

# SENATE BILL No. 1102

February 13, 2002, Introduced by Senators North, Hoffman and Smith and referred to the Committee on Appropriations.

## EXECUTIVE BUDGET BILL

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:**

## PART 1

## LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill,  
the amounts listed in this part are appropriated for the  
department of corrections for the fiscal year ending September 30,  
2003, from the funds indicated in this part. The following is a  
summary of the appropriations in this part:

**8 DEPARTMENT OF CORRECTIONS**

## APPROPRIATION SUMMARY:

Average population . . . . .	51,551
Full-time equated unclassified positions . . . . .	16.0
Full-time equated classified positions . . . . .	18,827.9
GROSS APPROPRIATION . . . . .	\$1,713,462,500
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers . . . . .	3,318,500
ADJUSTED GROSS APPROPRIATION . . . . .	\$1,710,144,000
Federal revenues:	
Total federal revenues . . . . .	26,403,400
Special revenue funds:	
Total local revenues . . . . .	391,100
Total private revenues . . . . .	0
Total other state restricted revenues . . . . .	55,490,600
State general fund/general purpose . . . . .	\$1,627,858,900
<b>Sec. 102. EXECUTIVE</b>	
Average population . . . . .	480

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 . . . . .		11,457,700
7	Michigan youth correctional facility - administration		
8	--2.0 FTE positions . . . . .		197,700
9	Average population . . . . .	480	
10	Michigan youth correctional facility - lease		
11	payments . . . . .		<u>5,589,100</u>
12	GROSS APPROPRIATION . . . . .	\$	27,293,900
13	Appropriated from:		
14	Federal revenues:		
15	Federal revenues and reimbursements . . . . .		17,046,800
16	State general fund/general purpose . . . . .	\$	10,247,100
17	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>		
18	Full-time equated classified positions .	345.1	
19	Planning, research and records--23.0 FTE		
20	positions . . . . .	\$	1,046,900
21	Administrative services--66.6 FTE positions . .		5,770,700
22	Substance abuse testing and treatment . . . . .		20,075,500
23	Inmate legal services . . . . .		314,900
24	Training . . . . .		12,468,600
25	Training administration--31.5 FTE positions . .		3,596,800
26	Prison industries operations--224.0 FTE		
27	positions . . . . .		15,949,300
28	Rent . . . . .		2,315,800

1	Equipment and special maintenance . . . . .	2,054,000
2	Worker's compensation . . . . .	21,303,000
3	Compensatory buyout and union leave bank . . .	275,000
4	Prosecutorial and detainer expenses . . . . .	<u>4,051,000</u>
5	GROSS APPROPRIATION . . . . .	\$ 89,221,500
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG-MDSP, Michigan justice training fund . . .	638,600
9	Federal revenues:	
10	Federal revenues and reimbursements . . . . .	2,912,500
11	Special revenue funds:	
12	Correctional industries revolving fund . . . . .	15,949,300
13	State general fund/general purpose . . . . .	\$ 69,721,100
14	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
15	Average population . . . . .	581
16	Full-time equated classified positions . . .	2,261.2
17	Field operations--1,880.9 FTE positions . . . . .	\$ 121,953,700
18	Parole board operations--28.0 FTE positions . .	2,130,400
19	Loans to parolees . . . . .	294,400
20	Parole/probation services . . . . .	2,455,300
21	Corrections centers--76.0 FTE positions . . . .	9,032,500
22	Electronic monitoring center--37.0 FTE	
23	positions . . . . .	4,384,800
24	Technical rule violator program--104.3 FTE	
25	positions . . . . .	9,638,800
26	Special alternative incarceration program--135.0	
27	FTE positions . . . . .	<u>10,561,600</u>
28	GROSS APPROPRIATION . . . . .	\$ 160,451,500

