

SENATE 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

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.....	18,250.7	
9	GROSS APPROPRIATION.....	\$	1,724,501,700
10	Interdepartmental grant revenues:		
11	Total interdepartmental grants and intradepartmental		
12	transfers.....		3,253,600
13	ADJUSTED GROSS APPROPRIATION.....	\$	1,721,248,100
14	Federal revenues:		
15	Total federal revenues.....		27,798,400
16	Special revenue funds:		
17	Total local revenues.....		391,100
18	Total private revenues.....		0
19	Total other state restricted revenues.....		60,858,800
20	State general fund/general purpose.....	\$	1,632,199,800
21	Sec. 102. EXECUTIVE		
22	Full-time equated unclassified positions.....	16.0	
23	Full-time equated classified positions.....	292.2	
24	Unclassified positions--16.0 FTE positions.....	\$	1,317,100
25	Executive direction--75.5 FTE positions.....		7,564,300
26	Human resources--216.7 FTE positions.....		15,752,000
27	Training.....		2,999,900

1	Worker's compensation.....	<u>24,125,900</u>
2	GROSS APPROPRIATION..... \$	51,759,200
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDSP, Michigan justice training fund.....	638,600
6	Federal revenues:	
7	State general fund/general purpose..... \$	51,120,600
8	Sec. 103. ADMINISTRATION AND PROGRAMS	
9	Average population.....	480
10	Full-time equated classified positions.....	300.9
11	Planning, research, and records--21.0 FTE positions.	1,524,900
12	Administrative services--59.9 FTE positions.....	4,657,000
13	Substance abuse testing and treatment.....	20,070,700
14	Inmate legal services.....	314,800
15	Prison industries operations--219.0 FTE positions...	16,311,900
16	Rent.....	2,095,100
17	Equipment and special maintenance.....	2,053,900
18	Compensatory buyout and union leave bank.....	274,900
19	Michigan youth correctional facility - management	
20	services.....	13,568,200
21	Michigan youth correctional facility -	
22	administration--1.0 FTE positions.....	145,500
23	Average population.....	480
24	Michigan youth correctional facility - lease	
25	payments.....	5,646,000
26	Prosecutorial and detainer expenses.....	<u>4,050,900</u>
27	GROSS APPROPRIATION..... \$	70,713,800

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..... \$	33,963,100
8	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
9	Average population.....	581
10	Full-time equated classified positions.....	2,211.9
11	Field operations--1,841.2 FTE positions.....	126,026,300
12	Parole board operations--28.0 FTE positions.....	2,178,700
13	Loans to parolees.....	294,300
14	Parole/probation services.....	3,867,200
15	Corrections centers--69.0 FTE positions.....	8,860,200
16	Average population.....	581
17	Electronic monitoring center--48.4 FTE positions....	6,002,000
18	Technical rule violator program--95.3 FTE positions.	9,147,500
19	Special alternative incarceration program--130.0 FTE	
20	positions.....	<u>10,320,800</u>
21	GROSS APPROPRIATION..... \$	166,697,000
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..... \$	146,641,900
7	Sec. 105. COMMUNITY CORRECTIONS	
8	Full-time equated classified positions.....15.0	
9	Community corrections administration--15.0 FTE	
10	positions..... \$	1,394,200
11	Probation residential centers.....	15,034,400
12	Community corrections comprehensive plans and	
13	services.....	13,066,800
14	Public education and training.....	49,900
15	Local facility housing program.....	2,450,900
16	Felony drunk driver jail reduction and community	
17	treatment program.....	2,999,900
18	County jail reimbursement program.....	<u>13,248,900</u>
19	GROSS APPROPRIATION..... \$	48,245,000
20	Appropriated from:	
21	Special revenue funds:	
22	Telephone fees and commissions.....	13,192,100
23	Civil infraction fees.....	7,000,000
24	State general fund/general purpose..... \$	28,052,900
25	Sec. 106. CONSENT DECREES	
26	Average population.....400	
27	Full-time equated classified positions.....523.0	

