

**SUBSTITUTE FOR
HOUSE BILL NO. 4390**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2004; 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:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. Subject to the conditions set forth in this act, the
4 amounts listed in this part are appropriated for the department of

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1 corrections for the fiscal year ending September 30, 2004, from the
 2 funds indicated in this part. The following is a summary of the
 3 appropriations in this part:

4 DEPARTMENT OF CORRECTIONS**5 APPROPRIATION SUMMARY:**

6	Average population.....	50,782	
7	Full-time equated unclassified positions.....	16.0	
8	Full-time equated classified positions.....	18,292.7	
9	GROSS APPROPRIATION.....	\$	[1,716,050,600]
10	Appropriated from:		
11	Interdepartmental grant revenues:		
12	Total interdepartmental grants and intradepartmental		
13	transfers.....		3,253,600
14	ADJUSTED GROSS APPROPRIATION.....	\$	[1,712,797,000]
15	Federal revenues:		
16	Total federal revenues.....		27,798,400
17	Special revenue funds:		
18	Total local revenues.....		391,100
19	Total private revenues.....		0
20	Total other state restricted revenues.....	\$	60,858,800
21	State general fund/general purpose.....	\$	[1,623,748,700]
22	Sec. 102. EXECUTIVE		
23	Full-time equated unclassified positions.....	16.0	
24	Full-time equated classified positions.....	291.2	
25	Unclassified positions--16.0 FTE positions.....	\$	1,317,200
26	Executive direction--76.5 FTE positions.....		7,564,400
27	Human resources--214.7 FTE positions.....		15,632,800

1	Training.....	3,000,000
2	Worker's compensation.....	<u>24,126,000</u>
3	GROSS APPROPRIATION..... \$	51,640,400
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG-MDSP, Michigan justice training fund.....	638,600
7	State general fund/general purpose..... \$	51,001,800
8	Sec. 103. ADMINISTRATION AND PROGRAMS	
9	Average population.....	480
10	Full-time equated classified positions.....	300.9
11	Planning, research, and records--22.0 FTE positions. \$	1,525,000
12	Administrative services--57.9 FTE positions.....	4,656,900
13	Substance abuse testing and treatment.....	20,070,800
14	Inmate legal services.....	314,900
15	Prison industries operations--220.0 FTE positions...	16,312,000
16	Rent.....	2,095,200
17	Equipment and special maintenance.....	2,054,000
18	Compensatory buyout and union leave bank.....	275,000
19	Michigan youth correctional facility - management	
20	services.....	13,568,300
21	Michigan youth correctional facility -	
22	administration--1.0 FTE position.....	145,600
23	Average population.....	480
24	Michigan youth correctional facility - lease	
25	payments.....	5,646,100
26	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
27	GROSS APPROPRIATION..... \$	70,714,800

1	Appropriated from:	
2	Federal revenues:	
3	DOJ - Office of justice programs, RSAT.....	2,349,300
4	DOJ - Office of justice programs, VOI/TIS.....	18,089,400
5	Special revenue funds:	
6	Correctional industries revolving fund.....	16,312,000
7	State general fund/general purpose..... \$	33,964,100
8	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
9	Average population.....	581
10	Full-time equated classified positions.....	2,217.9
11	Field operations--1,842.2 FTE positions..... \$	126,026,400
12	Parole board operations--29.0 FTE positions.....	2,178,800
13	Loans to parolees.....	294,400
14	Parole/probation services.....	3,867,300
15	Corrections centers--70.0 FTE positions.....	8,860,300
16	Average population.....	581
17	Electronic monitoring center--49.4 FTE positions....	6,002,100
18	Technical rule violator program--96.3 FTE positions.	9,147,600
19	Special alternative incarceration program--131.0 FTE	
20	positions.....	<u>10,320,900</u>
21	GROSS APPROPRIATION..... \$	166,697,800
22	Appropriated from:	
23	Special revenue funds:	
24	Local-community tether program reimbursement.....	391,100
25	Parole and probation oversight fees.....	7,674,900
26	Tether program participant contributions.....	6,431,500
27	Parole and probation oversight fees set-aside.....	3,867,300

1	Corrections centers resident contributions revenue..	1,407,800
2	Technical rule violator program public works user	
3	fees.....	163,500
4	Special alternative incarceration program public	
5	works user fees.....	119,000
6	State general fund/general purpose..... \$	146,642,700
7	Sec. 105. COMMUNITY CORRECTIONS	
8	Full-time equated classified positions.....16.0	
9	Community corrections administration--16.0 FTE	
10	positions..... \$	1,394,300
11	Probation residential centers.....	15,034,500
12	Community corrections comprehensive plans and	
13	services.....	13,066,900
14	Public education and training.....	50,000
15	Regional jail program.....	100
16	Local facility housing program.....	2,451,000
17	Felony drunk driver jail reduction and community	
18	treatment program.....	3,000,000
19	County jail reimbursement program.....	<u>13,249,000</u>
20	GROSS APPROPRIATION..... \$	48,245,800
21	Appropriated from:	
22	Special revenue funds:	
23	Telephone fees and commissions.....	13,192,100
24	Civil infraction fees.....	7,000,000
25	State general fund/general purpose..... \$	28,053,700
26	Sec. 106. CONSENT DECREES	
27	Average population.....400	