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

1	FTE positions . . . . .	<u>15,761,200</u>
2	GROSS APPROPRIATION . . . . .	\$ 106,426,300
3	Appropriated from:	
4	State general fund/general purpose . . . . .	\$ 106,426,300
5	<b>Sec. 107. HEALTH CARE</b>	
6	Full-time equated classified positions	1,027.1
7	Health care administration--22.0 FTE	
8	positions . . . . .	\$ 2,539,000
9	Hospital and speciality care services . . . . .	52,729,100
10	Vaccination program . . . . .	1,491,300
11	Northern region clinical complexes--243.4 FTE	
12	positions . . . . .	24,447,600
13	Southeastern region clinical complexes--430.0 FTE	
14	positions . . . . .	46,989,400
15	Southwestern region clinical complexes--331.7 FTE	
16	positions . . . . .	<u>29,953,800</u>
17	GROSS APPROPRIATION . . . . .	\$ 158,150,200
18	Appropriated from:	
19	Federal revenues:	
20	Federal revenues and reimbursements . . . . .	85,800
21	Special revenue funds:	
22	State restricted revenues and reimbursements . . . . .	101,200
23	State general fund/general purpose . . . . .	\$ 157,963,200
24	<b>Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION</b>	
25	Average population . . . . .	1,475
26	Full-time equated classified positions . . . . .	774.2
27	Correctional facilities administration--43.0 FTE	
28	positions . . . . .	\$ 3,992,600

1	Housing inmates in federal institutions . . . . .	552,600
2	Education services and federal education grants	
3	--18.0 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	
10	positions . . . . .	<u>37,304,900</u>
11	GROSS APPROPRIATION . . . . .	\$ 57,233,500
12	Appropriated from:	
13	Intradepartmental transfer revenues:	
14	IDT, dental lab user fee . . . . .	102,300
15	Federal revenues:	
16	Federal revenues and reimbursements . . . . .	5,498,800
17	State general fund/general purpose . . . . .	\$ 51,632,400
18	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
19	Average population . . . . . 14,430	
20	Full-time equated classified positions 4,371.2	
21	Alger maximum correctional facility-Munising	
22	--369.8 FTE positions . . . . .	\$ 27,742,200
23	Average population . . . . . 844	
24	Baraga maximum correctional facility-Baraga	
25	--432.4 FTE positions . . . . .	31,458,000
26	Average population . . . . . 1,084	
27	Chippewa correctional facility-Kincheloe	
28	--509.1 FTE positions . . . . .	39,557,700

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



1	State restricted revenues and reimbursements . . . . .	1,113,300
2	State general fund/general purpose . . . . .	\$ 329,611,500
3	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>	
4	Average population . . . . .	16,716
5	Full-time equated classified positions . . . . .	4,922.0
6	Cooper Street correctional facility-Jackson	
7	--278.2 FTE positions . . . . .	\$ 22,467,200
8	Average population . . . . .	1,360
9	G. Robert Cotton correctional facility-Jackson	
10	--425.5 FTE positions . . . . .	32,467,500
11	Average population . . . . .	1,692
12	Charles Egeler reception center-Jackson	
13	--447.8 FTE positions . . . . .	31,447,900
14	Average population . . . . .	1,082
15	Gus Harrison correctional facility-Adrian	
16	--535.6 FTE positions . . . . .	40,336,900
17	Average population . . . . .	2,200
18	Huron Valley correctional facility-Ypsilanti	
19	--283.6 FTE positions . . . . .	21,261,800
20	Average population . . . . .	497
21	Macomb correctional facility-New Haven	
22	--379.9 FTE positions . . . . .	25,707,000
23	Average population . . . . .	1,468
24	Mound correctional facility-Detroit	
25	--345.2 FTE positions . . . . .	25,146,200
26	Average population . . . . .	1,044
27	Parnall correctional facility-Jackson	
28	--271.0 FTE positions . . . . .	21,893,900

1	Average population . . . . .	1,372	
2	Ryan correctional facility-Detroit		
3	--341.1 FTE positions . . . . .		25,636,100
4	Average population . . . . .	1,044	
5	Robert Scott correctional facility-Plymouth		
6	--437.9 FTE positions . . . . .		32,353,800
7	Average population . . . . .	1,247	
8	Southern Michigan correctional facility-Jackson		
9	--427.0 FTE positions . . . . .		29,869,600
10	Average population . . . . .	1,481	
11	Thumb correctional facility-Lapeer		
12	--384.3 FTE positions . . . . .		29,539,200
13	Average population . . . . .	1,454	
14	Western Wayne correctional facility-Plymouth		
15	--266.9 FTE positions . . . . .		21,330,300
16	Average population . . . . .	775	
17	Jackson area support and services--98.0 FTE		
18	positions . . . . .		<u>16,029,700</u>
19	GROSS APPROPRIATION . . . . .		\$ 375,487,100
20	Appropriated from:		
21	Intradepartmental transfer revenues:		
22	IDT, production kitchen user fees . . . . .		2,577,600
23	Federal revenues:		
24	Federal revenues and reimbursements . . . . .		859,500
25	Special revenue funds:		
26	State restricted revenues and reimbursements . . . . .		1,364,700
27	State general fund/general purpose . . . . .		\$ 370,685,300
28	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		

