402,700

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1	Average population.....	1,350
2	Richard A. Handlon Michigan training	
3	unit-Ionia--269.0 FTE positions.....	21,558,300
4	Average population.....	1,315
5	Ionia maximum correctional facility-Ionia--371.0 FTE	
6	positions.....	27,034,000
7	Average population.....	636
8	Ionia temporary correctional facility-Ionia--208.9	
9	FTE positions.....	16,833,800
10	Average population.....	960
11	Lakeland correctional facility-Coldwater--268.9 FTE	
12	positions.....	21,683,900
13	Average population.....	1,200
14	Michigan reformatory-Ionia--392.1 FTE positions.....	33,181,700
15	Average population.....	1,338
16	Muskegon correctional facility-Muskegon--310.4 FTE	
17	positions.....	25,050,200
18	Average population.....	1,310
19	Pine River correctional facility-St. Louis--225.6 FTE	
20	positions.....	17,372,500
21	Average population.....	960
22	Riverside correctional facility-Ionia--341.0 FTE	
23	positions.....	27,189,900
24	Average population.....	1,034
25	St. Louis correctional facility-St. Louis--625.6 FTE	
26	positions.....	<u>45,735,300</u>

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1	Average population.....	2,254	
2	GROSS APPROPRIATION.....	\$	348,132,200
3	Appropriated from:		
4	Special revenue funds:		
5	State restricted revenues and reimbursements.....		1,377,000
6	State general fund/general purpose.....	\$	346,755,200
7	<b>Sec. 112. BUDGETARY SAVINGS</b>		
8	Budgetary savings.....	\$	<u>(1,000,000)</u>
9	GROSS APPROPRIATION.....	\$	(1,000,000)
10	Appropriated from:		
11	State general fund/general purpose.....	\$	(1,000,000)

12

13

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

## 16 GENERAL SECTIONS

17 Sec. 201. Pursuant to section 30 of article IX of the state consti-  
18 tution of 1963, total state spending from state resources under part 1  
19 for fiscal year 2001-2002 is \$1,724,962,500.00 and state spending from  
20 state resources to be paid to local units of government for fiscal year  
21 2001-2002 is \$82,543,800.00. The itemized statement below identifies  
22 appropriations from which spending to units of local government will  
23 occur:

### 24 DEPARTMENT OF CORRECTIONS

25	Field operations - assumption of county probation		
26	staff.....	\$	36,381,700

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1	Prosecutorial and detainer expenses.....	4,051,000
2	Public service work projects.....	13,331,000
3	Community corrections comprehensive plans and	
4	services.....	13,033,000
5	Community corrections probation residential centers..	15,697,000
6	Community corrections public education and training..	50,000
7	Regional jail program.....	<u>100</u>
8	TOTAL..... \$	82,543,800

9       Sec. 202. The appropriations authorized under this act are subject  
10 to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

11       Sec. 203. As used in this act:

12       (a) "Department" or "MDOC" means the Michigan department of  
13 corrections.

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

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

16       (d) "IDG" means interdepartmental grant.

17       (e) "IDT" means intradepartmental transfer.

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

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

20       Sec. 204. The department of civil service shall bill departments  
21 and agencies at the end of the first fiscal quarter for the 1% charge  
22 authorized by section 5 of article XI of the state constitution of 1963.  
23 Payments shall be made for the total amount of the billing by the end of  
24 the second fiscal quarter.

25       Sec. 205. (1) In addition to the funds appropriated in part 1,  
26 there is appropriated an amount not to exceed \$20,000,000.00 for federal  
27 contingency funds. These funds are not available for expenditure until

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1 they have been transferred to another line item in this act under  
2 section 393(2) of the management and budget act, 1984 PA 431,  
3 MCL 18.1393.

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

10 (3) In addition to the funds appropriated in part 1, there is appro-  
11 priated an amount not to exceed \$500,000.00 for local contingency funds.  
12 These funds are not available for expenditure until they have been trans-  
13 ferred to another line item in this act under section 393(2) of the man-  
14 agement and budget act, 1984 PA 431, MCL 18.1393.

