

**SUBSTITUTE FOR
SENATE BILL NO. 1102**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2003; 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:

SB 1102, As Passed Senate, March 20, 2002

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For Fiscal Year Ending
September 30, 2003

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, 2003, from the funds
6 indicated in this part. The following is a summary of the appropriations
7 in this part:

8 **DEPARTMENT OF CORRECTIONS**

9 APPROPRIATION SUMMARY:

10	Average population.....	51,551	
11	Full-time equated unclassified positions.....	16.0	
12	Full-time equated classified positions.....	18,827.9	
13	GROSS APPROPRIATION.....	\$	1,713,462,500
14	Interdepartmental grant revenues:		
15	Total interdepartmental grants and intradepartmental		
16	transfers.....		3,318,500
17	ADJUSTED GROSS APPROPRIATION.....	\$	1,710,144,000
18	Federal revenues:		
19	Total federal revenues.....		26,403,400
20	Special revenue funds:		
21	Total local revenues.....		391,100
22	Total private revenues.....		0
23	Total other state restricted revenues.....		55,490,600
24	State general fund/general purpose.....	\$	1,627,858,900
25	Sec. 102. EXECUTIVE		
26	Average population.....		480

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1	Full-time equated unclassified positions.....	16.0	
2	Full-time equated classified positions.....	91.5	
3	Unclassified positions--16.0 FTE positions.....		1,313,600
4	Executive direction--89.5 FTE positions.....		8,735,800
5	Michigan youth correctional facility - management		
6	services.....		11,400,700
7	Michigan youth correctional facility -		
8	administration--2.0 FTE positions.....		197,700
9	Average population.....	480.0	
10	Michigan youth correctional facility - lease payments		<u>5,646,100</u>
11	GROSS APPROPRIATION.....	\$	27,293,900
12	Appropriated from:		
13	Federal revenues:		
14	Federal revenues and reimbursements.....		17,046,800
15	State general fund/general purpose.....	\$	10,247,100
16	Sec. 103. ADMINISTRATION AND PROGRAMS		
17	Full-time equated classified positions.....	345.1	
18	Planning, research, and records--23.0 FTE positions..	\$	1,046,900
19	Administrative services--66.6 FTE positions.....		5,770,700
20	Substance abuse testing and treatment.....		20,075,500
21	Inmate legal services.....		314,900
22	Training.....		12,468,600
23	Training administration--31.5 FTE positions.....		3,596,800
24	Prison industries operations--224.0 FTE positions....		15,949,300
25	Rent.....		2,315,800
26	Equipment and special maintenance.....		2,054,000

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1	Worker's compensation.....	21,303,000
2	Compensatory buyout and union leave bank.....	275,000
3	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
4	GROSS APPROPRIATION..... \$	89,221,500
5	Appropriated from:	
6	Interdepartmental grant revenues:	
7	IDG-MDSP, Michigan justice training fund.....	638,600
8	Federal revenues:	
9	Federal revenues and reimbursements.....	2,912,500
10	Special revenue funds:	
11	Correctional industries revolving fund.....	15,949,300
12	State general fund/general purpose..... \$	69,721,100
13	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
14	Average population.....	581
15	Full-time equated classified positions.....	2,261.2
16	Field operations--1,880.9 FTE positions..... \$	121,953,700
17	Parole board operations--28.0 FTE positions.....	2,130,400
18	Loans to parolees.....	294,400
19	Parole/probation services.....	2,455,300
20	Corrections centers--76.0 FTE positions.....	9,032,500
21	Electronic monitoring center--37.0 FTE positions.....	4,384,800
22	Technical rule violator program--104.3 FTE positions.	9,638,800
23	Special alternative incarceration program--135.0 FTE	
24	positions.....	<u>10,561,600</u>
25	GROSS APPROPRIATION..... \$	160,451,500
26	Appropriated from:	