1	Average population . . . . .	17,469	
2	Full-time equated classified positions	4,447.2	
3	Bellamy Creek correctional facility-Ionia		
4	--394.3 FTE positions . . . . .	\$	30,996,900
5	Average population . . . . .	1,680	
6	Earnest C. Brooks correctional facility-Muskegon		
7	--507.7 FTE positions . . . . .		39,708,200
8	Average population . . . . .	2,200	
9	Carson City correctional facility-Carson City		
10	--547.8 FTE positions . . . . .		41,760,200
11	Average population . . . . .	2,200	
12	Florence Crane correctional facility-Coldwater		
13	--408.6 FTE positions . . . . .		30,976,100
14	Average population . . . . .	1,510	
15	Deerfield correctional facility-Ionia		
16	--204.9 FTE positions . . . . .		16,571,600
17	Average population . . . . .	960	
18	Richard A. Handlon correctional facility-Ionia		
19	--266.0 FTE positions . . . . .		21,437,200
20	Average population . . . . .	1,315	
21	Ionia maximum correctional facility-Ionia		
22	--363.6 FTE positions . . . . .		26,618,400
23	Average population . . . . .	636	
24	Lakeland correctional facility-Coldwater		
25	--284.1 FTE positions . . . . .		22,566,000
26	Average population . . . . .	1,200	
27	Muskegon correctional facility-Muskegon		
28	--304.4 FTE positions . . . . .		24,675,300

1	Average population . . . . .	1,310	
2	Pine River correctional facility-St. Louis		
3	--224.6 FTE positions . . . . .		17,362,100
4	Average population . . . . .	960	
5	Riverside correctional facility-Ionia		
6	--326.0 FTE positions . . . . .		26,546,300
7	Average population . . . . .	1,244	
8	St. Louis correctional facility-St. Louis		
9	--615.2 FTE positions . . . . .		<u>45,203,900</u>
10	Average population . . . . .	2,254	
11	GROSS APPROPRIATION . . . . .		\$ 344,422,200
12	Appropriated from:		
13	Special revenue funds:		
14	State restricted revenues and reimbursements .		1,404,500
15	State general fund/general purpose . . . . .		\$ 343,017,700
16	<b>Sec. 112. INFORMATION TECHNOLOGY</b>		
17	Information technology services and projects .		<u>\$ 16,143,100</u>
18	GROSS APPROPRIATION . . . . .		\$ 16,143,100
19	Appropriated from:		
20	Special revenue funds:		
21	Correctional industries revolving fund . . . . .		9,000
22	State general fund/general purpose . . . . .		\$ 16,134,100

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

26 Sec. 201. Pursuant to section 30 of article IX of the state  
 27 constitution of 1963, total state spending from state resources  
 28 under part 1 for fiscal year 2002-2003 is \$1,683,349,500.00 and

1 state spending from state resources to be paid to local units of  
 2 government for fiscal year 2002-2003 is \$78,221,300.00. The  
 3 itemized statement below identifies appropriations from which  
 4 spending to units of local government will occur:

5 DEPARTMENT OF CORRECTIONS

6	Field operations - assumption of county probation	
7	staff . . . . .	\$ 36,690,200
8	Prosecutorial and detainer expenses . . . . .	4,051,000
9	Public service work projects . . . . .	9,400,000
10	Community corrections comprehensive plans and	
11	services . . . . .	13,033,000
12	Community corrections probation residential	
13	centers . . . . .	14,997,000
14	Community corrections public education and	
15	training . . . . .	50,000
16	Regional jail program . . . . .	<u>100</u>
17	TOTAL . . . . .	\$ 78,221,300

18 Sec. 202. The appropriations authorized under this bill are  
 19 subject to the management and budget act, 1984 PA 431, MCL 18.1101  
 20 to 18.1594.

21 Sec. 203. As used in this bill:

22 (a) "Department" or "MDOC" means the Michigan department of  
 23 corrections.

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

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

26 (d) "IDG" means interdepartmental grant.

27 (e) "IDT" means intradepartmental transfer.

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

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

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

7 Sec. 205. (1) A hiring freeze is imposed on the state  
8 classified civil service. State departments and agencies are  
9 prohibited from hiring any new full-time state classified civil  
10 service employees and prohibited from filling any vacant state  
11 classified civil service positions. This hiring freeze does not  
12 apply to internal transfers of classified employees from one  
13 position to another within a department.

