

**HB 4255, As Passed Senate, May 30, 2001**

**SENATE 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:**

**HB 4255, As Passed Senate, May 30, 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.....	\$	1,758,081,700
14	Interdepartmental grant revenues:		
15	Total interdepartmental grants and intradepartmental		
16	transfers.....		6,227,900
17	ADJUSTED GROSS APPROPRIATION.....	\$	1,751,853,800
18	Federal revenues:		
19	Total federal revenues.....		26,532,400
20	Special revenue funds:		
21	Total local revenues.....		349,600
22	Total private revenues.....		0
23	Total other state restricted revenues.....		49,322,000
24	State general fund/general purpose.....	\$	1,675,649,800
25	<b>Sec. 102. EXECUTIVE</b>		
26	Average population.....		480

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

3

For Fiscal Year Ending  
September 30, 2002

1	Full-time equated unclassified positions.....	16.0	
2	Full-time equated classified positions.....	84.5	
3	Unclassified positions--16.0 FTE positions.....	\$	1,316,800
4	Executive direction--82.5 FTE positions.....		8,101,800
5	Michigan youth correctional facility - management		
6	services.....		11,374,500
7	Michigan youth correctional facility -		
8	administration--2.0 FTE positions.....		196,200
9	Average population.....	480	
10	Michigan youth correctional facility - lease payments		<u>5,589,200</u>
11	GROSS APPROPRIATION.....	\$	26,578,500
12	Appropriated from:		
13	Federal revenues:		
14	Federal revenues and reimbursements.....		17,159,600
15	State general fund/general purpose.....	\$	9,418,900
16	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>		
17	Full-time equated classified positions.....	427.6	
18	Planning, research, and information--83.5 FTE		
19	positions.....	\$	9,449,600
20	Program services--13.0 FTE positions.....		1,318,500
21	Administration services--69.6 FTE positions.....		5,787,300
22	Substance abuse testing and treatment.....		21,075,600
23	MDOC in-prison pilot drug treatment program.....		1,630,400
24	MDOC technical violator pilot drug treatment program.		1,000,100
25	Inmate legal services.....		315,000
26	Training.....		15,206,900

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

4

For Fiscal Year Ending  
September 30, 2002

1	Training administration--37.5 FTE positions.....	4,104,600
2	Prison industries operations--224.0 FTE positions....	15,793,900
3	Rent.....	2,240,900
4	Equipment and special maintenance.....	2,054,100
5	Worker's compensation.....	20,937,500
6	Compensatory buyout and union leave bank.....	275,100
7	Prosecutorial and detainer expenses.....	<u>4,051,100</u>
8	GROSS APPROPRIATION..... \$	105,240,600
9	Appropriated from:	
10	Interdepartmental grant revenues:	
11	IDG_MDSP, Michigan justice training fund.....	630,300
12	Federal revenues:	
13	Federal revenues and reimbursements.....	1,412,500
14	Special revenue funds:	
15	Correctional industries revolving fund.....	15,793,800
16	State general fund/general purpose..... \$	87,404,000
17	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
18	Average population.....	808
19	Full-time equated classified positions.....	2,333.7
20	Field programs..... \$	9,324,000
21	Personnel costs--1,560.0 FTE positions.....	99,412,700
22	Absconder apprehension demonstration projects.....	200
23	Parole board operations--26.0 FTE positions.....	2,133,100
24	Loans to parolees.....	265,100
25	Boot camp-phase III, intensive support--72.0 FTE	
26	positions.....	3,342,200

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

5

For Fiscal Year Ending  
September 30, 2002

1	Parole/probation services.....	2,286,600
2	Tether operations--167.3 FTE positions.....	8,489,800
3	Community residential programs--269.1 FTE positions..	22,461,800
4	Technical rule violator program--104.3 FTE positions.	9,562,400
5	Special alternative incarceration--135.0 FTE	
6	positions.....	<u>10,463,700</u>
7	GROSS APPROPRIATION.....	\$ 167,741,600
8	Appropriated from:	
9	Special revenue funds:	
10	Local restricted revenues and reimbursements.....	349,600
11	State restricted revenues and reimbursements.....	16,323,800
12	State general fund/general purpose.....	\$ 151,068,200
13	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
14	Full-time equated classified positions.....17.0	
15	Community corrections administration--17.0 FTE	
16	positions.....	\$ 1,549,300
17	Probation residential centers.....	15,697,100
18	Community corrections comprehensive plans and	
19	services.....	13,033,100
20	Public education and training.....	50,100
21	Regional jail program.....	200
22	Land conveyance reimbursement.....	200
23	County jail reimbursement program.....	<u>18,500,100</u>
24	GROSS APPROPRIATION.....	\$ 48,830,100
25	Appropriated from:	
26	Special revenue funds:	