15 (4) In addition to the funds appropriated in part 1, there is appro-  
16 priated an amount not to exceed \$500,000.00 for private contingency  
17 funds. These funds are not available for expenditure until they have  
18 been transferred to another line item in this act under section 393(2) of  
19 the management and budget act, 1984 PA 431, MCL 18.1393.

20 Sec. 206. Unless otherwise specified, the department shall use the  
21 Internet to fulfill the reporting requirements of this act. This may  
22 include transmission of reports via electronic mail to the recipients  
23 identified for each reporting requirement or it may include placement of  
24 reports on an Internet or Intranet site. Quarterly, the department shall  
25 provide to the appropriations subcommittees members, state budget office,  
26 and the fiscal agencies an electronic and paper copy listing of the

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1 reports submitted during the most recent 3-month period along with the  
2 Internet or Intranet site of each report, if any.

3       Sec. 207. (1) A hiring freeze is imposed on the state classified  
4 civil service. State departments and agencies are prohibited from hiring  
5 any new full-time state classified civil service employees and prohibited  
6 from filling any vacant state classified civil service positions. This  
7 hiring freeze does not apply to internal transfers of classified employ-  
8 ees from 1 position to another within a department.

9       (2) The state budget director shall grant exceptions to this hiring  
10 freeze when the state budget director believes that the hiring freeze  
11 will result in rendering a state department or agency unable to deliver  
12 basic services, cause loss of revenue to the state, result in the inabil-  
13 ity of the state to receive federal funds, or would necessitate addi-  
14 tional expenditures that exceed any savings from maintaining a vacancy.  
15 The state budget director shall report by the thirtieth of each month to  
16 the chairpersons of the senate and house standing committees on appropri-  
17 ations the number of exceptions to the hiring freeze approved during the  
18 previous month and the reasons to justify the exception.

19       Sec. 208. (1) The negative appropriation for budgetary savings in  
20 part 1 shall be satisfied by savings from the hiring freeze imposed in  
21 section 207 and, if necessary, by other savings identified by the depart-  
22 ment director and approved by the state budget director.

23       (2) Appropriation authorizations shall be adjusted after the  
24 approval of transfers by the legislature pursuant to section 393(2) of  
25 the management and budget act, 1984 PA 431, MCL 18.1393.

26       Sec. 209. At least 120 days before beginning any effort to  
27 privatize, the department shall submit a complete project plan to the



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1 appropriate senate and house of representatives appropriations  
2 subcommittees and the senate and house fiscal agencies. The plan shall  
3 include the criteria under which the privatization initiative will be  
4 evaluated. The evaluation shall be completed and submitted to the appro-  
5 priate senate and house of representatives appropriations subcommittees  
6 and the senate and house fiscal agencies within 30 months.

7       Sec. 209a. [Funds appropriated in part 1 should not be used for  
8 the purchase of foreign goods or services, or both, if competitively  
9 priced and of comparable quality American goods and services, or both, are  
10 available. Preference should be given to goods and services, or both,  
11 manufactured or provided by Michigan businesses if they are competitively  
12 priced and of comparable value.

13

14               ]

15       Sec. 210. The director of each department receiving appropriations  
16 in part 1 shall take all reasonable steps to ensure businesses in  
17 deprived and depressed communities compete for and perform contracts to  
18 provide services or supplies, or both. Each director shall strongly  
19 encourage firms with which the department contracts to subcontract with  
20 certified businesses in depressed and deprived communities for services,  
21 supplies, or both.

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

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

4 Sec. 212. The department may charge fees and collect revenues in  
5 excess of appropriations in part 1 not to exceed the cost of offender  
6 services and programming, employee meals, academic/vocational services,  
7 custody escorts, compassionate visits, union steward activities, public  
8 work programs, and emergency services provided to units of government.  
9 The revenues and fees collected shall be appropriated for all expenses  
10 associated with these services and activities.