1	Full-time equated classified positions.....	526.0	
2	Hadix consent decree--138.0 FTE positions.....	\$	10,784,000
3	DOJ consent decree--161.5 FTE positions.....		11,329,900
4	DOJ psychiatric plan - MDCH mental health services..		68,120,600
5	DOJ psychiatric plan - MDOC staff and		
6	services--226.5 FTE positions.....		<u>15,483,400</u>
7	GROSS APPROPRIATION.....	\$	105,717,900
8	Appropriated from:		
9	State general fund/general purpose.....	\$	105,717,900
10	Sec. 107. HEALTH CARE		
11	Full-time equated classified positions.....	958.9	
12	Health care administration--18.0 FTE positions.....	\$	2,153,800
13	Hospital and specialty care services.....		60,971,900
14	Vaccination program.....		991,200
15	Northern region clinical complexes--234.9 FTE		
16	positions.....		26,371,300
17	Southeastern region clinical complexes--397.6 FTE		
18	positions.....		50,327,700
19	Southwestern region clinical complexes--308.4 FTE		
20	positions.....		<u>30,419,800</u>
21	GROSS APPROPRIATION.....	\$	171,235,700
22	Appropriated from:		
23	Federal revenues:		
24	Special revenue funds:		
25	Prisoner health care copayments.....		301,200
26	State general fund/general purpose.....	\$	170,934,500
27	Sec. 108. CORRECTIONAL FACILITIES-ADMINISTRATION		

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1	Average population.....	485	
2	Full-time equated classified positions.....	588.5	
3	Correctional facilities administration--47.0 FTE		
4	positions.....	\$	4,173,100
5	Housing inmates in federal institutions.....		554,100
6	Education services and federal education		
7	grants--10.0 FTE positions.....		5,615,700
8	Federal school lunch program.....		712,800
9	Leased beds and alternatives to leased beds.....		100
10	Inmate housing fund--109.0 FTE positions.....		1,983,600
11	Average population.....	485	
12	Academic/vocational programs--422.5 FTE positions...		<u>[25,369,700]</u>
13	GROSS APPROPRIATION.....	\$	<u>[38,409,100]</u>
14	Appropriated from:		
15	Federal revenues:		
16	DOJ BOP - federal prisoner reimbursement.....		372,600
17	DED - OESE Title 1.....		512,600
18	DED - OVAE adult education.....		1,859,200
19	DED - adult literacy grants.....		302,800
20	DED - OSERS.....		99,400
21	DED - vocational education equipment.....		272,700
22	DED - youthful offender/specter grant.....		1,266,700
23	DOJ OJP - serious and violent offender reintegration		
24	initiative.....		1,000,000
25	DAG - FNS national school lunch.....		712,800
26	SSA - SSI incentive payment.....		100,000
27	State general fund/general purpose.....	\$	<u>[31,910,300]</u>

1	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
2	Average population.....	14,253
3	Full-time equated classified positions.....	4,266.2
4	Alger maximum correctional facility-Munising--362.8	
5	FTE positions.....	\$ 27,935,100
6	Average population.....	849
7	Baraga maximum correctional facility-Baraga--425.4	
8	FTE positions.....	31,418,200
9	Average population.....	1,084
10	Chippewa correctional facility-Kincheloe--513.7 FTE	
11	positions.....	39,167,200
12	Average population.....	2,182
13	Kinross correctional facility-Kincheloe--561.7 FTE	
14	positions.....	45,277,700
15	Average population.....	2,423
16	Marquette branch prison-Marquette--405.4 FTE	
17	positions.....	32,708,700
18	Average population.....	1,129
19	Newberry correctional facility-Newberry--345.4 FTE	
20	positions.....	25,962,200
21	Average population.....	1,144
22	Oaks correctional facility-Eastlake--378.6 FTE	
23	positions.....	29,565,400
24	Average population.....	900
25	Ojibway correctional facility-Marenisco--287.4 FTE	
26	positions.....	21,806,400
27	Average population.....	1,202