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1	Special revenue funds:	
2	Local restricted revenues and reimbursements.....	391,100
3	State restricted revenues and reimbursements.....	16,356,500
4	State general fund/general purpose..... \$	143,703,900
5	Sec. 105. COMMUNITY CORRECTIONS	
6	Full-time equated classified positions.....14.0	
7	Community corrections administration--14.0 FTE	
8	positions..... \$	1,328,300
9	Probation residential centers.....	14,997,000
10	Community corrections comprehensive plans and	
11	services.....	13,033,000
12	Public education and training.....	50,000
13	Regional jail program.....	100
14	County jail reimbursement program.....	<u>18,500,000</u>
15	GROSS APPROPRIATION..... \$	47,908,400
16	Appropriated from:	
17	Special revenue funds:	
18	State restricted revenues and reimbursements.....	19,192,100
19	State general fund/general purpose..... \$	28,716,300
20	Sec. 106. CONSENT DECREES	
21	Average population.....400	
22	Full-time equated classified positions.....574.4	
23	Hadix consent decree--157.0 FTE positions..... \$	11,109,300
24	DOJ consent decree--164.5 FTE positions.....	11,324,400
25	DOJ psychiatric plan - MDCH mental health services...	68,231,400
26	DOJ psychiatric plan - MDOC staff and services--252.9	
27	FTE positions.....	<u>15,761,200</u>

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1	GROSS APPROPRIATION.....	\$	106,426,300
2	Appropriated from:		
3	State general fund/general purpose.....	\$	106,426,300
4	Sec. 107. HEALTH CARE		
5	Full-time equated classified positions.....		1,027.1
6	Health care administration--22.0 FTE positions.....	\$	2,539,000
7	Hospital and specialty care services.....		52,729,100
8	Vaccination program.....		1,491,300
9	Northern region clinical complexes--243.4 FTE		
10	positions.....		24,447,600
11	Southeastern region clinical complexes--430.0 FTE		
12	positions.....		46,989,400
13	Southwestern region clinical complexes--331.7 FTE		
14	positions.....		<u>29,953,800</u>
15	GROSS APPROPRIATION.....	\$	158,150,200
16	Appropriated from:		
17	Federal revenues:		
18	Federal revenues and reimbursements.....		85,800
19	Special revenue funds:		
20	State restricted revenues and reimbursements.....		101,200
21	State general fund/general purpose.....	\$	157,963,200
22	Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION		
23	Average population.....		1,475
24	Full-time equated classified positions.....		774.2
25	Correctional facilities administration--43.0 FTE		
26	positions.....	\$	3,992,600

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1	Housing inmates in federal institutions.....	552,600
2	Education services and federal education grants--18.0	
3	FTE positions.....	4,634,000
4	Federal school lunch program.....	712,800
5	Leased beds.....	100
6	Inmate housing fund--219.7 FTE positions.....	9,934,200
7	Average population.....1,475	
8	Dental lab operations.....	102,300
9	Academic/vocational programs--493.5 FTE positions....	<u>37,304,900</u>
10	GROSS APPROPRIATION..... \$	57,233,500
11	Appropriated from:	
12	Intradepartmental transfer revenues:	
13	IDT, dental lab user fees.....	102,300
14	Federal revenues:	
15	Federal revenues and reimbursements.....	5,498,800
16	State general fund/general purpose..... \$	51,632,400
17	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
18	Average population.....14,430	
19	Full-time equated classified positions.....4,371.2	
20	Alger maximum correctional facility - Munising--369.8	
21	FTE positions..... \$	27,742,200
22	Average population.....844	
23	Baraga maximum correctional facility - Baraga--432.4	
24	FTE positions.....	31,458,000
25	Average population.....1,084	
26	Chippewa correctional facility - Kincheloe--509.1 FTE	
27	positions.....	39,557,700

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1	Average population.....	2,182	
2	Kinross correctional facility - Kincheloe--	568.3 FTE	
3	positions.....		45,317,500
4	Average population.....	2,423	
5	Marquette branch prison - Marquette--	420.4 FTE	
6	positions.....		33,174,500
7	Average population.....	1,129	
8	Newberry correctional facility - Newberry--	356.4 FTE	
9	positions.....		26,368,600
10	Average population.....	1,144	
11	Oaks correctional facility - Eastlake--	386.6 FTE	
12	positions.....		29,624,600
13	Average population.....	900	
14	Ojibway correctional facility - Marenisco--	293.4 FTE	
15	positions.....		21,861,600
16	Average population.....	1,196	
17	Pugsley correctional facility - Kingsley--	228.4 FTE	
18	positions.....		16,823,900
19	Average population.....	954	
20	Saginaw correctional facility - Freeland--	379.8 FTE	
21	positions.....		26,499,500
22	Average population.....	1,468	
23	Standish maximum correctional facility -		
24	Standish--	426.6 FTE positions.....	<u>32,296,700</u>
25	Average population.....	1,106	
26	GROSS APPROPRIATION.....	\$	330,724,800