11 Sec. 213. Of the state general fund/general purpose revenue appro-  
12 priated in part 1, \$567,662,000.00 represents a state spending increase  
13 over the amount provided to the department for the fiscal year ending  
14 September 30, 1994, and may be used to meet state match requirements of  
15 programs contained in the violent crime control and law enforcement act  
16 of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs,  
17 so that any additional federal funds received shall supplement funding  
18 provided to the department in part 1.

19 Sec. 214. By September 30, 2002, the department shall report to the  
20 senate and house appropriations subcommittees on corrections, the senate  
21 and house fiscal agencies, and the state budget director the amount of  
22 savings realized through the consolidation of special alternative incar-  
23 ceration line items and of facility line items, and how such savings were  
24 utilized within their respective line items.

[Sec. 214a. By September 30, 2002, the department shall report to the  
house and senate appropriations subcommittees on corrections, the house  
and senate fiscal agencies, and the state budget director on the projected  
expenditure for each prison clinical complex consolidated into a regional  
clinical complex line item. The report shall include an assessment of the  
impact of the consolidation of clinical complex line items into regional  
clinical line items, including, but not limited to, a description of any  
legislative transfers that would have been necessary except for the  
consolidation of the former clinical complex line items, and information  
on any other administrative or operational efficiencies that may have been  
realized through the consolidation.]

25 Sec. 215. The department shall provide quarterly reports on the  
26 Michigan youth correctional facility to the members of the senate and  
27 house appropriations subcommittees on corrections, the senate and house

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1 fiscal agencies, and the state budget director. The reports shall  
2 provide information relevant to an assessment of the safety and security  
3 of the institution, including, but not limited to, information on the  
4 number of critical incidents by type occurring at the facility, the  
5 number of custody staff at the facility, staff turnover rates, staff  
6 vacancy rates, overtime reports, prisoner grievances, and number and  
7 severity of assaults occurring at the facility. The reports also shall  
8 provide information on programming available at the facility and on pro-  
9 gram enrollments, including, but not limited to, academic/vocational pro-  
10 grams, counseling programs, mental health treatment programs, substance  
11 abuse treatment programs, and cognitive restructuring programs.

12       Sec. 216. The department shall require the contract monitor for the  
13 Michigan youth correctional facility to provide a manual to each prisoner  
14 at intake that details programs and services available at the facility,  
15 the processes by which prisoner complaints and grievances can be pursued,  
16 and the identity of staff available at the facility to answer questions  
17 regarding the information in the manual. The contract monitor shall  
18 obtain written verification of receipt from each prisoner receiving the  
19 manual. The contract monitor also shall answer prisoner questions  
20 regarding facility programs, services, and grievance procedures.

21       Sec. 217. The department shall report by April 1, 2002 to the  
22 senate and house of representatives appropriations subcommittees on cor-  
23 rections, the senate and house fiscal agencies, and the state budget  
24 director on the amount of milk and milk products produced and distributed  
25 and the amount of raw milk purchased from the Michigan milk producers  
26 association, by month and location, during the preceding fiscal year.

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1       Sec. 218. Prior to release to the community by parole, transfer to  
2 community residential placement, or discharge on the maximum, the  
3 department shall provide each prisoner with information on hepatitis C  
4 prevention and the risks associated with exposure to hepatitis C.

5       Sec. 219. (1) By April 1, 2002, the department shall report to the  
6 senate and house appropriations subcommittees on corrections, the senate  
7 and house fiscal agencies, and the state budget director on  
8 academic/vocational programs. The report shall provide information rele-  
9 vant to an assessment of the department's academic and vocational pro-  
10 grams, including, but not limited to, the following:

11       (a) The number of prisoners enrolled in each program, the number of  
12 prisoners completing each program, and the number of prisoners on waiting  
13 lists for each program.

14       (b) The steps the department has undertaken to improve programs and  
15 reduce waiting lists.

16       (c) An explanation of the value and purpose of each program, e.g.,  
17 to improve employability, reduce recidivism, reduce prisoner idleness, or  
18 some combination of these and other factors.

19       (d) An identification of program outcomes for each academic and  
20 vocational program.

21       (e) An explanation of the department's plans for academic and voca-  
22 tional programs.