1	Pugsley correctional facility-Kingsley--220.4 FTE	
2	positions.....	16,489,700
3	Average population.....954	
4	Saginaw correctional facility-Freeland--360.8 FTE	
5	positions.....	28,525,800
6	Average population.....1,480	
7	Standish maximum correctional	
8	facility-Standish--404.6 FTE positions.....	<u>31,312,000</u>
9	Average population.....906	
10	GROSS APPROPRIATION.....	\$ 330,168,400
11	Appropriated from:	
12	Special revenue funds:	
13	Camps public works user fees.....	396,600
14	Resident stores.....	916,200
15	State general fund/general purpose.....	\$ 328,855,600
16	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL	
17	FACILITIES	
18	Average population.....16,853	
19	Full-time equated classified positions.....4,782.6	
20	Cooper street correctional facility-Jackson--267.2	
21	FTE positions.....	\$ 22,082,400
22	Average population.....1,360	
23	G. Robert Cotton correctional	
24	facility-Jackson--431.7 FTE positions.....	33,393,300
25	Average population.....1,734	
26	Charles E. Egeler correctional	
27	facility-Jackson--414.2 FTE positions.....	32,508,500

1	Average population.....	1,106
2	Gus Harrison correctional facility-Adrian--500.0 FTE	
3	positions.....	39,002,100
4	Average population.....	2,200
5	Huron Valley correctional facility-Ypsilanti--277.6	
6	FTE positions.....	21,070,200
7	Average population.....	510
8	Macomb correctional facility-New Haven--361.9 FTE	
9	positions.....	27,585,500
10	Average population.....	1,468
11	Mound correctional facility-Detroit--340.2 FTE	
12	positions.....	25,128,300
13	Average population.....	1,051
14	Parnall correctional facility-Jackson--265.0 FTE	
15	positions.....	21,744,600
16	Average population.....	1,378
17	Ryan correctional facility-Detroit--333.1 FTE	
18	positions.....	25,436,200
19	Average population.....	1,059
20	Robert Scott correctional facility-Plymouth--424.9	
21	FTE positions.....	32,105,500
22	Average population.....	1,261
23	Southern Michigan correctional	
24	facility-Jackson--420.0 FTE positions.....	29,697,500
25	Average population.....	1,481
26	Thumb correctional facility-Lapeer--375.3 FTE	
27	positions.....	29,584,800

1	Average population.....	1,467	
2	Western Wayne correctional facility-Plymouth--	272.5	
3	FTE positions.....		21,826,500
4	Average population.....	778	
5	Jackson area support and services--	99.0 FTE	
6	positions.....		<u>16,487,800</u>
7	GROSS APPROPRIATION.....	\$	377,653,200
8	Appropriated from:		
9	Intradepartmental transfer revenues:		
10	IDT, production kitchen user fees.....		2,615,000
11	Federal revenues:		
12	DOJ - state criminal alien assistance program.....		860,900
13	Special revenue funds:		
14	Camps public works user fees.....		274,600
15	Resident stores.....		1,291,600
16	State general fund/general purpose.....	\$	372,611,100
17	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL		
18	FACILITIES		
19	Average population.....	17,730	
20	Full-time equated classified positions.....	4,344.5	
21	Bellamy Creek correctional facility-Ionia--	451.8 FTE	
22	positions.....	\$	33,857,400
23	Average population.....	1,830	
24	Earnest C. Brooks correctional		
25	facility-Muskegon--	481.7 FTE positions.....	38,465,800
26	Average population.....	2,200	
27	Carson City correctional facility-Carson City--	530.8	

1	FTE positions.....	41,506,100
2	Average population.....2,200	
3	Florence Crane correctional	
4	facility-Coldwater--393.0 FTE positions.....	31,426,200
5	Average population.....1,560	
6	Deerfield correctional facility-Ionia--198.4 FTE	
7	positions.....	16,288,100
8	Average population.....960	
9	Richard A. Handlon correctional	
10	facility-Ionia--257.0 FTE positions.....	21,109,900
11	Average population.....1,320	
12	Ionia maximum correctional facility-Ionia--359.6 FTE	
13	positions.....	26,725,700
14	Average population.....636	
15	Lakeland correctional facility-Coldwater--283.5 FTE	
16	positions.....	22,979,700
17	Average population.....1,256	
18	Muskegon correctional facility-Muskegon--265.4 FTE	
19	positions.....	22,442,000
20	Average population.....1,310	
21	Pine River correctional facility-St. Louis--215.6	
22	FTE positions.....	17,032,100
23	Average population.....960	
24	Riverside correctional facility-Ionia--309.5 FTE	
25	positions.....	26,558,700
26	Average population.....1,244	
27	St. Louis correctional facility-St. Louis--598.2 FTE	