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1	Appropriated from:	
2	Special revenue funds:	
3	State restricted revenues and reimbursements.....	1,113,300
4	State general fund/general purpose..... \$	329,611,500
5	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
6	Average population.....	16,716
7	Full-time equated classified positions.....	4,922.0
8	Cooper Street correctional facility - Jackson--	278.2
9	FTE positions..... \$	22,467,200
10	Average population.....	1,360
11	G. Robert Cotton correctional facility -	
12	Jackson--	425.5 FTE positions.....
13	Average population.....	1,692
14	Charles Egeler reception center - Jackson--	447.8 FTE
15	positions.....	31,447,900
16	Average population.....	1,082
17	Gus Harrison correctional facility - Adrian--	535.6
18	FTE positions.....	40,336,900
19	Average population.....	2,200
20	Huron Valley correctional facility - Ypsilanti--	283.6
21	FTE positions.....	21,261,800
22	Average population.....	497
23	Macomb correctional facility - New Haven--	379.9 FTE
24	positions.....	25,707,000
25	Average population.....	1,468
26	Mound correctional facility - Detroit--	345.2 FTE
27	positions.....	25,146,200

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1	Average population.....	1,044	
2	Parnall correctional facility - Jackson--271.0 FTE		
3	positions.....		21,893,900
4	Average population.....	1,372	
5	Ryan correctional facility - Detroit--341.1 FTE		
6	positions.....		25,636,100
7	Average population.....	1,044	
8	Robert Scott correctional facility - Plymouth--437.9		
9	FTE positions.....		32,353,800
10	Average population.....	1,247	
11	Southern Michigan correctional facility -		
12	Jackson--427.0 FTE positions.....		29,869,600
13	Average population.....	1,481	
14	Thumb correctional facility - Lapeer--384.3 FTE		
15	positions.....		29,539,200
16	Average population.....	1,454	
17	Western Wayne correctional facility - Plymouth--266.9		
18	FTE positions.....		21,330,300
19	Average population.....	775	
20	Jackson area support and services - Jackson--98.0 FTE		
21	positions.....		<u>16,029,700</u>
22	GROSS APPROPRIATION.....	\$	375,487,100
23	Appropriated from:		
24	Intradepartmental transfer revenues:		
25	IDT, production kitchen user fees.....		2,577,600
26	Federal revenues:		

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1	Federal revenues and reimbursements.....	859,500
2	Special revenue funds:	
3	State restricted revenues and reimbursements.....	1,364,700
4	State general fund/general purpose..... \$	370,685,300
5	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
6	Average population.....	17,469
7	Full-time equated classified positions.....	4,447.2
8	Bellamy Creek correctional facility - Ionia--	394.3
9	FTE positions..... \$	30,996,900
10	Average population.....	1,680
11	Earnest C. Brooks correctional facility -	
12	Muskegon--507.7 FTE positions.....	39,708,200
13	Average population.....	2,200
14	Carson City correctional facility - Carson	
15	City--547.8 FTE positions.....	41,760,200
16	Average population.....	2,200
17	Florence Crane correctional facility -	
18	Coldwater--408.6 FTE positions.....	30,976,100
19	Average population.....	1,510
20	Deerfield correctional facility - Ionia--	204.9 FTE
21	positions.....	16,571,600
22	Average population.....	960
23	Richard A. Handlon correctional facility -	
24	Ionia--266.0 FTE positions.....	21,437,200
25	Average population.....	1,315
26	Ionia maximum correctional facility - Ionia--	363.6
27	FTE positions.....	26,618,400