1	Hadix consent decree--137.0 FTE positions.....	\$	10,783,900
2	DOJ consent decree--160.5 FTE positions.....		11,329,800
3	DOJ psychiatric plan - MDCH mental health services..		68,291,200
4	DOJ psychiatric plan - MDOC staff and		
5	services--225.5 FTE positions.....		<u>15,483,300</u>
6	GROSS APPROPRIATION.....	\$	105,888,200
7	Appropriated from:		
8	State general fund/general purpose.....	\$	105,888,200
9	Sec. 107. HEALTH CARE		
10	Full-time equated classified positions.....		953.9
11	Health care administration--17.0 FTE positions.....	\$	2,153,700
12	Hospital and specialty care services.....		60,800,200
13	Vaccination program.....		991,100
14	Northern region clinical complexes--233.9 FTE		
15	positions.....		26,371,200
16	Southeastern region clinical complexes--398.6 FTE		
17	positions.....		50,379,200
18	Southwestern region clinical complexes--304.4 FTE		
19	positions.....		<u>30,208,200</u>
20	GROSS APPROPRIATION.....	\$	170,903,600
21	Appropriated from:		
22	Special revenue funds:		
23	Prisoner health care copayments.....		301,200
24	State general fund/general purpose.....	\$	170,602,400
25	Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION		
26	Average population.....		485
27	Full-time equated classified positions.....		596.5

1	Correctional facilities administration--45.0 FTE	
2	positions.....	\$ 4,173,000
3	Housing inmates in federal institutions.....	554,000
4	Education services and federal education grants--9.0	
5	FTE positions.....	5,615,600
6	Federal school lunch program.....	712,700
7	Inmate housing fund--118.0 FTE positions.....	2,461,900
8	Average population.....485	
9	Academic/vocational programs--424.5 FTE positions...	<u>33,679,800</u>
10	GROSS APPROPRIATION.....	\$ 47,197,000
11	Appropriated from:	
12	Federal revenues:	
13	DOJ BOP - federal prisoner reimbursement.....	372,600
14	DED - OESE title 1.....	512,600
15	DED - OVAE adult education.....	1,859,200
16	DED - adult literacy grants.....	302,800
17	DED - OSERS.....	99,400
18	DED - vocational education equipment.....	272,700
19	DED - youthful offender/specter grant.....	1,266,700
20	DOJ OJP - serious and violent offender reintegration	
21	initiative.....	1,000,000
22	DAG - FNS national school lunch.....	712,800
23	SSA - SSI incentive payment.....	100,000
24	Special revenue funds:	
25	State general fund/general purpose.....	\$ 40,698,200
26	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
27	Average population.....14,253	

1	Full-time equated classified positions.....	4,254.2	
2	Alger maximum correctional facility -		
3	Munising--361.8 FTE positions.....	\$	27,917,600
4	Average population.....	849	
5	Baraga maximum correctional facility - Baraga--	424.4	
6	FTE positions.....		31,433,400
7	Average population.....	1,084	
8	Chippewa correctional facility - Kincheloe--	512.7	
9	FTE positions.....		39,148,700
10	Average population.....	2,182	
11	Kinross correctional facility - Kincheloe--	560.7 FTE	
12	positions.....		45,167,700
13	Average population.....	2,423	
14	Marquette branch prison - Marquette--	403.4 FTE	
15	positions.....		32,565,800
16	Average population.....	1,129	
17	Newberry correctional facility - Newberry--	344.4 FTE	
18	positions.....		25,950,500
19	Average population.....	1,144	
20	Oaks correctional facility - Eastlake--	377.6 FTE	
21	positions.....		29,565,300
22	Average population.....	900	
23	Ojibway correctional facility - Marenisco--	286.4 FTE	
24	positions.....		21,797,900
25	Average population.....	1,202	
26	Pugsley correctional facility - Kingsley--	219.4 FTE	
27	positions.....		16,489,600