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1	positions.....		<u>44,854,600</u>
2	Average population.....	2,254	
3	GROSS APPROPRIATION.....	\$	343,246,300
4	Appropriated from:		
5	Special revenue funds:		
6	Camps public works user fees.....		139,000
7	Resident stores.....		1,362,500
8	State general fund/general purpose.....	\$	341,744,800
9	Sec. 112. INFORMATION TECHNOLOGY		
10	Information technology services and projects.....	\$	<u>12,321,200</u>
11	GROSS APPROPRIATION.....	\$	12,321,200
12	Appropriated from:		
13	Special revenue funds:		
14	Correctional industries revolving fund.....		9,000
15	State general fund/general purpose.....	\$	12,312,200

16 PART 2

17 PROVISIONS CONCERNING APPROPRIATIONS

18 GENERAL SECTIONS

19 Sec. 201. Pursuant to section 30 of article IX of the state
 20 constitution of 1963, total state spending from state resources under
 21 part 1 for fiscal year 2003-2004 is \$1,692,174,100.00 and state
 22 spending from state resources to be paid to local units of government
 23 for fiscal year 2003-2004 is [\$81,068,000.00]. The itemized statement
 24 below identifies appropriations from which spending to units of local
 25 government will occur:

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1 DEPARTMENT OF CORRECTIONS

2	Field operations - assumption of county probation	
3	staff.....	\$ 37,313,900
4	Prosecutorial and detainer expenses.....	4,051,000
5	Public service work projects.....	9,100,600
6	Community corrections comprehensive plans and	
7	services.....	13,066,900
8	Community corrections probation residential centers.	15,034,500
9	Local facility housing program.....	2,451,000
10	Community corrections public education and training.	50,000
11	Regional jail program.....	<u>100</u>
12	TOTAL.....	\$ [81,068,000]

13 Sec. 202. The appropriations authorized under this act are
 14 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
 15 18.1594.

16 Sec. 203. As used in this act:

17 (a) "DAG" means the United States department of agriculture.

18 (b) "DAG - FNS" means the DAG food and nutrition service.

19 (c) "DED" means the United States department of education.

20 (d) "DED - OESE" means the DED office of elementary and secondary
 21 education.

22 (e) "DED - OSERS" means the DED office of special education and
 23 rehabilitative services.

24 (f) "DED - OVAE" means the DED office of vocational and adult
 25 education.

26 (g) "Department" or "MDOC" means the Michigan department of
 27 corrections.

- 1 (h) "DOJ" means the United States department of justice.
2 (i) "DOJ BOP" means the DOJ bureau of prisons.
3 (j) "DOJ OJP" means the DOJ office of justice programs.
4 (k) "FTE" means full-time equated.
5 (l) "IDG" means interdepartmental grant.
6 (m) "IDT" means intradepartmental transfer.
7 (n) "MDCH" means the Michigan department of community health.
8 (o) "MDSP" means the Michigan department of state police.
9 (p) "OCC" means office of community corrections.
10 (q) "RSAT" means residential substance abuse treatment.
11 (r) "SSA" means the United States social security administration.
12 (s) "SSA - SSI" means SSA supplemental security income.
13 (t) "VOI/TIS" means violent offender incarceration/truth in
14 sentencing.

15 Sec. 204. The department of civil service shall bill departments
16 and agencies at the end of the first fiscal quarter for the 1% charge
17 authorized by section 5 of article XI of the state constitution of
18 1963. Payments shall be made for the total amount of the billing by
19 the end of the second fiscal quarter.

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

26 (2) The state budget director shall grant exceptions to this
27 hiring freeze when the state budget director believes that the hiring

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

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

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

24 Sec. 209. Funds appropriated in part 1 should not be used for
25 the purchase of foreign goods or services, or both, if competitively
26 priced and of comparable quality American goods and services, or both,
27 are available. Preference should be given to goods and services, or

1 both, manufactured or provided by Michigan businesses if they are
2 competitively priced and of comparable value.

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

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

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

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

27 Sec. 213. Of the state general fund/general purpose revenue

1 appropriated in part 1, \$579,532,500.00 represents a state spending
2 increase over the amount provided to the department for the fiscal
3 year ending September 30, 1994, and may be used to meet state match
4 requirements of programs contained in the violent crime control and
5 law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or
6 successor grant programs, so that any additional federal funds
7 received shall supplement funding provided to the department in part
8 1.

9 Sec. 214. The department shall provide quarterly reports on the
10 Michigan youth correctional facility to the members of the senate and
11 house appropriations subcommittees on corrections, the senate and
12 house fiscal agencies, and the state budget director. The reports
13 shall provide information relevant to an assessment of the safety and
14 security of the institution, including, but not limited to,
15 information on the number of critical incidents by type occurring at
16 the facility, the number of custody staff at the facility, staff
17 turnover rates, staff vacancy rates, overtime reports, prisoner
18 grievances, and number and severity of assaults occurring at the
19 facility. The reports also shall provide information on programming
20 available at the facility and on program enrollments, including, but
21 not limited to, academic/vocational programs, counseling programs,
22 mental health treatment programs, substance abuse treatment programs,
23 and cognitive restructuring programs.