14 (2) The state budget director shall grant exceptions to this  
15 hiring freeze when the state budget director believes that the  
16 hiring freeze will result in rendering a state department or  
17 agency unable to deliver basic services, cause loss of revenue to  
18 the state, result in the inability of the state to receive federal  
19 funds, or would necessitate additional expenditures that exceed  
20 any savings from maintaining a vacancy. The state budget director  
21 shall report quarterly to the chairpersons of the senate and house  
22 standing committees on appropriations the number of exceptions to  
23 the hiring freeze approved during the previous quarter and the  
24 reasons to justify the exception.

25 Sec. 206. (1) In addition to the funds appropriated in part 1,  
26 there is appropriated an amount not to exceed \$20,000,000.00 for  
27 federal contingency funds. These funds are not available for  
28 expenditure until they have been transferred to another line item

1 in this bill under section 393(2) of the management and budget  
2 act, 1984 PA 431, MCL 18.1393.

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

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

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

21 Sec. 208. Unless otherwise specified, the department shall use  
22 the Internet to fulfill the reporting requirements of this bill.  
23 This may include transmission of reports via electronic mail to  
24 the recipients identified for each reporting requirement or it may  
25 include placement of reports on an Internet or Intranet site.

26 Sec. 211. (1) Pursuant to the provisions of civil service  
27 rules and regulations and applicable collective bargaining  
28 agreements, individuals seeking employment with the department

1 shall submit to a controlled substance test. The test shall be  
2 administered by the department.

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

7 Sec. 212. The department may charge fees and collect revenues  
8 in excess of appropriations in part 1 not to exceed the cost of  
9 offender services and programming, employee meals,  
10 academic/vocational services, custody escorts, compassionate  
11 visits, union steward activities, public work programs, and  
12 emergency services provided to units of government. The revenues  
13 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  
16 appropriated in part 1, \$574,896,100.00 represents a state  
17 spending increase over the amount provided to the department for  
18 the fiscal year ending September 30, 1994, and may be used to meet  
19 state match requirements of programs contained in the violent  
20 crime control and law enforcement act of 1994, Public Law 103-322,  
21 108 Stat. 1796, or successor grant programs, so that any  
22 additional federal funds received shall supplement funding  
23 provided to the department in part 1.

24 Sec. 218. The bureau of health care services shall develop  
25 information on hepatitis C prevention and the risks associated  
26 with exposure to hepatitis C, and the health care providers shall  
27 disseminate this information verbally and in writing to each  
28 prisoner at the health screening and full health appraisal



1 conducted at admissions, at the annual health care screening 1  
2 week before or after a prisoner's birthday, and prior to release  
3 to the community by parole, transfer to community residential  
4 placement, or discharge on the maximum.

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

11       Sec. 260. Amounts appropriated in part 1 for information  
12 technology may be designated as work projects and carried forward  
13 to support technology projects under the direction of the  
14 department of information technology. Funds designated in this  
15 manner are not available for expenditure until approved as work  
16 projects under section 451a of the management and budget act, 1984  
17 PA 431, MCL 18.1451a.

18 **SUBSTANCE ABUSE TESTING AND TREATMENT**

19       Sec. 301. (1) The department shall screen and assess each  
20 prisoner for alcohol and other drug involvement to determine the  
21 need for further treatment. The assessment process shall be  
22 designed to identify the severity of alcohol and other drug  
23 addiction and determine the treatment plan, if appropriate.

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

1       Sec. 302. In expending residential substance abuse treatment  
2 services funds appropriated by this bill, the department shall  
3 ensure to the maximum extent possible that residential substance  
4 abuse treatment services are available statewide.

5 **EXECUTIVE**

6       Sec. 401. The department shall submit 3-year and 5-year prison  
7 population projection updates by February 1, 2003 to the senate  
8 and house appropriations subcommittees on corrections, the senate  
9 and house fiscal agencies, and the state budget director.

10       Sec. 402. The department shall prepare by April 1, 2003  
11 individual reports for the technical rule violator program, the  
12 community residential program, the electronic tether program, and  
13 the special alternative to incarceration program. The reports  
14 shall be submitted to the house and senate appropriations  
15 subcommittees on corrections, the house and senate fiscal  
16 agencies, and the state budget director. The reports shall  
17 include the following:

18       (a) Monthly new participants.