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1	Average population.....	636	
2	Lakeland correctional facility - Coldwater--	284.1 FTE	
3	positions.....		22,566,000
4	Average population.....	1,200	
5	Muskegon correctional facility - Muskegon--	304.4 FTE	
6	positions.....		24,675,300
7	Average population.....	1,310	
8	Pine River correctional facility - St. Louis--	224.6	
9	FTE positions.....		17,362,100
10	Average population.....	960	
11	Riverside correctional facility - Ionia--	326.0 FTE	
12	positions.....		26,546,300
13	Average population.....	1,244	
14	St. Louis correctional facility - St. Louis--	615.2	
15	FTE positions.....		<u>45,203,900</u>
16	Average population.....	2,254	
17	GROSS APPROPRIATION.....	\$	344,422,200
18	Appropriated from:		
19	Special revenue funds:		
20	State restricted revenues and reimbursements.....		1,404,500
21	State general fund/general purpose.....	\$	343,017,700
22	Sec. 112. INFORMATION TECHNOLOGY		
23	Information technology services and projects.....	\$	<u>16,143,100</u>
24	GROSS APPROPRIATION.....	\$	16,143,100
25	Appropriated from:		
26	Special revenue funds:		

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1	Correctional industries revolving fund.....	9,000
2	State general fund/general purpose..... \$	16,134,100

3

4

5

PART 2

6

PROVISIONS CONCERNING APPROPRIATIONS

7

GENERAL SECTIONS

8

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2002-2003 is \$1,683,349,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$78,221,300.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

14

15 DEPARTMENT OF CORRECTIONS

16 Field operations - assumption of county probation

17	staff.....	\$	36,690,200
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18	Prosecutorial and detainer expenses.....	4,051,000
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19	Public service work projects.....	9,400,000
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20 Community corrections comprehensive plans and

21	services.....	13,033,000
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22	Community corrections probation residential centers..	14,997,000
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23	Community corrections public education and training..	50,000
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24	Regional jail program.....	<u>100</u>
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25	TOTAL.....	\$	78,221,300
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26 Sec. 202. The appropriations authorized under this act are subject
27 to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

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1 Sec. 203. As used in this act:

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

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

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

6 (d) "IDG" means interdepartmental grant.

7 (e) "IDT" means intradepartmental transfer.

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

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

10 (h) "OCC" means community corrections.

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

16 Sec. 205. (1) A hiring freeze is imposed on the state classified
17 civil service. State departments and agencies are prohibited from hiring
18 any new full-time state classified civil service employees and prohibited
19 from filling any vacant state classified civil service positions. This
20 hiring freeze does not apply to internal transfers of classified employ-
21 ees from 1 position to another within a department.

22 (2) The state budget director shall grant exceptions to this hiring
23 freeze when the state budget director believes that the hiring freeze
24 will result in rendering a state department or agency unable to deliver
25 basic services, cause loss of revenue to the state, result in the inabil-
26 ity of the state to receive federal funds, or would necessitate
27 additional expenditures that exceed any savings from maintaining a

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1 vacancy. The state budget director shall report quarterly to the
2 chairpersons of the senate and house standing committees on appropria-
3 tions the number of exceptions to the hiring freeze approved during the
4 previous quarter and the reasons to justify the exception.

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

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

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

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

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

9 Sec. 208. Unless otherwise specified, the department shall use the
10 Internet to fulfill the reporting requirements of this act. This may
11 include transmission of reports via electronic mail to the recipients
12 identified for each reporting requirement or it may include placement of
13 reports on an Internet or Intranet site.

14 Sec. 209. Funds appropriated in part 1 should not be used for the
15 purchase of foreign goods or services, or both, if competitively priced
16 and of comparable quality American goods and services, or both, are
17 available. Preference should be given to goods and services, or both,
18 manufactured or provided by Michigan businesses if they are competitively
19 priced and of comparable value.

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

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

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

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

15 Sec. 213. Of the state general fund/general purpose revenue appro-
16 priated in part 1, \$574,896,100.00 represents a state spending increase
17 over the amount provided to the department for the fiscal year ending
18 September 30, 1994, and may be used to meet state match requirements of
19 programs contained in the violent crime control and law enforcement act
20 of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs,
21 so that any additional federal funds received shall supplement funding
22 provided to the department in part 1.