23       (2) From the funds appropriated in part 1, the department shall con-  
24 tract with an independent third party to prepare a program design and  
25 estimated cost for an evaluation of the department's academic and voca-  
26 tional programs. At a minimum, the program design shall include an  
27 assessment of the degree to which departmental academic/vocational

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1 programs affect parolee employability and recidivism. The department  
2 shall cooperate with the contractor and grant the contractor access to  
3 departmental records and staff as necessary to complete the program  
4 design. By April 1, 2002, the department shall submit the program design  
5 and estimated cost of the evaluation to the house and senate appropria-  
6 tions subcommittees on corrections, the house and senate fiscal agencies,  
7 and the state budget director.

8       Sec. 220. By February 15, 2002, the department shall provide the  
9 house and senate appropriations subcommittees on corrections, the house  
10 and senate fiscal agencies, and the state budget director with an annual  
11 report on restricted fund balances, projected revenues, and expenditures  
12 for the fiscal years ending September 30, 2001 and September 30, 2002.

### 13 SUBSTANCE ABUSE TESTING AND TREATMENT

14       Sec. 301. (1) The department shall screen and assess each prisoner  
15 for alcohol and other drug involvement to determine the need for further  
16 treatment. The assessment process shall be designed to identify the  
17 severity of alcohol and other drug addiction and determine the treatment  
18 plan, if appropriate.

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

24       Sec. 302. (1) In expending residential substance abuse treatment  
25 services funds appropriated by this act, the department shall ensure to

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1 the maximum extent possible that residential substance abuse treatment  
2 services are available statewide.

3 (2) By April 1, 2002, the department shall report to the house and  
4 senate appropriations subcommittees on corrections and the house and  
5 senate fiscal agencies on the allocation, distribution, and expenditure  
6 of all funds appropriated by the substance abuse administration and test-  
7 ing line item. Information required by this subsection shall, where pos-  
8 sible, be separated by MDOC administrative region and by offender type,  
9 including at a minimum a distinction between prisoners, parolees, and  
10 probationers.

11 Sec. 304. The amount appropriated in part 1 for the MDOC in-prison  
12 drug treatment program shall be used by the department to continue to  
13 implement a minimum of 2 in-prison drug treatment programs, with at least  
14 1 program being for male prisoners and 1 for female prisoners.

15 Sec. 305. The amount appropriated in part 1 for the MDOC technical  
16 violator pilot drug treatment program shall be used by the department to  
17 continue to implement a pilot program aimed at reducing parolee and pro-  
18 bationer prison admissions for substance abuse related technical viola-  
19 tions or crimes.

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

26 (2) Any funds appropriated under part 1 for the MDOC in-prison drug  
27 treatment program and the MDOC technical violator pilot drug treatment

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1 program that remain unexpended at the end of the fiscal year shall not  
2 revert to the general fund but instead shall be placed in separate work  
3 project accounts to be spent as provided under this section and  
4 sections 304 and 305.

5       (3) The department shall contract with 1 or more independent third  
6 parties for evaluation and monitoring of alcohol and substance abuse pro-  
7 grams administered by the department, including in-prison programs and  
8 programs provided through community placement or field programs. The  
9 evaluation shall measure the impact of alcohol and other substance abuse  
10 programs on prison admission, length of stay, jail utilization, and  
11 offender relapse and recidivism. The evaluation of a program funded  
12 under section 219(6) of 1998 PA 321 shall be consistent with any require-  
13 ments contained in the federal residential substance abuse treatment  
14 grant for that program. Evaluation of substance abuse treatment pilot  
15 programs funded under sections 304 and 305 of this act and sections 220  
16 and 221 of 1998 PA 321 shall be consistent with recommendations developed  
17 and agreed to under section 222 of 1998 PA 321, and shall be structured  
18 so as to allow the pilot programs funded under this act and under 1998  
19 PA 321 to be compared with each other. Evaluations required by this sec-  
20 tion shall to the extent feasible compare offenders treated under those  
21 programs with other offenders of similar characteristics.