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

6

For Fiscal Year Ending  
September 30, 2002

1	State restricted revenues and reimbursements.....	13,192,100
2	State general fund/general purpose..... \$	35,638,000
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..... \$	11,019,000
7	DOJ consent decree--166.5 FTE positions.....	11,343,400
8	DOJ psychiatric plan - MDCH mental health services...	73,796,100
9	DOJ Psychiatric plan - MDOC staff and services--253.9	
10	FTE positions.....	<u>15,732,900</u>
11	GROSS APPROPRIATION..... \$	111,891,400
12	Appropriated from:	
13	State general fund/general purpose..... \$	111,891,400
14	<b>Sec. 107. HEALTH CARE</b>	
15	Full-time equated classified positions.....	969.7
16	Health care administration--16.0 FTE positions..... \$	2,011,700
17	Hospital and specialty care services.....	47,692,200
18	Vaccination program.....	1,491,400
19	Northern region clinical complexes--238.4 FTE	
20	positions.....	23,108,900
21	Southeastern region clinical complexes--422.0 FTE	
22	positions.....	44,719,600
23	Southwestern region clinical complexes--293.3 FTE	
24	positions.....	<u>25,844,500</u>
25	GROSS APPROPRIATION..... \$	144,868,300
26	Appropriated from:	

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

7

For Fiscal Year Ending  
September 30, 2002

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..... \$	144,682,900
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..... \$	3,292,900
10	Housing inmates in federal institutions.....	494,100
11	Education services and federal education grants--23.0	
12	FTE positions.....	4,598,500
13	Federal school lunch program.....	712,900
14	Leased beds.....	200
15	Inmate housing fund.....	200
16	Dental lab operations.....	102,400
17	Academic/vocational programs--478.5 FTE positions....	<u>38,531,300</u>
18	GROSS APPROPRIATION..... \$	47,732,500
19	Appropriated from:	
20	Interdepartmental grant revenues:	
21	IDT, dental lab user fees.....	102,300
22	Federal revenues:	
23	Federal revenues and reimbursements.....	5,331,000
24	Special revenue funds:	
25	State general fund/general purpose..... \$	42,299,200
26	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

8

For Fiscal Year Ending  
September 30, 2002

1	Average population.....	14,330	
2	Full-time equated classified positions.....	4,497.2	
3	Alger maximum correctional facility - Munising--	381.4	
4	FTE positions.....	\$	28,374,500
5	Average population.....	844	
6	Baraga maximum correctional facility - Baraga--	448.2	
7	FTE positions.....		32,295,800
8	Average population.....	1,084	
9	Chippewa correctional facility - Kincheloe--	566.7 FTE	
10	positions.....		43,187,900
11	Average population.....	2,322	
12	Kinross correctional facility - Kincheloe--	574.3 FTE	
13	positions.....		45,573,000
14	Average population.....	2,423	
15	Marquette branch prison - Marquette--	429.8 FTE	
16	positions.....		35,016,300
17	Average population.....	1,129	
18	Newberry correctional facility - Newberry--	359.4 FTE	
19	positions.....		26,434,300
20	Average population.....	1,144	
21	Oaks correctional facility - Eastlake--	417.8 FTE	
22	positions.....		31,331,200
23	Average population.....	900	
24	Ojibway correctional facility - Marenisco--	295.4 FTE	
25	positions.....		20,586,800
26	Average population.....	1,196	



# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

9

For Fiscal Year Ending  
September 30, 2002

1	Pugsley correctional facility - Kingsley--231.4 FTE	
2	positions.....	15,084,500
3	Average population.....	954
4	Saginaw correctional facility - Freeland--387.6 FTE	
5	positions.....	27,869,200
6	Average population.....	1,468
7	Standish correctional facility - Standish--405.2 FTE	
8	positions.....	<u>30,405,500</u>
9	Average population.....	866
10	GROSS APPROPRIATION.....	\$ 336,159,000
11	Appropriated from:	
12	Special revenue funds:	
13	State restricted revenues and reimbursements.....	1,137,600
14	State general fund/general purpose.....	\$ 335,021,400
15	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>	
16	Average population.....	17,692
17	Full-time equated classified positions.....	5,576.0
18	Cooper street correctional facility - Jackson--285.2	
19	FTE positions.....	\$ 22,894,500
20	Average population.....	1,360
21	G. Robert Cotton correctional facility -	
22	Jackson--467.5 FTE positions.....	35,810,500
23	Average population.....	1,842
24	Charles E. Egeler correctional facility -	
25	Jackson--302.8 FTE positions.....	21,135,800
26	Average population.....	1,006

