

Act No. 524
Public Acts of 2002
Approved by the Governor
July 25, 2002
Filed with the Secretary of State
July 25, 2002
EFFECTIVE DATE: July 25, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senators North, Hoffman and Smith

ENROLLED SENATE BILL No. 1102

AN ACT 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 act, 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:

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		\$ 1,704,350,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers	3,318,500	
ADJUSTED GROSS APPROPRIATION		\$ 1,701,032,100
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		\$ 1,618,747,000

Sec. 102. EXECUTIVE

Average population	480	
Full-time equated unclassified positions	16.0	
Full-time equated classified positions	91.5	
Unclassified positions—16.0 FTE positions		\$ 1,313,600
Executive direction—89.5 FTE positions		8,735,800
Michigan youth correctional facility - management services		11,400,700
Michigan youth correctional facility - administration—2.0 FTE positions		197,700
Average population	480	
Michigan youth correctional facility - lease payments		5,646,100
GROSS APPROPRIATION		\$ 27,293,900
Appropriated from:		
Federal revenues:		
Federal revenues and reimbursements		17,046,800
State general fund/general purpose		\$ 10,247,100

Sec. 103. ADMINISTRATION AND PROGRAMS

Full-time equated classified positions	345.1	
Planning, research, and records—23.0 FTE positions		\$ 1,046,900
Administrative services—66.6 FTE positions		5,770,700
Substance abuse testing and treatment		20,075,500
Inmate legal services		314,900
Training		12,468,600
Training administration—31.5 FTE positions		3,596,800
Prison industries operations—224.0 FTE positions		15,949,300
Rent		2,315,800
Equipment and special maintenance		2,054,000
Worker's compensation		21,303,000
Compensatory buyout and union leave bank		275,000
Prosecutorial and detainer expenses		4,051,000
GROSS APPROPRIATION		\$ 89,221,500
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP, Michigan justice training fund		638,600
Federal revenues:		
Federal revenues and reimbursements		2,912,500
Special revenue funds:		
Correctional industries revolving fund		15,949,300
State general fund/general purpose		\$ 69,721,100

Sec. 104. FIELD OPERATIONS ADMINISTRATION

Average population	581	
Full-time equated classified positions	2,261.2	
Field operations—1,880.9 FTE positions		\$ 121,953,700
Parole board operations—28.0 FTE positions		2,130,400
Loans to parolees		294,400
Parole/probation services		2,455,300
Corrections centers—76.0 FTE positions		9,032,500
Electronic monitoring center—37.0 FTE positions		4,384,800
Technical rule violator program—104.3 FTE positions		9,638,800
Special alternative incarceration program—135.0 FTE positions		10,561,600
GROSS APPROPRIATION		\$ 160,451,500
Appropriated from:		
Special revenue funds:		
Local restricted revenues and reimbursements		391,100
State restricted revenues and reimbursements		16,356,500
State general fund/general purpose		\$ 143,703,900

Sec. 105. COMMUNITY CORRECTIONS

Full-time equated classified positions.....	14.0	
Community corrections administration—14.0 FTE positions	\$	1,328,300
Probation residential centers		14,997,000
Community corrections comprehensive plans and services.....		13,033,000
Public education and training.....		50,000
Regional jail program		100
County jail reimbursement program		17,700,000
GROSS APPROPRIATION.....	\$	47,108,400
Appropriated from:		
Special revenue funds:		
State restricted revenues and reimbursements.....		19,192,100
State general fund/general purpose	\$	27,916,300

Sec. 106. CONSENT DECREES

Average population	400	
Full-time equated classified positions.....	574.4	
Hadix consent decree—157.0 FTE positions.....	\$	11,109,300
DOJ consent decree—164.5 FTE positions.....		11,324,400
DOJ psychiatric plan - MDCH mental health services.....		68,231,400
DOJ psychiatric plan - MDOC staff and services—252.9 FTE positions		15,761,200
GROSS APPROPRIATION.....	\$	106,426,300
Appropriated from:		
State general fund/general purpose	\$	106,426,300

Sec. 107. HEALTH CARE

Full-time equated classified positions.....	1,027.1	
Health care administration—22.0 FTE positions	\$	2,539,000
Hospital and specialty care services		52,729,100
Vaccination program		991,200
Northern region clinical complexes—243.4 FTE positions		24,432,600
Southeastern region clinical complexes—430.0 FTE positions		46,969,400
Southwestern region clinical complexes—331.7 FTE positions		29,938,800
GROSS APPROPRIATION.....	\$	157,600,100
Appropriated from:		
Federal revenues:		
Federal revenues and reimbursements		85,800
Special revenue funds:		
State restricted revenues and reimbursements.....		101,200
State general fund/general purpose	\$	157,413,100

Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION

Average population	1,475	
Full-time equated classified positions.....	774.2	
Correctional facilities administration—43.0 FTE positions	\$	3,992,600
Housing inmates in federal institutions.....		552,600
Education services and federal education grants—18.0 FTE positions.....		4,634,000
Federal school lunch program		712,800
Leased beds		100
Inmate housing fund—219.7 FTE positions		9,934,200
Average population	1,475	
Dental lab operations		102,300
Academic/vocational programs—493.5 FTE positions.....		37,134,900
GROSS APPROPRIATION.....	\$	57,063,500
Appropriated from:		
Intradepartmental transfer revenues:		
IDT, dental lab user fees.....		102,300
Federal revenues:		
Federal revenues and reimbursements		5,498,800
State general fund/general purpose	\$	51,462,400

Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES

Average population	14,430	
Full-time equated classified positions	4,371.2	
Alger maximum correctional facility - Munising—369.8 FTE positions		\$ 27,742,200
Average population	844	
Baraga maximum correctional facility - Baraga—432.4 FTE positions		31,458,000
Average population	1,084	
Chippewa correctional facility - Kincheloe—509.1 FTE positions		39,557,700
Average population	2,182	
Kinross correctional facility - Kincheloe—568.3 FTE positions		45,317,500
Average population	2,423	
Marquette branch prison - Marquette—420.4 FTE positions		33,174,500
Average population	1,129	
Newberry correctional facility - Newberry—356.4 FTE positions		26,368,600
Average population	1,144	
Oaks correctional facility - Eastlake—386.6 FTE positions		29,624,600
Average population	900	
Ojibway correctional facility - Marenisco—293.4 FTE positions		21,861,600
Average population	1,196	
Pugsley correctional facility - Kingsley—228.4 FTE positions		16,823,900
Average population	954	
Saginaw correctional facility - Freeland—379.8 FTE positions		26,499,500
Average population	1,468	
Standish maximum correctional facility - Standish—426.6 FTE positions		<u>32,296,700</u>
Average population	1,106	
GROSS APPROPRIATION		\$ 330,724,800
Appropriated from:		
Special revenue funds:		
State restricted revenues and reimbursements		1,113,300
State general fund/general purpose		\$ 329,611,500

Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES

Average population	16,716	
Full-time equated classified positions	4,922.0	
Cooper Street correctional facility - Jackson—278.2 FTE positions		\$ 22,467,200
Average population	1,360	
G. Robert Cotton correctional facility - Jackson—425.5 FTE positions		32,467,500
Average population	1,692	
Charles Egeler reception center - Jackson—447.8 FTE positions		31,447,900
Average population	1,082	
Gus Harrison correctional facility - Adrian—535.6 FTE positions		40,336,900
Average population	2,200	
Huron Valley correctional facility - Ypsilanti—283.6 FTE positions		21,261,800
Average population	497	
Macomb correctional facility - New Haven—379.9 FTE positions		25,707,000
Average population	1,468	
Mound correctional facility - Detroit—345.2 FTE positions		25,146,200
Average population	1,044	
Parnall correctional facility - Jackson—271.0 FTE positions		21,893,900
Average population	1,372	
Ryan correctional facility - Detroit—341.1 FTE positions		25,636,100
Average population	1,044	
Robert Scott correctional facility - Plymouth—437.9 FTE positions		32,353,800
Average population	1,247	
Southern Michigan correctional facility - Jackson—427.0 FTE positions		29,869,600
Average population	1,481	
Thumb correctional facility - Lapeer—384.3 FTE positions		29,539,200
Average population	1,454	

		For Fiscal Year Ending Sept. 30, 2003
Western Wayne correctional facility - Plymouth—266.9 FTE positions.....	\$	21,330,300
Average population		775
Jackson area support and services - Jackson—98.0 FTE positions		16,029,700
GROSS APPROPRIATION	\$	375,487,100
Appropriated from:		
Intradepartmental transfer revenues:		
IDT, production kitchen user fees.....		2,577,600
Federal revenues:		
Federal revenues and reimbursements		859,500
Special revenue funds:		
State restricted revenues and reimbursements.....		1,364,700
State general fund/general purpose	\$	370,685,300

Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES

Average population		17,469
Full-time equated classified positions		4,447.2
Bellamy Creek correctional facility - Ionia—394.3 FTE positions	\$	30,996,900
Average population		1,680
Earnest C. Brooks correctional facility - Muskegon—507.7 FTE positions		39,708,200
Average population		2,200
Carson City correctional facility - Carson City—547.8 FTE positions.....		41,760,200
Average population		2,200
Florence Crane correctional facility - Coldwater—408.6 FTE positions		30,976,100
Average population		1,510
Deerfield correctional facility - Ionia—204.9 FTE positions		16,571,600
Average population		960
Richard A. Handlon correctional facility - Ionia—266.0 FTE positions.....		21,437,200
Average population		1,315
Ionia maximum correctional facility - Ionia—363.6 FTE positions.....		26,618,400
Average population		636
Lakeland correctional facility - Coldwater—284.1 FTE positions.....		22,566,000
Average population		1,200
Muskegon correctional facility - Muskegon—304.4 FTE positions		24,675,300
Average population		1,310
Pine River correctional facility - St. Louis—224.6 FTE positions		17,362,100
Average population		960
Riverside correctional facility - Ionia—326.0 FTE positions		26,546,300
Average population		1,244
St. Louis correctional facility - St. Louis—615.2 FTE positions		45,203,900
Average population		2,254
GROSS APPROPRIATION	\$	344,422,200
Appropriated from:		
Special revenue funds:		
State restricted revenues and reimbursements.....		1,404,500
State general fund/general purpose	\$	343,017,700

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	16,143,100
GROSS APPROPRIATION	\$	16,143,100
Appropriated from:		
Special revenue funds:		
Correctional industries revolving fund.....		9,000
State general fund/general purpose	\$	16,134,100

Sec. 113. EARLY RETIREMENT SAVINGS

Early retirement savings	\$	(7,591,800)
GROSS APPROPRIATION	\$	(7,591,800)
Appropriated from:		
State general fund/general purpose	\$	(7,591,800)

PART 2
PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

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 \$1,674,237,600.00 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:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff.....	\$	36,690,200
Prosecutorial and detainer expenses		4,051,000
Public service work projects		9,400,000
Community corrections comprehensive plans and services.....		13,033,000
Community corrections probation residential centers.....		14,997,000
Community corrections public education and training		50,000
Regional jail program		100
TOTAL	\$	78,221,300

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

Sec. 203. As used in this act:

- (a) "Department" or "MDOC" means the Michigan department of corrections.
- (b) "DOJ" means the United States department of justice.
- (c) "FTE" means full-time equated.
- (d) "IDG" means interdepartmental grant.
- (e) "IDT" means intradepartmental transfer.
- (f) "MDCH" means the Michigan department of community health.
- (g) "MDSP" means the Michigan department of state police.
- (h) "OCC" means community corrections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 213. Of the state general fund/general purpose revenue appropriated in part 1, \$565,784,200.00 represents a state spending increase over the amount provided to the department for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal funds received shall supplement funding provided to the department in part 1.

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

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

Sec. 217. As a condition of expending funds appropriated in part 1 for the Michigan youth correctional facility, the department shall provide a copy of any invitation to bid, request for proposals, or similar document pertaining to

management services for the Michigan youth correctional facility to the chair and vice-chairs of the senate and house appropriations subcommittees on corrections on the same day that the invitation to bid, request for proposals, or similar document is released to potential bidders and other members of the public.

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

Sec. 222. By April 1, 2003, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

- (a) The number of prisoners enrolled in each program, the number of prisoners completing each program, and the number of prisoners on waiting lists for each program.
- (b) The steps the department has undertaken to improve programs and reduce waiting lists.
- (c) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.
- (d) An identification of program outcomes for each academic and vocational program.
- (e) An explanation of the department's plans for academic and vocational programs.

Sec. 224. By February 15, 2003, the department shall provide the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2002 and September 30, 2003.

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

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

Sec. 261. (1) The negative appropriation for early retirement savings in part 1 shall be satisfied by savings realized from not filling all of the positions lost due to the early retirement plan for state employees enacted in 2002 PA 93 amendments to the state employees retirement act, 1943 PA 240, MCL 38.1 to 38.69.