22       (4) The department shall report by April 1, 2002 to the house and  
23 senate appropriations subcommittees on corrections and the house and  
24 senate fiscal agencies on the progress on implementation of the substance  
25 abuse treatment pilot programs funded under this act, 2000 PA 237, 1999  
26 PA 92, and 1998 PA 321 and on implementation of evaluation and monitoring  
27 requirements provided by this section.

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**1 EXECUTIVE**

2       Sec. 401. The department shall submit 3-year and 5-year prison pop-  
3 ulation projection updates by February 1, 2002 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. The department shall prepare by April 1, 2002 individual  
7 reports for the technical rule violator program, the community residen-  
8 tial program, the electronic tether program, and the special alternative  
9 to incarceration program. The reports shall be submitted to the house  
10 and senate appropriations subcommittees on corrections, the house and  
11 senate fiscal agencies, and the state budget director. The reports shall  
12 include the following:

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

25       Sec. 403. From the funds appropriated in part 1, the department  
26 shall continue to maintain county jail services staff sufficient to  
27 enable the department to continue to fulfill its functions of providing



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1 technical support, inspections of county jails, and maintenance of the  
2 jail reimbursement program.

3       Sec. 404. The department shall report to the senate and house  
4 appropriations subcommittees on corrections, the senate and house fiscal  
5 agencies, and the state budget director by April 1, 2002 on the ratio of  
6 correctional officers to prisoners for each correctional institution, the  
7 ratio of shift command staff to line custody staff, and the ratio of non-  
8 custody institutional staff to prisoners for each correctional  
9 institution.

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

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

25       (3) The department shall continue to utilize parole violator pro-  
26 cessing guidelines that require parole agents to utilize all available  
27 appropriate community-based, nonincarcerative postrelease sanctions and

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

5 (4) By March 1, 2002, the department shall report to the senate and  
6 house appropriations subcommittees on corrections, senate and house  
7 fiscal agencies, and state budget director on the effect that any recom-  
8 mended policy changes for technical violators of parole and technical  
9 violators of probation would have on admission to prison and jail and the  
10 impact on other program alternatives.

### 11 ADMINISTRATION AND PROGRAMS

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

### 17 FIELD OPERATIONS ADMINISTRATION

18 Sec. 601. (1) It is the intent of the legislature that the funding  
19 appropriated in part 1 for parole and probation agents shall provide suf-  
20 ficient parole and probation agents to maintain an average individual  
21 ratio of 90 workload units per agent.

22 (2) From the funds appropriated in part 1, the department shall  
23 conduct a statewide caseload audit of field agents. The audit shall

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1 address public protection issues and assess the ability of the field  
2 agents to complete their professional duties. The results of the audit  
3 shall be submitted to the senate and house appropriations subcommittees  
4 on corrections and the senate and house fiscal agencies by September 30,  
5 2002.

6       Sec. 602. (1) Of the amount appropriated in part 1 for personnel, a  
7 sufficient amount shall be allocated for the community service work pro-  
8 gram and shall be used for salaries and wages and fringe benefit costs of  
9 community service coordinators employed by the department to supervise  
10 offenders participating in work crew assignments. Funds shall also be  
11 used to cover motor transport division rates on state vehicles used to  
12 transport offenders to community service work project sites.

13       (2) The community service work program shall provide offenders with  
14 community service work of tangible benefit to a community while fulfill-  
15 ing court-ordered community service work sanctions and other postconvic-  
16 tion obligations.

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

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

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1       (2) Program participant contributions and local community tether  
2 program reimbursement for the electronic tether program appropriated in  
3 part 1 are related to program expenditures and may be used to offset  
4 expenditures for this purpose.

5       (3) Included in the appropriation in part 1 is adequate funding to  
6 implement the community tether program to be administered by the  
7 department. The community tether program is intended to provide sentenc-  
8 ing judges and county sheriffs in coordination with local community cor-  
9 rections advisory boards access to the state's electronic tether program  
10 to reduce prison admissions and improve local jail utilization. The  
11 department shall determine the appropriate distribution of the tether  
12 units throughout the state based upon locally developed comprehensive  
13 corrections plans pursuant to the community corrections act, 1988 PA 511,  
14 MCL 791.401 to 791.414.