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

10

For Fiscal Year Ending  
September 30, 2002

1	Gus Harrison correctional facility - Adrian--542.6	
2	FTE positions.....	40,771,000
3	Average population.....	2,200
4	Huron Valley men's facility - Ypsilanti--292.8 FTE	
5	positions.....	21,842,600
6	Average population.....	497
7	Jackson maximum correctional facility -	
8	Jackson--657.0 FTE positions.....	48,287,200
9	Average population.....	1,556
10	Macomb correctional facility - New Haven--388.3 FTE	
11	positions.....	26,832,500
12	Average population.....	1,468
13	Mound correctional facility - Detroit--355.4 FTE	
14	positions.....	25,588,400
15	Average population.....	1,044
16	Parnall correctional facility - Jackson--298.0 FTE	
17	positions.....	23,437,100
18	Average population.....	1,448
19	Ryan correctional facility - Detroit--346.3 FTE	
20	positions.....	25,887,500
21	Average population.....	1,044
22	Scott correctional facility - Plymouth--340.7 FTE	
23	positions.....	24,828,600
24	Average population.....	847
25	Southern Michigan correctional facility -	
26	Jackson--482.6 FTE positions.....	31,504,000

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

11

For Fiscal Year Ending  
September 30, 2002

1	Average population.....	881	
2	Thumb correctional facility - Lapeer--	382.7 FTE	
3	positions.....		27,797,000
4	Average population.....	1,454	
5	Western Wayne correctional facility - Plymouth--	328.1	
6	FTE positions.....		26,229,300
7	Average population.....	1,045	
8	Jackson area support and services - Jackson--	106.0	
9	FTE positions.....		<u>19,060,200</u>
10	GROSS APPROPRIATION.....	\$	421,906,200
11	Appropriated from:		
12	Intradepartmental transfers:		
13	IDT, surplus food user fees.....		262,200
14	IDT, production kitchen user fees.....		5,233,100
15	Federal revenues:		
16	Federal revenues and reimbursements.....		2,544,300
17	Special revenue funds:		
18	State restricted revenues and reimbursements.....		1,397,300
19	State general fund/general purpose.....	\$	412,469,300
20	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		
21	Average population.....	16,757	
22	Full-time equated classified positions.....	4,479.4	
23	E.C. Brooks correctional facility - Muskegon--	516.3	
24	FTE positions.....	\$	40,187,200
25	Average population.....	2,200	
26	Carson City correctional facility - Carson		
27	City--	551.8 FTE positions.....	41,902,900

# HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

12

For Fiscal Year Ending  
September 30, 2002

1	Average population.....	2,200
2	Florence Crane correctional facility -	
3	Coldwater--398.8 FTE positions.....	30,402,800
4	Average population.....	1,350
5	Richard A. Handlon Michigan training unit -	
6	Ionia--269.0 FTE positions.....	21,558,400
7	Average population.....	1,315
8	Ionia maximum correctional facility - Ionia--371.0	
9	FTE positions.....	27,034,100
10	Average population.....	636
11	Ionia temporary correctional facility - Ionia--208.9	
12	FTE positions.....	16,833,900
13	Average population.....	960
14	Lakeland correctional facility - Coldwater--268.9 FTE	
15	positions.....	21,684,000
16	Average population.....	1,200
17	Michigan reformatory - Ionia--392.1 FTE positions....	33,181,800
18	Average population.....	1,338
19	Muskegon correctional facility - Muskegon--310.4 FTE	
20	positions.....	25,050,300
21	Average population.....	1,310
22	Pine river correctional facility - St. Louis--225.6	
23	FTE positions.....	17,372,600
24	Average population.....	960
25	Riverside correctional facility - Ionia--341.0 FTE	
26	positions.....	27,190,000

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

13

For Fiscal Year Ending  
September 30, 2002

1	Average population.....	1,034	
2	St. Louis correctional facility - St. Louis--	625.6	
3	FTE positions.....		<u>45,735,400</u>
4	Average population.....	2,254	
5	GROSS APPROPRIATION.....	\$	348,133,400
6	Appropriated from:		
7	Special revenue funds:		
8	State restricted revenues and reimbursements.....		1,377,000
9	State general fund/general purpose.....	\$	346,756,400
10	<b>Sec. 112. BUDGETARY SAVINGS</b>		
11	Budgetary savings.....	\$	<u>(999,900)</u>
12	GROSS APPROPRIATION.....	\$	(999,900)
13	Appropriated from:		
14	State general fund/general purpose.....	\$	(999,900)

15

16

17

### PART 2

18

### PROVISIONS CONCERNING APPROPRIATIONS

### 19 GENERAL SECTIONS

20 Sec. 201. Pursuant to section 30 of article IX of the state consti-  
21 tution of 1963, total state spending from state resources under part 1  
22 for fiscal year 2001-2002 is \$1,724,962,500.00 and state spending from  
23 state resources to be paid to local units of government for fiscal year  
24 2001-2002 is \$82,543,800.00. The itemized statement below identifies  
25 appropriations from which spending to units of local government will  
26 occur:

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

14

1 DEPARTMENT OF CORRECTIONS

2	Field operations - assumption of county probation	
3	staff.....	\$ 36,381,700
4	Prosecutorial and detainer expenses.....	4,051,000
5	Public service work projects.....	13,331,000
6	Community corrections comprehensive plans and	
7	services.....	13,033,000
8	Community corrections probation residential centers..	15,697,000
9	Community corrections public education and training..	50,000
10	Regional jail program.....	<u>100</u>
11	TOTAL.....	\$ 82,543,800

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

14       Sec. 203. As used in this act:

15       (a) "Department" or "MDOC" means the Michigan department of  
16 corrections.

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

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

19       (d) "IDG" means interdepartmental grant.

20       (e) "IDT" means intradepartmental transfer.

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

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

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

15

1       Sec. 205. (1) In addition to the funds appropriated in part 1,  
2 there is appropriated an amount not to exceed \$20,000,000.00 for federal  
3 contingency funds. These funds are not available for expenditure until  
4 they have been transferred to another line item in this act under  
5 section 393(2) of the management and budget act, 1984 PA 431,  
6 MCL 18.1393.

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

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

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

23       Sec. 206. Unless otherwise specified, the department shall use the  
24 Internet to fulfill the reporting requirements of this act. This may  
25 include transmission of reports via electronic mail to the recipients  
26 identified for each reporting requirement or it may include placement of  
27 reports on an Internet or Intranet site. Quarterly, the department shall

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

16

1 provide to the appropriations subcommittees members, state budget office,  
2 and the fiscal agencies an electronic and paper copy listing of the  
3 reports submitted during the most recent 3-month period along with the  
4 Internet or Intranet site of each report, if any.

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

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

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

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



## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

17

1       Sec. 209. At least 120 days before beginning any effort to  
2 privatize, the department shall submit a complete project plan to the  
3 appropriate senate and house of representatives appropriations subcommit-  
4 tees and the senate and house fiscal agencies. The plan shall include  
5 the criteria under which the privatization initiative will be evaluated.  
6 The evaluation shall be completed and submitted to the appropriate senate  
7 and house of representatives appropriations subcommittees and the senate  
8 and house fiscal agencies within 30 months.

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

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.

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

18

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.

25       Sec. 214a. By September 30, 2002, the department shall report to  
26 the house and senate appropriations subcommittees on corrections, the  
27 house and senate fiscal agencies, and the state budget director on the

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

19

1 projected expenditure for each prison clinical complex consolidated into  
2 a regional clinical complex line item. The report shall include an  
3 assessment of the impact of the consolidation of clinical complex line  
4 items into regional clinical line items, including, but not limited to, a  
5 description of any legislative transfers that would have been necessary  
6 except for the consolidation of the former clinical complex line items,  
7 and information on any other administrative or operational efficiencies  
8 that may have been realized through the consolidation.

9       Sec. 215. The department shall provide quarterly reports on the  
10 Michigan youth correctional facility to the members of the senate and  
11 house appropriations subcommittees on corrections, the senate and house  
12 fiscal agencies, and the state budget director. The reports shall pro-  
13 vide information relevant to an assessment of the safety and security of  
14 the institution, including, but not limited to, information on the number  
15 of critical incidents by type occurring at the facility, the number of  
16 custody staff at the facility, staff turnover rates, staff vacancy rates,  
17 overtime reports, prisoner grievances, and number and severity of  
18 assaults occurring at the facility. The reports also shall provide  
19 information on programming available at the facility and on program  
20 enrollments, including, but not limited to, academic/vocational programs,  
21 counseling programs, mental health treatment programs, substance abuse  
22 treatment programs, and cognitive restructuring programs.

23       Sec. 216. The department shall require the contract monitor for the  
24 Michigan youth correctional facility to provide a manual to each prisoner  
25 at intake that details programs and services available at the facility,  
26 the processes by which prisoner complaints and grievances can be pursued,  
27 and the identity of staff available at the facility to answer questions

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

20

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

5       Sec. 217. The department shall report by April 1, 2002 to the  
6 senate and house of representatives appropriations subcommittees on cor-  
7 rections, the senate and house fiscal agencies, and the state budget  
8 director on the amount of milk and milk products produced and distributed  
9 and the amount of raw milk purchased, by source, month, and location,  
10 during the preceding fiscal year.