23 Sec. 215. The department shall provide quarterly reports on the
24 Michigan youth correctional facility to the members of the senate and
25 house appropriations subcommittees on corrections, the senate and house
26 fiscal agencies, and the state budget director. The reports shall
27 provide information relevant to an assessment of the safety and security

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

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

19 Sec. 218. The bureau of health care services shall develop informa-
20 tion on hepatitis C prevention and the risks associated with exposure to
21 hepatitis C, and the health care providers shall disseminate this infor-
22 mation verbally and in writing to each prisoner at the health screening
23 and full health appraisal conducted at admissions, at the annual health
24 care screening 1 week before or after a prisoner's birthday, and prior to
25 release to the community by parole, transfer to community residential
26 placement, or discharge on the maximum.

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1 Sec. 259. From the funds appropriated in part 1 for information
2 technology, the department shall pay user fees to the department of
3 information technology for technology related services and projects.
4 Such user fees shall be subject to provisions of an interagency agreement
5 between the department and the department of information technology.

6 Sec. 260. Amounts appropriated in part 1 for information technology
7 may be designated as work projects and carried forward to support tech-
8 nology projects under the direction of the department of information
9 technology. Funds designated in this manner are not available for expen-
10 diture until approved as work projects under section 451a of the manage-
11 ment and budget act, 1984 PA 431, MCL 18.1451a.

12 **SUBSTANCE ABUSE TESTING AND TREATMENT**

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

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

23 Sec. 302. (1) In expending residential substance abuse treatment
24 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) It is the intent of the legislature that the funds appropriated
4 in part 1 for substance abuse testing and treatment be fully expended for
5 that purpose.

6 (3) By July 1, 2003, the department shall report to the senate and
7 house appropriations subcommittees on corrections and the senate and
8 house fiscal agencies on the allocation, distribution, and expenditure of
9 all funds appropriated by the substance abuse testing and treatment line
10 item. The report shall include, but not be limited to, an explanation of
11 an anticipated year-end balance, the number of participants in substance
12 abuse programs, and the number of offenders on waiting lists for residen-
13 tial substance abuse programs. Information required by this subsection
14 shall, where possible, be separated by MDOC administrative region and by
15 offender type, including, but not limited to, a distinction between pris-
16 oners, parolees, and probationers.

17 **EXECUTIVE**

18 Sec. 401. The department shall submit 3-year and 5-year prison pop-
19 ulation projection updates by February 1, 2003 to the senate and house
20 appropriations subcommittees on corrections, the senate and house fiscal
21 agencies, and the state budget director.

22 Sec. 402. The department shall prepare by April 1, 2003 individual
23 reports for the technical rule violator program, the community residen-
24 tial program, the electronic tether program, and the special alternative
25 to incarceration program. The reports shall be submitted to the house

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1 and senate appropriations subcommittees on corrections, the house and
2 senate fiscal agencies, and the state budget director. The reports shall
3 include the following:

4 (a) Monthly new participants.

5 (b) Monthly participant unsuccessful terminations, including cause.

6 (c) Number of successful terminations.

7 (d) End month population by facility/program.

8 (e) Average length of placement.

9 (f) Return to prison statistics.

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

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

13 (i) Comparison with prior year statistics.

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

16 Sec. 403. From the funds appropriated in part 1, the department
17 shall continue to maintain county jail services staff sufficient to
18 enable the department to continue to fulfill its functions of providing
19 technical support, inspections of county jails, and maintenance of the
20 jail reimbursement program.

21 Sec. 404. The department shall report to the senate and house
22 appropriations subcommittees on corrections, the senate and house fiscal
23 agencies, and the state budget director by April 1, 2003 on the ratio of
24 correctional officers to prisoners for each correctional institution, the
25 ratio of shift command staff to line custody staff, and the ratio of non-
26 custody institutional staff to prisoners for each correctional
27 institution.

1 ADMINISTRATION AND PROGRAMS

2 Sec. 501. From the funds appropriated in part 1 for prosecutorial
3 and detainer expenses, the department shall reimburse counties for hous-
4 ing and custody of parole violators and offenders being returned by the
5 department from community placement who are available for return to
6 institutional status and for prisoners who volunteer for placement in a
7 county jail.