24 Sec. 215. The department shall require the contract monitor for
25 the Michigan youth correctional facility to provide a manual to each
26 prisoner at intake that details programs and services available at the
27 facility, the processes by which prisoner complaints and grievances

1 can be pursued, and the identity of staff available at the facility to
2 answer questions regarding the information in the manual. The
3 contract monitor shall obtain written verification of receipt from
4 each prisoner receiving the manual. The contract monitor also shall
5 answer prisoner questions regarding facility programs, services, and
6 grievance procedures.

7 Sec. 216. As a condition of expending funds appropriated in part
8 1 for the Michigan youth correctional facility, the department shall
9 use electronic mail to notify the members of the senate and house
10 appropriations subcommittees on corrections and the senate and house
11 fiscal agencies that an invitation to bid, request for proposals, or
12 similar document pertaining to management services for the Michigan
13 youth correctional facility has been issued and shall provide a link
14 to an Internet or Intranet site from which the document can be viewed
15 and downloaded. The electronic mail shall be sent on the same day the
16 document is made available to the public.

17 Sec. 217. The bureau of health care services shall develop
18 information on Hepatitis C prevention and the risks associated with
19 exposure to Hepatitis C, and the health care providers shall
20 disseminate this information verbally and in writing to each prisoner
21 at the health screening and full health appraisal conducted at
22 admissions, at the annual health care screening 1 week before or after
23 a prisoner's birthday, and prior to release to the community by
24 parole, transfer to community residential placement, or discharge on
25 the maximum.

26 Sec. 218. (1) As a condition of expenditure of appropriations
27 for health care made under part 1, the department shall conduct a

1 seroprevalence study to determine the incidence of infection with
2 Hepatitis C among the intake population and reliability of
3 self-reported information pertinent to high-risk behaviors and the
4 incidence of Hepatitis C infection. The study shall consist of
5 testing each incoming prisoner for infection with the Hepatitis C
6 virus and the collection of pertinent self-reported information. The
7 study shall continue for as long as necessary to collect statistically
8 significant data that will enable the department to assess the
9 incidence of Hepatitis C in the prison intake.

10 (2) The department shall report the results of the study to the
11 senate and house appropriations subcommittees on corrections, the
12 senate and house fiscal agencies, and the state budget director as
13 soon as practicable after completion, but no later than April 1,
14 2004.

15 Sec. 219. From the funds appropriated in part 1, the department
16 shall offer an alanine aminotransferase (ALT) test to each prisoner
17 who has received positive parole action. An explanation of results of
18 the test shall be provided confidentially to the prisoner prior to
19 release on parole, and if appropriate based on the test results, the
20 prisoner shall also be provided a recommendation to seek follow-up
21 medical attention in the community. The test shall be voluntary; if
22 the prisoner refuses to be tested, that decision shall not affect
23 parole release, conditions of parole, or parole supervision.

24 Sec. 220. By April 1, 2004, the department shall report to the
25 senate and house appropriations subcommittees on corrections, the
26 senate and house fiscal agencies, and the state budget director on
27 academic/vocational programs for the most recently completed

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1 appropriation year. The report shall provide information relevant to
2 an assessment of the department's academic and vocational programs,
3 including, but not limited to, the following:

4 (a) The number of prisoners enrolled in each program, the number
5 of prisoners completing each program, and the number of prisoners on
6 waiting lists for each program.

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

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

12 (d) An identification of program outcomes for each academic and
13 vocational program.

14 (e) An explanation of the department's plans for academic and
15 vocational programs.

[Sec. 220a. The appropriation in part 1 for academic/vocational programs reflects a reduction of \$8,456,600.00 from the amount recommended by the executive branch. It is the intent of the legislature that this amount of \$8,456,600.00 subsequently be appropriated for fiscal year 2003-2004 educational purposes.]

16 Sec. 221. By February 15, 2004, the department shall provide the
17 members of the senate and house appropriations subcommittees on
18 corrections, the senate and house fiscal agencies, and the state
19 budget director with a report detailing nongeneral fund/general
20 purpose sources of revenue, including but not limited to, federal
21 revenues, state restricted revenues, local and private revenues,
22 offender reimbursements and other payments, revolving funds, and
23 1-time sources of revenue, whether or not such revenues were
24 appropriated. The report shall include statements detailing for each
25 account the total amount of revenue received during fiscal year
26 2002-2003, the amount by which the revenue exceeded any applicable
27 appropriated fund source, the amount spent during fiscal year

1 2002-2003, the account balance at the close of fiscal year 2002-2003,
2 and the projected revenues and expenditures for fiscal year
3 2003-2004.