11       Sec. 218. The bureau of health care services shall develop informa-  
12 tion on hepatitis C prevention and the risks associated with exposure to  
13 hepatitis C, and the health care providers shall disseminate this infor-  
14 mation verbally and in writing to each prisoner at the health screening  
15 and full health appraisal conducted at admissions, at the annual health  
16 care screening 1 week before or after a prisoner's birthday, and prior to  
17 release to the community by parole, transfer to community residential  
18 placement, or discharge on the maximum.

19       Sec. 219. (1) By April 1, 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 on  
22 academic/vocational programs. The report shall provide information rele-  
23 vant to an assessment of the department's academic and vocational pro-  
24 grams, including, but not limited to, the following:

25       (a) The number of prisoners enrolled in each program, the number of  
26 prisoners completing each program, and the number of prisoners on waiting  
27 lists for each program.

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

21

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

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

6 (d) An identification of program outcomes for each academic and  
7 vocational program.

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

10 (2) From the funds appropriated in part 1, the department shall con-  
11 tract with an independent third party to prepare a program design and  
12 estimated cost for an evaluation of the department's academic and voca-  
13 tional programs. At a minimum, the program design shall include an  
14 assessment of the degree to which departmental academic/vocational pro-  
15 grams affect parolee employability and recidivism. The department shall  
16 cooperate with the contractor and grant the contractor access to depart-  
17 mental records and staff as necessary to complete the program design. By  
18 April 1, 2002, the department shall submit the program design and esti-  
19 mated cost of the evaluation to the house and senate appropriations sub-  
20 committees on corrections, the house and senate fiscal agencies, and the  
21 state budget director.

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

22

**1 SUBSTANCE ABUSE TESTING AND TREATMENT**

2       Sec. 301. (1) The department shall screen and assess each prisoner  
3 for alcohol and other drug involvement to determine the need for further  
4 treatment. The assessment process shall be designed to identify the  
5 severity of alcohol and other drug addiction and determine the treatment  
6 plan, if appropriate.

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

12       Sec. 302. (1) In expending residential substance abuse treatment  
13 services funds appropriated by this act, the department shall ensure to  
14 the maximum extent possible that residential substance abuse treatment  
15 services are available statewide.

16       (2) By April 1, 2002, the department shall report to the house and  
17 senate appropriations subcommittees on corrections and the house and  
18 senate fiscal agencies on the allocation, distribution, and expenditure  
19 of all funds appropriated by the substance abuse administration and test-  
20 ing line item. Information required by this subsection shall, where pos-  
21 sible, be separated by MDOC administrative region and by offender type,  
22 including at a minimum a distinction between prisoners, parolees, and  
23 probationers.

24       Sec. 304. The amount appropriated in part 1 for the MDOC in-prison  
25 drug treatment program shall be used by the department to continue to  
26 implement a minimum of 2 in-prison drug treatment programs, with at least  
27 1 program being for male prisoners and 1 for female prisoners.

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

23

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

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

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

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

24

1 section shall to the extent feasible compare offenders treated under  
2 those programs with other offenders of similar characteristics.

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

### 9 EXECUTIVE

10 Sec. 401. The department shall submit 3-year and 5-year prison pop-  
11 ulation projection updates by February 1, 2002 to the senate and house  
12 appropriations subcommittees on corrections, the senate and house fiscal  
13 agencies, and the state budget director.

14 Sec. 402. The department shall prepare by April 1, 2002 individual  
15 reports for the technical rule violator program, the community residen-  
16 tial program, the electronic tether program, and the special alternative  
17 to incarceration program. The reports shall be submitted to the house  
18 and senate appropriations subcommittees on corrections, the house and  
19 senate fiscal agencies, and the state budget director. The reports shall  
20 include the following:

- 21 (a) Monthly new participants.
- 22 (b) Monthly participant unsuccessful terminations, including cause.
- 23 (c) Number of successful terminations.
- 24 (d) End month population by facility/program.



**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

25

1 (e) Average length of placement.

2 (f) Return to prison statistics.

3 (g) Description of program location(s), capacity, and staffing.

4 (h) Sentencing guideline scores and actual sentence statistics for  
5 participants, if applicable.

6 (i) Comparison with prior year statistics.

7 (j) Analysis of the impact on prison admissions and jail utilization  
8 and the cost effectiveness of the program.

9 Sec. 403. From the funds appropriated in part 1, the department  
10 shall continue to maintain county jail services staff sufficient to  
11 enable the department to continue to fulfill its functions of providing  
12 technical support, inspections of county jails, and maintenance of the  
13 jail reimbursement program.

14 Sec. 404. The department shall report to the senate and house  
15 appropriations subcommittees on corrections, the senate and house fiscal  
16 agencies, and the state budget director by April 1, 2002 on the ratio of  
17 correctional officers to prisoners for each correctional institution, the  
18 ratio of shift command staff to line custody staff, and the ratio of non-  
19 custody institutional staff to prisoners for each correctional  
20 institution.