8 FIELD OPERATIONS ADMINISTRATION

9 Sec. 601. (1) It is the intent of the legislature that the funding
10 appropriated in part 1 for parole and probation agents shall provide suf-
11 ficient parole and probation agents to maintain a ratio of 90 workload
12 units per agent.

13 (2) From the funds appropriated in part 1, the department shall con-
14 duct a statewide caseload audit of field agents. The audit shall address
15 public protection issues and assess the ability of the field agents to
16 complete their professional duties. The results of the audit shall be
17 submitted to the senate and house appropriations subcommittees on correc-
18 tions and the senate and house fiscal agencies, and the state budget
19 office by September 30, 2003.

20 Sec. 602. (1) Of the amount appropriated in part 1 for personnel, a
21 sufficient amount shall be allocated for the community service work pro-
22 gram and shall be used for salaries and wages and fringe benefit costs of
23 community service coordinators employed by the department to supervise
24 offenders participating in work crew assignments. Funds shall also be

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1 used to cover motor transport division rates on state vehicles used to
2 transport offenders to community service work project sites.

3 (2) The community service work program shall provide offenders with
4 community service work of tangible benefit to a community while fulfill-
5 ing court-ordered community service work sanctions and other postconvic-
6 tion obligations.

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

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

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

21 (3) Included in the appropriation in part 1 is adequate funding to
22 implement the community tether program to be administered by the
23 department. The community tether program is intended to provide sentenc-
24 ing judges and county sheriffs in coordination with local community cor-
25 rections advisory boards access to the state's electronic tether program
26 to reduce prison admissions and improve local jail utilization. The
27 department shall determine the appropriate distribution of the tether

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1 units throughout the state based upon locally developed comprehensive
2 corrections plans pursuant to the community corrections act, 1988 PA 511,
3 MCL 791.401 to 791.414.

4 (4) For a fee determined by the department, the department will pro-
5 vide counties with the tether equipment, replacement parts, administra-
6 tive oversight of the equipment's operation, notification of violators,
7 and periodic reports regarding county program participants. Counties are
8 responsible for tether equipment installation and service and apprehen-
9 sion of program violators. For an additional fee as determined by the
10 department, the department will provide staff to install and service the
11 equipment. Counties are responsible for the coordination and apprehen-
12 sion of program violators.

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

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

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

1 COMMUNITY CORRECTIONS

2 Sec. 701. The office of community corrections shall provide and
3 coordinate the delivery and implementation of services in communities to
4 facilitate successful offender reintegration into the community.
5 Programs and services to be offered shall include, but are not limited
6 to, technical assistance for comprehensive corrections plan development,
7 new program start-up funding, program funding for those programs deliver-
8 ing services for eligible offenders in geographic areas identified by the
9 office of community corrections as having a shortage of available serv-
10 ices, technical assistance, referral services for education, employment
11 services, and substance abuse and family counseling. As used in this
12 act:

13 (a) "Alternative to incarceration in a state facility or jail" means
14 a program that involves offenders who receive a sentencing disposition
15 which appears to be in place of incarceration in a state correctional
16 facility or jail based on historical local sentencing patterns or which
17 amounts to a reduction in the length of sentence in a jail.

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

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

25 (d) "Offender eligibility criteria" means particular criminal viola-
26 tions, state felony sentencing guidelines descriptors, and offender
27 characteristics developed by advisory boards and approved by local units

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1 of government that identify the offenders suitable for community
2 corrections programs funded through the office of community corrections.

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

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

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

13 (ii) A currently incarcerated felon or misdemeanor who is granted
14 early release from incarceration to a community corrections program or
15 who is granted early release from incarceration as a result of a commu-
16 nity corrections program.

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

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1 (a) Reduce admissions to prison of nonviolent offenders who would
2 have otherwise received an active sentence, including probation
3 violators.

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

8 (c) Open jail beds through the increase of pretrial release
9 options.

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

11 (e) Reduce the admission or readmission to prison of offenders,
12 including probation violators and parole violators, for substance abuse
13 violations.