(2) Appropriation authorization adjustments required due to negative appropriations for early retirement savings shall be made only after the approval of transfers by the legislature pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 262. (1) Subject to subsection (2), in addition to the amounts appropriated under part 1, the following amounts are appropriated for the fiscal year ending September 30, 2003:

- (a) \$800,000.00 appropriated to the county jail reimbursement program from the state general fund.
- (b) \$500,000.00 appropriated to the vaccination program from the state general fund.
- (c) \$170,000.00 appropriated to academic/vocational programs from the state general fund.
- (d) \$15,000.00 appropriated to Northern region clinical complexes from the state general fund.
- (e) \$20,000.00 appropriated to Southeastern region clinical complexes from the state general fund.
- (f) \$15,000.00 appropriated to Southwestern region clinical complexes from the state general fund.

(2) The appropriations in subsection (1) shall become effective only if the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 30 cents or more per pack of cigarettes on or before September 30, 2002.

(3) If the appropriations in subsection (1) become effective pursuant to subsection (2), the department, from the funds appropriated in part 1, shall offer an alanine aminotransferase (ALT) test to each prisoner who has received positive parole action. An explanation of results of the test shall be provided confidentially to the prisoner prior to

release on parole, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention in the community. The test shall be voluntary; if the prisoner refuses to be tested, that decision shall not affect parole release, conditions of parole, or parole supervision.

SUBSTANCE ABUSE TESTING AND TREATMENT

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

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

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

(2) It is the intent of the legislature that the funds appropriated in part 1 for substance abuse testing and treatment be fully expended for that purpose.

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

EXECUTIVE

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

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

- (a) Monthly new participants.
- (b) Monthly participant unsuccessful terminations, including cause.
- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of program location(s), capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics 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.

Sec. 404. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2003 on the ratio of correctional officers to

prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

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

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

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

(4) By March 1, 2003, the department shall report to the senate and house appropriations subcommittees on corrections, senate and house fiscal agencies, and state budget director on the effect that any recommended policy changes for technical violators of parole and technical violators of probation would have on admission to prison and jail and the impact on other program alternatives.

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 and 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 field operations, 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 employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

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

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

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

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

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

(4) For a fee determined by the department, the department will provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service and apprehension of program violators. For an additional fee as determined by the department, the department will provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

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

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

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

COMMUNITY CORRECTIONS

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

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

(b) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) "Offender eligibility criteria" means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

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

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

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

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the

plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

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

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

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

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

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

(2) The award of community corrections comprehensive plans funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

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

Sec. 703. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services which are available and utilized within the local jurisdiction and an explanation of how jail beds, probation residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plan and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program pursuant to section 706 of this act. The state community corrections board shall encourage local community corrections boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the department of community health for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

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

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

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

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

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

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

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

Sec. 705. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state-required jail data.

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

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

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

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

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

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

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

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

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

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

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

(4) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be \$42.00 per diem for up to a 1-year total. However, if the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 30 cents or more per pack of cigarettes on or before September 30, 2002, state reimbursement for prisoner housing and custody expenses per diverted offender under the county jail reimbursement program under this section shall be \$43.50 per diem for up to a 1-year total.

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

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

(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.

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

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

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

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

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

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

CONSENT DECREES

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

HEALTH CARE

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

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2003 and July 1, 2003 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

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

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

Sec. 904. From the funds allocated in part 1 for health care services, the department shall conduct a 1-year cost/benefit analysis of privatizing pharmacy services and shall report the findings of this 1-year cost/benefit analysis to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies not less than 120 days before any effort to privatize pharmacy services unless a report is completed prior to October 1, 2002.

Sec. 905. As a condition of expending funds appropriated in part 1 for hospital and specialty care or other correctional managed care health care services, the department shall provide a copy of any invitation to bid, request for proposals, or similar document pertaining to hospital and specialty care or other correctional managed care health care services to the chair and vice-chairs of the senate and house appropriations subcommittees on corrections on the same day that the invitation to bid, request for proposals, or similar document is released to potential bidders and other members of the public.

Sec. 906. It is the intent of the legislature that, with the funds appropriated in part 1 for hospital and specialty care services, the department shall ensure that local providers of ambulance services to prisoners be reimbursed within 60 days of the filing of any uncontested claim for service.

INSTITUTIONAL OPERATIONS

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

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

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

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

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

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

Sec. 1008. It is the intent of the legislature that from the funds appropriated in part 1 for prison operations the department maintain on a voluntary basis 1 or more cognitive restructuring programs such as Project CHANGE for high-security-level prisoners.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.