21 Sec. 405. (1) The department shall review and revise as necessary  
22 policy proposals that provide alternatives to prison for offenders being  
23 sentenced to prison as a result of technical probation violations and  
24 technical parole violations. To the extent the department has insuffi-  
25 cient policies or resources to affect the continued increase in prison  
26 commitments among these offender populations, the department shall  
27 explore other policy options to allow for program alternatives, including

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

26

1 department or OCC funded programs, local level programs, and programs  
2 available through private agencies that may be used as prison alterna-  
3 tives for these offenders.

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

9 (3) The department shall continue to utilize parole violator pro-  
10 cessing guidelines that require parole agents to utilize all available  
11 appropriate community-based, nonincarcerative postrelease sanctions and  
12 services when appropriate. The department shall periodically evaluate  
13 such guidelines for modification, in response to emerging information  
14 from the pilot projects for substance abuse treatment provided under this  
15 act and applicable provisions of prior budget acts for the department.

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

### **22 ADMINISTRATION AND PROGRAMS**

23 Sec. 501. From the funds appropriated in part 1 for prosecutorial  
24 and detainer expenses, the department shall reimburse counties for  
25 housing and custody of parole violators and offenders being returned by

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

27

1 the department from community placement to institutional status and for  
2 prisoners who volunteer for placement in a county jail.

### 3 FIELD OPERATIONS ADMINISTRATION

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

8       (2) From the funds appropriated in part 1, the department shall con-  
9 duct a statewide caseload audit of field agents. The audit shall address  
10 public protection issues and assess the ability of the field agents to  
11 complete their professional duties. The results of the audit shall be  
12 submitted to the senate and house appropriations subcommittees on correc-  
13 tions and the senate and house fiscal agencies by September 30, 2002.

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

21       (2) The community service work program shall provide offenders with  
22 community service work of tangible benefit to a community while fulfill-  
23 ing court-ordered community service work sanctions and other postconvic-  
24 tion obligations.

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

28

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

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

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

15       (3) Included in the appropriation in part 1 is adequate funding to  
16 implement the community tether program to be administered by the  
17 department. The community tether program is intended to provide sentenc-  
18 ing judges and county sheriffs in coordination with local community cor-  
19 rections advisory boards access to the state's electronic tether program  
20 to reduce prison admissions and improve local jail utilization. The  
21 department shall determine the appropriate distribution of the tether  
22 units throughout the state based upon locally developed comprehensive  
23 corrections plans pursuant to the community corrections act, 1988 PA 511,  
24 MCL 791.401 to 791.414.

25       (4) For a fee determined by the department, the department will pro-  
26 vide counties with the tether equipment, replacement parts,  
27 administrative oversight of the equipment's operation, notification of

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

29

1 violators, and periodic reports regarding county program participants.  
2 Counties are responsible for tether equipment installation and service  
3 and apprehension of program violators. For an additional fee as deter-  
4 mined by the department, the department will provide staff to install and  
5 service the equipment. Counties are responsible for the coordination and  
6 apprehension of program violators.

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

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

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

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

21 **COMMUNITY CORRECTIONS**

22 Sec. 701. The office of community corrections shall provide and  
23 coordinate the delivery and implementation of services in communities to  
24 facilitate successful offender reintegration into the community.  
25 Programs and services to be offered shall include, but are not limited

## HB 4255, As Passed Senate, May 30, 2001

House Bill No. 4255

30

1 to, technical assistance for comprehensive corrections plan development,  
2 new program start-up funding, program funding for those programs deliver-  
3 ing services for eligible offenders in geographic areas identified by the  
4 office of community corrections as having a shortage of available serv-  
5 ices, technical assistance, referral services for education, employment  
6 services, and substance abuse and family counseling. As used in this  
7 act:

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

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

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

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

25 (e) "Offender target population" means felons or misdemeanants who  
26 would likely be sentenced to imprisonment in a state correctional  
27 facility or jail, who would not increase the risk to the public safety,

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

31

1 who have not demonstrated a pattern of violent behavior, and who do not  
2 have criminal records that indicate a pattern of violent offenses.

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

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

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

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

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

26 (b) Improve the appropriate utilization of jail facilities, the  
27 first priority of which is to open jail beds intended to house otherwise

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

32

1 prison-bound felons, and the second priority being to appropriately  
2 utilize jail beds so that jail crowding does not occur.

3 (c) Open jail beds through the increase of pretrial release  
4 options.