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

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

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1       Sec. 604. Community-placement prisoners and parolees shall  
2 reimburse the department for the operational costs of the program. As an  
3 alternative method of payment, the department may develop a community  
4 service work schedule for those individuals unable to meet reimbursement  
5 requirements established by the department.

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

9       Sec. 606. The department shall provide annual training in universal  
10 precautions for airborne and bloodborne pathogens for all field opera-  
11 tions employees who conduct instant drug tests.

12 **COMMUNITY CORRECTIONS**

13       Sec. 701. The office of community corrections shall provide and  
14 coordinate the delivery and implementation of services in communities to  
15 facilitate successful offender reintegration into the community.  
16 Programs and services to be offered shall include, but are not limited  
17 to, technical assistance for comprehensive corrections plan development,  
18 new program start-up funding, program funding for those programs deliver-  
19 ing services for eligible offenders in geographic areas identified by the  
20 office of community corrections as having a shortage of available serv-  
21 ices, technical assistance, referral services for education, employment  
22 services, and substance abuse and family counseling. As used in this  
23 act:

24       (a) "Alternative to incarceration in a state facility or jail" means  
25 a program that involves offenders who receive a sentencing disposition

1 which appears to be in place of incarceration in a state correctional  
2 facility or jail based on historical local sentencing patterns or which  
3 amounts to a reduction in the length of sentence in a jail.

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

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

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

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

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

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

26 (ii) A currently incarcerated felon or misdemeanor who is granted  
27 early release from incarceration to a community corrections program or

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1 who is granted early release from incarceration as a result of a  
2 community corrections program.

3       Sec. 702. (1) The funds included in part 1 for community correc-  
4 tions comprehensive plans and services are to encourage the development  
5 through technical assistance grants, implementation, and operation of  
6 community corrections programs that serve as an alternative to carcera-  
7 tion in a state facility or jail. The comprehensive corrections plans  
8 shall include an explanation of how the public safety will be maintained,  
9 the goals for the local jurisdiction, offender target populations  
10 intended to be affected, offender eligibility criteria for purposes out-  
11 lined in the plan, and how the plans will meet the following objectives,  
12 consistent with section 8(4) of the community corrections act, 1988  
13 PA 511, MCL 791.408:

14       (a) Reduce admissions to prison of nonviolent offenders who would  
15 have otherwise received an active sentence, including probation  
16 violators.

17       (b) Improve the appropriate utilization of jail facilities, the  
18 first priority of which is to open jail beds intended to house otherwise  
19 prison-bound felons, and the second priority being to appropriately uti-  
20 lize jail beds so that jail crowding does not occur.

21       (c) Open jail beds through the increase of pretrial release  
22 options.

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

24       (e) Reduce the admission or readmission to prison of offenders,  
25 including probation violators and parole violators, for substance abuse  
26 violations.

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

8       (3) Funds awarded for probation residential centers in part 1 shall  
9 provide for a per diem reimbursement of not more than \$43.00.

10       Sec. 703. The comprehensive corrections plans shall also include,  
11 where appropriate, descriptive information on the full range of sanctions  
12 and services which are available and utilized within the local jurisdic-  
13 tion and an explanation of how jail beds, probation residential services,  
14 the special alternative incarceration program (boot camp), probation  
15 detention centers, the electronic monitoring program for probationers,  
16 and treatment and rehabilitative services will be utilized to support the  
17 objectives and priorities of the comprehensive corrections plan and the  
18 purposes and priorities of section 8(4) of the community corrections act,  
19 1988 PA 511, MCL 791.408. The plans shall also include, where appropri-  
20 ate, provisions that detail how the local communities plan to respond to  
21 sentencing guidelines found in chapter XVII of the code of criminal pro-  
22 cedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail  
23 reimbursement program pursuant to section 706 of this act. The state  
24 community corrections board shall encourage local community corrections  
25 boards to include in their comprehensive corrections plans strategies to  
26 collaborate with local alcohol and drug treatment agencies of the  
27 department of community health for the provision of alcohol and drug



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1 screening, assessment, case management planning, and delivery of  
2 treatment to alcohol- and drug-involved offenders, including, but not  
3 limited to, probation and parole violators who are at risk of  
4 revocation.