19       (b) Monthly participant unsuccessful terminations, including  
20 cause.

21       (c) Number of successful terminations.

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

23       (e) Average length of placement.

24       (f) Return to prison statistics.

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

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

(i) Comparison with prior year statistics.

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

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

**ADMINISTRATION AND PROGRAMS**

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

**FIELD OPERATIONS ADMINISTRATION**

Sec. 601. From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget office by September 30, 2003.

Sec. 602. (1) Of the amount appropriated in part 1 for personnel, a sufficient amount shall be allocated for the community service work program and shall be used for salaries and wages and fringe benefit costs of community service coordinators

1 employed by the department to supervise offenders participating in  
2 work crew assignments. Funds shall also be used to cover motor  
3 transport division rates on state vehicles used to transport  
4 offenders to community service work project sites.

5 (2) The community service work program shall provide offenders  
6 with community service work of tangible benefit to a community  
7 while fulfilling court-ordered community service work sanctions  
8 and other postconviction obligations.

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

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

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

24 (3) Included in the appropriation in part 1 is adequate  
25 funding to implement the community tether program to be  
26 administered by the department. The community tether program is  
27 intended to provide sentencing judges and county sheriffs in  
28 coordination with local community corrections advisory boards

1 access to the state's electronic tether program to reduce prison  
2 admissions and improve local jail utilization. The department  
3 shall determine the appropriate distribution of the tether units  
4 throughout the state based upon locally developed comprehensive  
5 corrections plans pursuant to the community corrections act, 1988  
6 PA 511, MCL 791.401 to 791.414.

7 (4) For a fee determined by the department, the department  
8 will provide counties with the tether equipment, replacement  
9 parts, administrative oversight of the equipments operation,  
10 notification of violators, and periodic reports regarding county  
11 program participants. Counties are responsible for tether  
12 equipment installation and service and apprehension of program  
13 violators. For an additional fee as determined by the department,  
14 the department will provide staff to install and service the  
15 equipment. Counties are responsible for the coordination and  
16 apprehension of program violators.

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

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

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

28 **COMMUNITY CORRECTIONS**

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

9       (a) Approved technical assistance grants and comprehensive  
10 corrections plans including each program and level of funding, the  
11 utilization level of each program, and profile information of  
12 enrolled offenders.

13       (b) If federal funds are made available, the number of  
14 participants funded, the number served, the number successfully  
15 completing the program, and a summary of the program activity.

16       (c) Status of the community corrections information system and  
17 the jail population information system.

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

21       (e) Offender disposition data by sentencing guideline range,  
22 by disposition type, number and percent statewide and by county,  
23 current year, and comparisons to prior 3 years.

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

27       Sec. 705. (1) The department shall identify and coordinate  
28 information regarding the availability of and the demand for

1 community corrections programs, jail-based community corrections  
2 programs, and basic state-required jail data.

3 (2) The department shall be responsible for the collection,  
4 analysis, and reporting of state-required jail data.

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

8 Sec. 706. (1) The department shall administer a county jail  
9 reimbursement program from the funds appropriated in part 1 for  
10 the purpose of reimbursing counties for housing in jails felons  
11 who otherwise would have been sentenced to prison.

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

16 (a) The felon would otherwise have been sentenced to a state  
17 prison term with a minimum sentencing guidelines range minimum of  
18 12 months or more.

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

24 (c) The felon was sentenced under section 11 or 12 of chapter  
25 IX of the code of criminal procedure, 1927 PA 175, MCL 769.11 and  
26 769.12.

27 (3) The county jail reimbursement program shall reimburse  
28 counties for housing and custody of convicted felons if the

1 conviction was for a crime committed on or after January 1, 1999  
2 and 1 of the following applies:

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

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

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

17 (4) State reimbursement under this section for prisoner  
18 housing and custody expenses per diverted offender shall be \$43.50  
19 per diem for up to a one-year total.

20 (5) From the funds appropriated in part 1 for the county jail  
21 reimbursement program, the department shall contract for an  
22 ongoing study to determine the impact of the new legislative  
23 sentencing guidelines. The study shall analyze sentencing  
24 patterns of jurisdictions as well as future patterns in order to  
25 determine and quantify the population impact on prisons and jails  
26 of the new guidelines as well as to identify and define felon or  
27 crime characteristics or sentencing guidelines scores that  
28 indicate a felon is a prison diversion. The department shall



1 contract for a local and statewide study for this purpose and  
2 provide periodic reports regarding the status and findings of the  
3 study to the house and senate appropriations subcommittees on  
4 corrections, the house and senate fiscal agencies, and the state  
5 budget director.