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

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

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

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

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



**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

33

1 appropriate, provisions that detail how the local communities plan to  
2 respond to sentencing guidelines found in chapter XVII of the code of  
3 criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the  
4 county jail reimbursement program pursuant to section 706 of this act.  
5 The state community corrections board shall encourage local community  
6 corrections boards to include in their comprehensive corrections plans  
7 strategies to collaborate with local alcohol and drug treatment agencies  
8 of the department of community health for the provision of alcohol and  
9 drug screening, assessment, case management planning, and delivery of  
10 treatment to alcohol- and drug-involved offenders, including, but not  
11 limited to, probation and parole violators who are at risk of  
12 revocation.

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

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

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

34

1 (c) Status of the community corrections information system and the  
2 jail population information system.

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

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

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

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

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

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

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

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

35

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

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

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

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

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

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

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

36

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

9       (5) For the first 90 days for diverted offenders housed in beds  
10 developed under multicounty projects approved and funded under section  
11 807 of 1998 PA 321, state reimbursement shall be \$47.00 per diem. After  
12 the diverted offender has been incarcerated 90 days, state reimbursement  
13 shall be \$40.00 per diem for the remainder of the incarceration up to 1  
14 year total.

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

37

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

7       (8) The department shall reimburse counties for offenders in jail  
8 based upon the reimbursement eligibility criteria in place on the date  
9 the offender was originally sentenced for the reimbursable offense.

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

17       Sec. 708. (1) From the funds appropriated in part 1 for probation  
18 residential centers, funds are allocated for the operation of a probation  
19 detention program in a county that has adopted a charter pursuant to 1966  
20 PA 293, MCL 45.501 to 45.521. The probation detention program shall have  
21 a capacity of 100 beds. The department shall provide the program admin-  
22 istrator monthly with 90-day projections of the numbers of beds expected  
23 to be needed for probationers and parolees in Phase II residential place-  
24 ment under section 4(2) of the special alternative incarceration act,  
25 1988 PA 287, MCL 798.14, and the program administrator shall make beds  
26 available as necessary to house probationers and parolees entering Phase  
27 II residential placement.

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

38

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

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

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

13       (a) Orientation and assessment.

14       (b) Substance abuse counseling.

15       (c) Life skills counseling.

16       (d) Education.

17       (e) Employment preparation.

18       (f) Vocational training.

19       (g) Employment.

20       (h) Community service.

21       (i) Physical training.

22       (j) Cognitive skill training.

23       (5) The probation detention program shall reduce the admission to  
24 prison of probation violators directly or indirectly by providing a pro-  
25 gram for direct sentencing of felony probation violators who likely would  
26 be prison-bound based on historical local sentencing practices or by  
27 removing probation violators from jail with a resulting increase in the

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

39

1 number of jail beds available and used for felons who otherwise would be  
2 likely to be sentenced to prison based on historical local sentencing  
3 practices.

4 (6) The operation of the probation detention program shall be  
5 included in an approved community corrections comprehensive plan for the  
6 county described in subsection (1) pursuant to the community corrections  
7 act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with  
8 sections 701, 702, and 703.

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

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

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

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255 as amended May 30, 2001

40

1       Sec. 709. (1) Based on available funding transferred to the  
2 absconder apprehension demonstration projects line-item in part 1, the  
3 department shall provide \$1,500,000.00 in funding to a county that has  
4 adopted a charter pursuant to 1966 PA 293, MCL 45.501 to 45.521, for a  
5 demonstration project to provide felony apprehension services.

6       (2) The project shall demonstrate how apprehension services can pro-  
7 vide for the arrest and detention of felony offenders who threaten public  
8 safety and who have outstanding warrants for their arrest, including, but  
9 not limited to, felony parolees who have absconded, inmates on community  
10 release who have escaped, violent probationers who have failed to meet  
11 the conditions of probation, and felony probationers who have failed to  
12 appear in court.

13       (3) The provider of these services shall document the reduction in  
14 public safety threat by demonstrating all of the following:

15       (a) Increases in the numbers of probationers returned to court.

16       (b) Increases in the number of prisoners and parolees returned to  
17 the department.

18       (c) A decrease in the failure to appear rate for violent probation-  
19 ers charged with new offenses.

20       (d) An analysis on how these services may have decreased crime.

21       (4) The department shall require the provider to report annually on  
22 the impact of these services.

23       Sec. 710. The funds appropriated in part 1 for land conveyance  
24 reimbursement shall be used to reimburse Blackman Township for the fair  
25 market value purchase of land located in Jackson County near the north-  
26 east corner of O'Leary and Elm roads for a fire barn pursuant to purchase  
27 requirements of 1989 PA 287.

Sec. 711. (1) As a condition of receipt of the funds appropriated  
in section 105 for community corrections plans and services and probation  
residential centers, the department shall only award those funds requested  
under a properly prepared and approved comprehensive corrections plan  
submitted under section 8 of the community corrections act, 1988 PA 511,  
MCL 791.408, or directly applied for under section 10 of the community  
corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded  
under section 8 of the community corrections act, 1988 PA 511, MCL  
791.408, in instances of substantial noncompliance during the period  
covered by the plan.