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

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

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

19       (c) Status of the community corrections information system and the  
20 jail population information system.

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

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

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

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

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

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

13       Sec. 706. (1) The department shall administer a county jail reim-  
14 bursement program from the funds appropriated in part 1 for the purpose  
15 of reimbursing counties for housing in jails felons who otherwise would  
16 have been sentenced to prison.

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

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

23       (b) The felon was convicted of operating a motor vehicle under the  
24 influence of intoxicating liquor or a controlled substance, or a combina-  
25 tion of both, third or subsequent offense, under section 625(8)(c) of the  
26 Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor  
27 statute, punishable as a felony.

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

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

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

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

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

20 (4) Except as provided in subsection (5), state reimbursement under  
21 this section for prisoner housing and custody expenses per diverted  
22 offender for the first 90 days of the offender's incarceration shall be  
23 \$47.00 per diem for a county with a population of more than 100,000 and  
24 \$42.00 per diem for a county with a population of 100,000 or less. 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.

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1       (5) For the first 90 days for diverted offenders housed in beds  
2 developed under multicounty projects approved and funded under section  
3 807 of 1998 PA 321, state reimbursement shall be \$47.00 per diem. After  
4 the diverted offender has been incarcerated 90 days, state reimbursement  
5 shall be \$40.00 per diem for the remainder of the incarceration up to 1  
6 year total.

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

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

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

4       (9) County jail reimbursement program expenditures shall not exceed  
5 the amount appropriated in part 1 for this purpose. Payments to counties  
6 under the county jail reimbursement program shall be made in the order in  
7 which properly documented requests for reimbursements are received. A  
8 request shall be considered to be properly documented if it meets MDOC  
9 requirements for documentation. The department shall by October 15, 2001  
10 distribute the documentation requirements to all counties.

11       Sec. 708. (1) From the funds appropriated in part 1 for probation  
12 residential centers, funds are allocated for the operation of a probation  
13 detention program in a county that has adopted a charter pursuant to 1966  
14 PA 293, MCL 45.501 to 45.521. The probation detention program shall have  
15 a capacity of 100 beds. The department shall provide the program admin-  
16 istrator monthly with 90-day projections of the numbers of beds expected  
17 to be needed for probationers and parolees in Phase II residential place-  
18 ment under section 4(2) of the special alternative incarceration act,  
19 1988 PA 287, MCL 798.14, and the program administrator shall make beds  
20 available as necessary to house probationers and parolees entering Phase  
21 II residential placement.

22       (2) Funds awarded for probation residential centers in part 1 shall  
23 provide for a per diem reimbursement of not more than \$43.00.

24       (3) Payments under this section for operation of the probation  
25 detention program shall be made at the same rates applicable to disburse-  
26 ment of other funds awarded under the probation residential centers line  
27 item, not to exceed a total expenditure of \$1,569,500.00.

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

7       (a) Orientation and assessment.

8       (b) Substance abuse counseling.

9       (c) Life skills counseling.

10       (d) Education.

11       (e) Employment preparation.

12       (f) Vocational training.

13       (g) Employment.

14       (h) Community service.

15       (i) Physical training.

16       (j) Cognitive skill training.

17       (5) The probation detention program shall reduce the admission to  
18 prison of probation violators directly or indirectly by providing a pro-  
19 gram for direct sentencing of felony probation violators who likely would  
20 be prison-bound based on historical local sentencing practices or by  
21 removing probation violators from jail with a resulting increase in the  
22 number of jail beds available and used for felons who otherwise would be  
23 likely to be sentenced to prison based on historical local sentencing  
24 practices.

25       (6) The operation of the probation detention program shall be  
26 included in an approved community corrections comprehensive plan for the  
27 county described in subsection (1) pursuant to the community corrections

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1 act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with  
2 sections 701, 702, and 703.