4 Sec. 222. From the funds appropriated in part 1 for information
5 technology, the department shall pay user fees to the department of
6 information technology for technology related services and projects.
7 Such user fees shall be subject to provisions of an interagency
8 agreement between the departments and agencies and the department of
9 information technology.

10 Sec. 223. Amounts appropriated in part 1 for information
11 technology may be designated as work projects and carried forward to
12 support department of corrections technology projects under the
13 direction of the department of information technology. Funds
14 designated in this manner are not available for expenditure until
15 approved as work projects under section 451a of the management and
16 budget act, 1984 PA 431, MCL 18.1451a.

17 **SUBSTANCE ABUSE TESTING AND TREATMENT**

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

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

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

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

8 (3) By April 1, 2004, the department shall report to the senate
9 and house appropriations subcommittees on corrections, the senate and
10 house fiscal agencies, and the state budget director on the
11 allocation, distribution, and expenditure of all funds appropriated by
12 the substance abuse testing and treatment line item during fiscal year
13 2002-2003 and projected for fiscal year 2003-2004. The report shall
14 include, but not be limited to, an explanation of an anticipated
15 year-end balance, the number of participants in substance abuse
16 programs, and the number of offenders on waiting lists for residential
17 substance abuse programs. Information required by this subsection
18 shall, where possible, be separated by MDOC administrative region and
19 by offender type, including, but not limited to, a distinction between
20 prisoners, parolees, and probationers.

21 **EXECUTIVE**

22 Sec. 401. The department shall submit 3-year and 5-year prison
23 population projection updates by February 1, 2004 to the senate and
24 house appropriations subcommittees on corrections, the senate and
25 house fiscal agencies, and the state budget director.

26 Sec. 402. The department shall prepare by April 1, 2004

1 individual reports for the technical rule violator program, the
2 community residential program, the electronic tether program, and the
3 special alternative to incarceration program. The reports shall be
4 submitted to the house and senate appropriations subcommittees on
5 corrections, the house and senate fiscal agencies, and the state
6 budget director. The reports shall include the following:

7 (a) Monthly new participants.

8 (b) Monthly participant unsuccessful terminations, including
9 cause.

10 (c) Number of successful terminations.

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

12 (e) Average length of placement.

13 (f) Return to prison statistics.

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

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

17 (i) Comparison with prior year statistics.

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

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

25 Sec. 404. The department shall report to the senate and house
26 appropriations subcommittees on corrections, the senate and house
27 fiscal agencies, and the state budget director by April 1, 2004 on the

1 ratio of correctional officers to prisoners for each correctional
2 institution, the ratio of shift command staff to line custody staff,
3 and the ratio of noncustody institutional staff to prisoners for each
4 correctional institution.

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

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

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

1 (4) By March 1, 2004, the department shall report to the senate
2 and house appropriations subcommittees on corrections, senate and
3 house fiscal agencies, and state budget director on the effect that
4 any recommended policy changes for technical violators of parole and
5 technical violators of probation would have on admission to prison and
6 jail and the impact on other program alternatives.

7 **ADMINISTRATION AND PROGRAMS**

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

14 **FIELD OPERATIONS ADMINISTRATION**

15 Sec. 601. From the funds appropriated in part 1, the department
16 shall conduct a statewide caseload audit of field agents. The audit
17 shall address public protection issues and assess the ability of the
18 field agents to complete their professional duties. The results of
19 the audit shall be submitted to the senate and house appropriations
20 subcommittees on corrections and the senate and house fiscal agencies,
21 and the state budget office by September 30, 2004.

22 Sec. 602. (1) Of the amount appropriated in part 1 for field
23 operations, a sufficient amount shall be allocated for the community
24 service work program and shall be used for salaries and wages and
25 fringe benefit costs of community service coordinators employed by the
26 department to supervise offenders participating in work crew

1 assignments. Funds shall also be used to cover motor transport
2 division rates on state vehicles used to transport offenders to
3 community service work project sites.

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

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

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

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

22 (3) Included in the appropriation in part 1 is adequate funding to
23 implement the community tether program to be administered by the
24 department. The community tether program is intended to provide
25 sentencing judges and county sheriffs in coordination with local
26 community corrections advisory boards access to the state's electronic
27 tether program to reduce prison admissions and improve local jail

1 utilization. The department shall determine the appropriate
2 distribution of the tether units throughout the state based upon
3 locally developed comprehensive corrections plans pursuant to the
4 community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

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

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

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

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

25 **COMMUNITY CORRECTIONS**

26 Sec. 701. The office of community corrections shall provide and

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

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

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

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

24 (d) "Offender eligibility criteria" means particular criminal
25 violations, state felony sentencing guidelines descriptors, and
26 offender characteristics developed by advisory boards and approved by
27 local units of government that identify the offenders suitable for

1 community corrections programs funded through the office of community
2 corrections.