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

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

23 Sec. 703. The comprehensive corrections plans shall also include,
24 where appropriate, descriptive information on the full range of sanctions
25 and services which are available and utilized within the local jurisdic-
26 tion and an explanation of how jail beds, probation residential services,
27 the special alternative incarceration program (boot camp), probation

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1 detention centers, the electronic monitoring program for probationers,
2 and treatment and rehabilitative services will be utilized to support the
3 objectives and priorities of the comprehensive corrections plan and the
4 purposes and priorities of section 8(4) of the community corrections act,
5 1988 PA 511, MCL 791.408. The plans shall also include, where appropri-
6 ate, provisions that detail how the local communities plan to respond to
7 sentencing guidelines found in chapter XVII of the code of criminal pro-
8 cedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail
9 reimbursement program pursuant to section 706 of this act. The state
10 community corrections board shall encourage local community corrections
11 boards to include in their comprehensive corrections plans strategies to
12 collaborate with local alcohol and drug treatment agencies of the depart-
13 ment of community health for the provision of alcohol and drug screening,
14 assessment, case management planning, and delivery of treatment to
15 alcohol- and drug-involved offenders, including, but not limited to, pro-
16 bation and parole violators who are at risk of revocation.

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

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

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

4 (c) Status of the community corrections information system and the
5 jail population information system.

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

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

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

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

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

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

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

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

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

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

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

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

23 (b) The felon's sentencing guidelines recommended range upper limit
24 is more than 18 months, the felon's sentencing guidelines recommended
25 range lower limit is 12 months or less, the felon's prior record variable
26 score is 35 or more points, and the felon's sentence is not for
27 commission of a crime in crime class G or crime class H under chapter

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1 XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
2 777.69.

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

5 (4) State reimbursement under this section for prisoner housing and
6 custody expenses per diverted offender shall be \$43.50 per diem for up to
7 a 1-year total.

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

20 (6) 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 (5) 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 and the state budget
26 office.

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

(8) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for this purpose. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2002 distribute the documentation requirements to all counties.

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

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

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

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

(a) Orientation and assessment.

(b) Substance abuse counseling.

(c) Life skills counseling.

(d) Education.

(e) Employment preparation.

(f) Vocational training.

(g) Employment.

(h) Community service.

(i) Physical training.

(j) Cognitive skill training.

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

(6) The operation of the probation detention program shall be included in an approved community corrections comprehensive plan for the 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, 2003 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 Sec. 711. (1) As a condition of receipt of the funds appropriated
22 in section 105 for community corrections plans and services and probation
23 residential centers, the department shall only award those funds
24 requested under a properly prepared and approved comprehensive correc-
25 tions plan submitted under section 8 of the community corrections act,
26 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the
27 community corrections act, 1988 PA 511, MCL 791.410.

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1 (2) The department shall only halt funding for an entity funded
2 under section 8 of the community corrections act, 1988 PA 511, MCL
3 791.408, in instances of substantial noncompliance during the period cov-
4 ered by the plan.

5 **CONSENT DECREES**

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

11 **HEALTH CARE**

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

16 Sec. 902. (1) As a condition of expenditure of the funds appropri-
17 ated in part 1, the department shall report to the senate and house
18 appropriations subcommittees on corrections on January 1, 2003 and July
19 1, 2003 the status of payments from contractors to vendors for health
20 care services provided to prisoners, as well as the status of the con-
21 tracts, and an assessment of prisoner health care quality.

22 (2) It is the intent of the legislature that, in the interest of
23 providing the most efficient and cost-effective delivery of health care,

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1 local health care providers shall be considered and given the opportunity
2 to competitively bid as vendors under future managed care contracts.

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

8 Sec. 904. From the funds allocated in part 1 for health care serv-
9 ices, the department shall conduct a 1-year cost/benefit analysis of pri-
10 vatizing pharmacy services and shall report the findings of this 1-year
11 cost/benefit analysis to the senate and house appropriations subcommit-
12 tees on corrections and the senate and house fiscal agencies not less
13 than 120 days before any effort to privatize pharmacy services unless a
14 report is completed prior to October 1, 2002.

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

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

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

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