3 (7) The comprehensive plan shall specify the programs, eligibility  
4 criteria, referral, and enrollment process, the assessment and  
5 client-specific planning case management process, a program design that  
6 includes a variable length of stay based on assessed need, and the evalu-  
7 ation methodology to show the impact of the program on prison admissions  
8 and recidivism.

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

14 (9) The department shall require the program administrator to report  
15 not later than March 1, 2002 to the state budget director, the senate and  
16 house fiscal agencies, and the senate and house appropriations subcommit-  
17 tees on corrections concerning the program's impact on prison admissions  
18 and recidivism including, but not limited to, the numbers of offenders  
19 released from the probation detention program who are arrested for a  
20 felony offense within 1 year of their termination from the program.

21 **CONSENT DECREES**

22 Sec. 801. Funding appropriated in part 1 for consent decree line  
23 items is appropriated into separate control accounts created for each  
24 line item. Funding in each control account shall be distributed as

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1 necessary into separate accounts created for the purpose of separately  
2 identifying costs and expenditures associated with each consent decree.

**3 HEALTH CARE**

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

8       Sec. 902. (1) As a condition of expenditure of the funds appropri-  
9 ated in part 1, the department shall report to the senate and house  
10 appropriations subcommittees on corrections on January 1, 2002 and July  
11 1, 2002 the status of payments from contractors to vendors for health  
12 care services provided to prisoners, as well as the status of the con-  
13 tracts, and an assessment of prisoner health care quality.

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

18       (3) It is the intent of the legislature that by September 30, 2002,  
19 the auditor general shall audit the delivery of health care to  
20 prisoners. The audit should determine the extent, if any, of cost sav-  
21 ings that have been realized through privatization of prisoner health  
22 care, and include the amount of total vendor payments, estimated adminis-  
23 trative costs, and the amount of outstanding payments during the most  
24 recent contract period.



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## 1 INSTITUTIONAL OPERATIONS

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

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

15       Sec. 1003. The department shall prohibit prisoners access to or use  
16 of the Internet or any similar system.

17       Sec. 1004. Any department employee who, in the course of his or her  
18 job, is determined by a physician to have had a potential exposure to the  
19 hepatitis B virus, shall receive a hepatitis B vaccination upon request.

20       Sec. 1005. From the funds appropriated in part 1, the department  
21 shall contract for or perform its own evaluation of Project RESTART and  
22 Project CHANGE to determine whether funding for these programs should be  
23 continued. A report on the results of the study shall be submitted to  
24 the house and senate appropriations subcommittees on corrections and the  
25 house and senate fiscal agencies by March 1, 2002. The study shall mea-  
26 sure cognitive changes and recidivism rates, if appropriate, and track  
27 the security level changes for participants in comparison to the

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1 participant's skills and abilities upon entry to the program, to a  
2 control group of prisoners who would have been eligible for the program,  
3 but could not participate due to relocation, parole, or other like situa-  
4 tions, and to the general population.

5       Sec. 1006. (1) The inmate housing fund shall be used for the custo-  
6 dy, treatment, clinical, and administrative costs associated with the  
7 housing of prisoners other than those specifically budgeted for elsewhere  
8 in this act. Funding in the inmate housing fund is appropriated into a  
9 separate control account. Funding in the control account shall be dis-  
10 tributed as necessary into separate accounts created to separately iden-  
11 tify costs for specific purposes.

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

16       Sec. 1007. The department shall provide programs that allow prison-  
17 ers to self-rehabilitate for successful reintegration into the  
18 community. The department shall report to the senate and house of repre-  
19 sentatives appropriations subcommittees on corrections, the senate and  
20 house fiscal agencies, and the state budget director, the number of pris-  
21 oners enrolled as of September 30, 2001 in each academic/vocational pro-  
22 gram offered, the number of prisoners completing the program during  
23 fiscal year 2000-2001, and the number of prisoners on waiting lists. The  
24 report shall include information on Michigan prison build program out-  
25 comes, including, but not limited to, the number of prisoners who partic-  
26 ipated in the program during fiscal year 2000-2001, the number of  
27 houses/components completed, and the facilities included in the program.

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