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

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

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

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

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

1 section 8(4) of the community corrections act, 1988 PA 511,

2 MCL 791.408:

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

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

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

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

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

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

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

25 Sec. 703. The comprehensive corrections plans shall also
26 include, where appropriate, descriptive information on the full range
27 of sanctions and services which are available and utilized within the

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

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

1 comprehensive corrections plans:

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

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

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

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

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

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

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

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

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

1 jail data to the department.

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

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

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

13 (b) The felon was sentenced under section 11 or 12 of chapter IX
14 of the code of criminal procedure, 1927 PA 175, MCL 769.11 and
15 769.12.

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

20 (a) The felon's sentencing guidelines recommended range upper
21 limit is more than 18 months, the felon's sentencing guidelines
22 recommended range lower limit is 12 months or less, the felon's prior
23 record variable score is 35 or more points, and the felon's sentence
24 is not for commission of a crime in crime class G or crime class H
25 under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL
26 777.1 to 777.69.

27 (b) The felon's minimum sentencing guidelines range minimum is

1 more than 12 months.

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

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

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

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

1 (8) County jail reimbursement program expenditures shall not
2 exceed the amount appropriated in part 1 for this purpose. Payments
3 to counties under the county jail reimbursement program shall be made
4 in the order in which properly documented requests for reimbursements
5 are received. A request shall be considered to be properly documented
6 if it meets MDOC requirements for documentation. The department shall
7 by October 15, 2003 distribute the documentation requirements to all
8 counties.

9 Sec. 707. Funds included in part 1 for the local facility
10 housing program are appropriated for the purpose of reimbursing local
11 units of government for housing state prisoners.

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

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

26 (3) Payments under this section for operation of the probation
27 detention program shall be made at the same rates applicable to

1 disbursement of other funds awarded under the probation residential
2 centers line item, not to exceed a total expenditure of
3 \$1,569,500.00.

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

- 11 (a) Orientation and assessment.
- 12 (b) Substance abuse counseling.
- 13 (c) Life skills counseling.
- 14 (d) Education.
- 15 (e) Employment preparation.
- 16 (f) Vocational training.
- 17 (g) Employment.
- 18 (h) Community service.
- 19 (i) Physical training.
- 20 (j) Cognitive skill training.

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

1 sentencing practices.

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

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

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

18 (9) The department shall require the program administrator to
19 report not later than March 1, 2004 to the state budget director, the
20 senate and house fiscal agencies, and the senate and house
21 appropriations subcommittees on corrections concerning the program's
22 impact on prison admissions and recidivism including, but not limited
23 to, the numbers of offenders released from the probation detention
24 program who are arrested for a felony offense within 1 year of their
25 termination from the program.

26 Sec. 709. (1) As a condition of receipt of the funds
27 appropriated in part 1 for community corrections plans and services

1 and probation residential centers, the department shall only award
2 those funds requested under a properly prepared and approved
3 comprehensive corrections plan submitted under section 8 of the
4 community corrections act, 1988 PA 511, MCL 791.408, or directly
5 applied for under section 10 of the community corrections act, 1988 PA
6 511, MCL 791.410.

7 (2) The department shall only halt funding for an entity funded
8 under section 8 of the community corrections act, 1988 PA 511, MCL
9 791.408, in instances of substantial noncompliance during the period
10 covered by the plan.

11 Sec. 710. (1) Funds included in part 1 for the felony drunk
12 driver jail reduction and community treatment program are appropriated
13 for and may be expended for any of the following purposes:

14 (a) To increase availability of treatment options to reduce drunk
15 driving and drunk driving-related deaths by addressing the alcohol
16 addiction of felony drunk drivers who otherwise likely would be
17 sentenced to jail or a combination of jail and other sanctions.

18 (b) To divert from jail sentences or to reduce the length of jail
19 sentences for felony drunk drivers who otherwise would have been
20 sentenced to jail and whose recommended minimum sentence ranges under
21 sentencing guidelines have upper limits of 18 months or less, through
22 funding programs that may be used in lieu of incarceration and that
23 increase the likelihood of rehabilitation.

24 (c) To provide a policy and funding framework to make additional
25 jail space available for housing convicted felons whose recommended
26 minimum sentence ranges under sentencing guidelines have lower limits
27 of 12 months or less and who likely otherwise would be sentenced to

1 prison, with the aim of enabling counties to meet or exceed amounts
2 received through the county jail reimbursement program during fiscal
3 year 2002-2003 and reducing the numbers of felons sentenced to
4 prison.