6 (6) The department, the Michigan association of counties, and  
7 the Michigan sheriffs' association shall review the periodic  
8 findings of the study required in subsection (5) and, if  
9 appropriate, recommend modification of the criteria for  
10 reimbursement contained in subsection (3)(b) and (c). Any  
11 recommended modification shall be forwarded to the house and  
12 senate appropriations subcommittees on corrections and the state  
13 budget office.

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

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

26 Sec. 708. (1) From the funds appropriated in part 1 for  
27 probation residential centers, funds are allocated for the  
28 operation of a probation detention program in a county that has

1 adopted a charter pursuant to 1966 PA 293, MCL 45.501 to 45.521.  
2 The probation detention program shall have a capacity of 100 beds.  
3 The department shall provide the program administrator monthly  
4 with 90-day projections of the numbers of beds expected to be  
5 needed for probationers and parolees in Phase II residential  
6 placement under section 4(2) of the special alternative  
7 incarceration act, 1988 PA 287, MCL 798.14, and the program  
8 administrator shall make beds available as necessary to house  
9 probationers and parolees entering Phase II residential placement.

10 (2) Funds awarded for probation residential centers in part 1  
11 shall provide for a per diem reimbursement of not more than  
12 \$43.00.

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

18 (4) The purpose of the probation detention program is to  
19 reduce the admission to prison of probation violators by providing  
20 a community punishment program within a secure environment with  
21 24-hour supervision and programming with an emphasis on structured  
22 daily activities. Programming shall include, but need not be  
23 limited to, the following components that may be provided directly  
24 or by referral:

- 25 (a) Orientation and assessment.
- 26 (b) Substance abuse counseling.
- 27 (c) Life skills counseling.
- 28 (d) Education.

1 (e) Employment preparation.

2 (f) Vocational training.

3 (g) Employment.

4 (h) Community service.

5 (i) Physical training.

6 (j) Cognitive skill training.

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

16 (6) The operation of the probation detention program shall be  
17 included in an approved community corrections comprehensive plan  
18 for the county described in subsection (1) pursuant to the  
19 community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

20 (7) The comprehensive plan shall specify the programs,  
21 eligibility criteria, referral, and enrollment process, the  
22 assessment and client-specific planning case management process, a  
23 program design that includes a variable length of stay based on  
24 assessed need, and the evaluation methodology to show the impact  
25 of the program on prison admissions and recidivism.

26 (8) The length of stay for a probationer or parolee in Phase  
27 II residential placement shall be at the department's discretion  
28 based on the offender assessment and client-specific planning case

1 management process and the offender's progress at meeting the case  
2 management objectives, but shall not exceed 120 days.

3 (9) The department shall require the program administrator to  
4 report not later than March 1, 2003 to the state budget director,  
5 the senate and house fiscal agencies, and the senate and house  
6 appropriations subcommittees on corrections concerning the  
7 program's impact on prison admissions and recidivism including,  
8 but not limited to, the numbers of offenders released from the  
9 probation detention program who are arrested for a felony offense  
10 within 1 year of their termination from the program.

11 **CONSENT DECREES**

12 Sec. 801. Funding appropriated in part 1 for consent decree  
13 line items is appropriated into separate control accounts created  
14 for each line item. Funding in each control account shall be  
15 distributed as necessary into separate accounts created for the  
16 purpose of separately identifying costs and expenditures  
17 associated with each consent decree.

18 **HEALTH CARE**

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

23 **INSTITUTIONAL OPERATIONS**

24 Sec. 1001. As a condition of expenditure of the funds  
25 appropriated in part 1, the department shall ensure that smoking  
26 areas are designated for use by prisoners and staff at each  
27 facility. At a minimum, all outdoor areas within each facility's  
28 perimeter shall be designated for smoking, except that smoking may

1 be forbidden within 20 feet of any building designated as  
2 nonsmoking or smoke-free.

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

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

9       Sec. 1006. (1) The inmate housing fund shall be used for the  
10 custody, treatment, clinical, and administrative costs associated  
11 with the housing of prisoners other than those specifically  
12 budgeted for elsewhere in this bill. Funding in the inmate  
13 housing fund is appropriated into a separate control account.  
14 Funding in the control account shall be distributed as necessary  
15 into separate accounts created to separately identify costs for  
16 specific purposes.

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