**HB 4255, As Passed Senate, May 30, 2001**

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

41

**1 CONSENT DECREES**

2       Sec. 801. Funding appropriated in part 1 for consent decree line  
3 items is appropriated into separate control accounts created for each  
4 line item. Funding in each control account shall be distributed as nec-  
5 essary into separate accounts created for the purpose of separately iden-  
6 tifying costs and expenditures associated with each consent decree.

**7 HEALTH CARE**

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

12       Sec. 902. (1) As a condition of expenditure of the funds appropri-  
13 ated in part 1, the department shall report to the senate and house  
14 appropriations subcommittees on corrections on January 1, 2002 and July  
15 1, 2002 the status of payments from contractors to vendors for health  
16 care services provided to prisoners, as well as the status of the con-  
17 tracts, and an assessment of prisoner health care quality.

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

22       (3) It is the intent of the legislature that by September 30, 2002,  
23 the auditor general shall audit the delivery of health care to  
24 prisoners. The audit should determine the extent, if any, of cost  
25 savings that have been realized through privatization of prisoner health

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

42

1 care, and include the amount of total vendor payments, estimated  
2 administrative costs, and the amount of outstanding payments during the  
3 most recent contract period.

4       Sec. 903. There are sufficient funds and FTEs appropriated in part  
5 1 to provide a full complement of nurses for clinical complexes working  
6 regular pay hours and it is the intent of the legislature that sufficient  
7 nurses be hired or retained to limit the use of overtime  
8 other-than-holiday pay.

9       Sec. 904. From the funds allocated in part 1 for health care serv-  
10 ices, the department shall conduct a 5-year cost/benefit analysis of  
11 privatizing pharmacy services and shall report the findings of this  
12 5-year cost/benefit analysis to the senate and house appropriations sub-  
13 committees on corrections and the senate and house fiscal agencies not  
14 less than 120 days before any effort to privatize pharmacy services.

### **15 INSTITUTIONAL OPERATIONS**

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

22       Sec. 1002. (1) From the funds appropriated in part 1, the depart-  
23 ment shall allocate sufficient funds to develop a pilot children's visi-  
24 tation program. The pilot program shall teach parenting skills and  
25 arrange for day visitation at these facilities for parents and their

## **HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

43

1 children, except for the families of prisoners convicted of a crime  
2 involving criminal sexual conduct in which the victim was less than 18  
3 years of age or involving child abuse.

4 (2) It is the intent of the legislature that policies be developed  
5 to allow individual volunteers and volunteers of the outreach volunteer  
6 program who have previously been approved to be reapproved and retrained  
7 with minimal time expenditure and difficulty and the utmost encouragement  
8 to those volunteers.

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

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

14 Sec. 1005. From the funds appropriated in part 1, the department  
15 shall contract for or perform its own evaluation of Project RESTART and  
16 Project CHANGE to determine whether funding for these programs should be  
17 continued. A report on the results of the study shall be submitted to  
18 the house and senate appropriations subcommittees on corrections and the  
19 house and senate fiscal agencies by March 1, 2002. The study shall mea-  
20 sure cognitive changes and recidivism rates, if appropriate, and track  
21 the security level changes for participants in comparison to the  
22 participant's skills and abilities upon entry to the program, to a con-  
23 trol group of prisoners who would have been eligible for the program, but  
24 could not participate due to relocation, parole, or other like situa-  
25 tions, and to the general population.

26 Sec. 1006. (1) The inmate housing fund shall be used for the  
27 custody, treatment, clinical, and administrative costs associated with

**HB 4255, As Passed Senate, May 30, 2001**

House Bill No. 4255

44

1 the housing of prisoners other than those specifically budgeted for  
2 elsewhere in this act. Funding in the inmate housing fund is appropri-  
3 ated into a separate control account. Funding in the control account  
4 shall be distributed as necessary into separate accounts created to sepa-  
5 rately identify costs for specific purposes.

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

10 Sec. 1007. The department shall provide programs that allow prison-  
11 ers to self-rehabilitate for successful reintegration into the  
12 community. The department shall report to the senate and house of repre-  
13 sentatives appropriations subcommittees on corrections, the senate and  
14 house fiscal agencies, and the state budget director, on the  
15 academic/vocational programs offered as described in section 219 for  
16 prisoners participating as of September 30, 2001. Also, the report shall  
17 include information on Michigan prison build program outcomes, including,  
18 but not limited to, the number of prisoners who participated in the pro-  
19 gram during fiscal year 2000-2001, the number of houses/components com-  
20 pleted, and the facilities included in the program.