5 (2) Expenditure of funds included in part 1 for the felony drunk
6 driver jail reduction and community treatment program shall be by
7 grant awards consistent with standards developed by a committee of the
8 state community corrections advisory board. The chairperson of the
9 committee shall be the board member representing county sheriffs.
10 Remaining members of the committee shall be appointed by the
11 chairperson of the board.

12 (3) In developing standards, the committee shall consult with
13 interested agencies and associations. Standards developed by the
14 committee shall include application criteria, performance objectives
15 and measures, funding allocations, and allowable uses of the fund,
16 consistent with the purposes specified in this section.

17 (4) Allowable uses of the fund shall include reimbursing counties
18 for transportation, treatment costs, and housing felony drunk drivers
19 during a period of assessment for treatment and case planning.
20 Reimbursements for housing during the assessment process shall be at
21 the rate of \$43.50 per day per offender, up to a maximum of 5 days per
22 offender.

23 (5) The standards developed by the committee shall assign each
24 county a maximum funding allocation based on the amount the county
25 received under the county jail reimbursement program in fiscal year
26 2001-2002 for housing felony drunk drivers whose sentencing guidelines
27 recommended minimum sentence ranges had upper limits of 18 months or

1 less.

2 (6) Awards of funding under this section shall be provided
3 consistent with the local comprehensive corrections plans developed
4 under the community corrections act, 1988 PA 511, MCL 791.401 to
5 791.414. Funds awarded under this section may be used in conjunction
6 with funds awarded under grant programs established under that act.
7 Due to the need for felony drunk drivers to be transitioned from
8 county jails to community treatment services, it is the intent of the
9 legislature that local units of government utilize funds received
10 under this section to support county sheriff departments.

11 (7) As used in this section, "felony drunk driver" means a felon
12 convicted of operating a motor vehicle under the influence of
13 intoxicating liquor or a controlled substance, or both, third or
14 subsequent offense, under section 625(8)(c) of the Michigan vehicle
15 code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable
16 as a felony.

17 CONSENT DECREES

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

24 HEALTH CARE

25 Sec. 901. The department shall not expend funds appropriated
26 under part 1 for any surgery, procedure, or treatment to provide or

1 maintain a prisoner's sex change unless it is determined medically
2 necessary by a physician.

3 Sec. 902. (1) As a condition of expenditure of the funds
4 appropriated in part 1, the department shall report to the senate and
5 house appropriations subcommittees on corrections on January 1, 2004
6 and July 1, 2004 the status of payments from contractors to vendors
7 for health care services provided to prisoners, as well as the status
8 of the contracts, and an assessment of prisoner health care quality.

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

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

19 Sec. 904. From the funds allocated in part 1 for health care
20 services, the department shall conduct a 1-year cost/benefit analysis
21 of privatizing pharmacy services and shall report the findings of this
22 1-year cost/benefit analysis to the senate and house appropriations
23 subcommittees on corrections and the senate and house fiscal agencies
24 not less than 120 days before any effort to privatize pharmacy
25 services unless a report is completed prior to October 1, 2003.

26 Sec. 905. As a condition of expending funds appropriated in part
27 1 for hospital and specialty care or other correctional managed care

House Bill No. 4390 (H-1) as amended April 10, 2003

1 health care services, the department shall use electronic mail to
2 notify the members of the senate and house appropriations
3 subcommittees on corrections, the senate and house fiscal agencies,
4 and the state budget director that an invitation to bid, request for
5 proposals, or similar document pertaining to hospital and specialty
6 care or other correctional managed care health care services has been
7 issued and shall provide a link to an Internet or Intranet site from
8 which the document can be viewed and downloaded. The electronic mail
9 shall be sent on the same day that the invitation to bid, request for
10 proposals, or similar document is released to potential bidders and
11 other members of the public.

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

[Sec. 907. The department shall identify and manage prisoners who
abuse the availability of medical services by obtaining transportation to
off-site medical care when unnecessary or reasonably avoidable. In doing
this, the department shall, when appropriate, consult with off-site
medical facilities on how to accomplish this goal.]

17 **INSTITUTIONAL OPERATIONS**

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

24 Sec. 1002. From the funds appropriated in part 1, the department
25 shall allocate sufficient funds to develop a pilot children's
26 visitation program. The pilot program shall teach parenting skills

1 and arrange for day visitation at these facilities for parents and
2 their children, except for the families of prisoners convicted of a
3 crime involving criminal sexual conduct in which the victim was less
4 than 18 years of age or involving child abuse.

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

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

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

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

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