1	Average population.....	954	
2	Saginaw correctional facility - Freeland--359.8 FTE		
3	positions.....		28,525,700
4	Average population.....	1,480	
5	Standish maximum correctional facility -		
6	Standish--403.6 FTE positions.....		31,292,400
7	Average population.....	906	
8	GROSS APPROPRIATION.....	\$	329,854,600
9	Appropriated from:		
10	Special revenue funds:		
11	Camps public works user fees.....		396,600
12	Resident stores.....		916,200
13	State general fund/general purpose.....	\$	328,541,800
14	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL		
15	FACILITIES		
16	Average population.....	16,853	
17	Full-time equated classified positions.....	4,770.6	
18	Cooper street correctional facility - Jackson--268.2		
19	FTE positions.....		22,143,700
20	Average population.....	1,360	
21	G. Robert Cotton correctional facility -		
22	Jackson--430.7 FTE positions.....		33,393,200
23	Average population.....	1,734	
24	Charles Egeler reception center - Jackson--413.2 FTE		
25	positions.....		32,508,400
26	Average population.....	1,106	
27	Gus Harrison correctional facility - Adrian--499.0		

1	FTE positions.....	38,991,100
2	Average population.....2,200	
3	Huron Valley correctional facility -	
4	Ypsilanti--276.6 FTE positions.....	21,070,100
5	Average population.....510	
6	Macomb correctional facility - New Haven--360.9 FTE	
7	positions.....	27,585,400
8	Average population.....1,468	
9	Mound correctional facility - Detroit--339.2 FTE	
10	positions.....	25,128,200
11	Average population.....1,051	
12	Parnall correctional facility - Jackson--264.0 FTE	
13	positions.....	21,744,500
14	Average population.....1,378	
15	Ryan correctional facility - Detroit--332.1 FTE	
16	positions.....	25,443,100
17	Average population.....1,059	
18	Robert Scott correctional facility - Plymouth--423.9	
19	FTE positions.....	32,105,400
20	Average population.....1,261	
21	Southern Michigan correctional facility -	
22	Jackson--419.0 FTE positions.....	29,707,600
23	Average population.....1,481	
24	Thumb correctional facility - Lapeer--374.3 FTE	
25	positions.....	29,584,700
26	Average population.....1,467	
27	Western Wayne correctional facility -	

1	Plymouth--271.5 FTE positions.....	21,772,400
2	Average population.....778	
3	Jackson area support and services - Jackson--98.0	
4	FTE positions.....	<u>16,445,100</u>
5	GROSS APPROPRIATION..... \$	377,622,900
6	Appropriated from:	
7	Intradepartmental transfer revenues:	
8	IDT, production kitchen user fees.....	2,615,000
9	Federal revenues:	
10	DOJ - state criminal alien assistance program.....	860,900
11	Special revenue funds:	
12	Camps public works user fees.....	274,600
13	Resident stores.....	1,291,600
14	State general fund/general purpose..... \$	372,580,800
15	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL	
16	FACILITIES	
17	Average population.....17,730	
18	Full-time equated classified positions.....4,332.5	
19	Bellamy Creek correctional facility - Ionia--450.8	
20	FTE positions.....	34,085,000
21	Average population.....1,830	
22	Earnest C. Brooks correctional facility -	
23	Muskegon--480.7 FTE positions.....	38,461,000
24	Average population.....2,200	
25	Carson City correctional facility - Carson	
26	City--529.8 FTE positions.....	41,448,300
27	Average population.....2,200	

1	Florence Crane correctional facility -	
2	Coldwater--392.0 FTE positions.....	31,368,100
3	Average population.....	1,560
4	Deerfield correctional facility - Ionia--197.4 FTE	
5	positions.....	16,285,700
6	Average population.....	960
7	Richard A. Handlon correctional facility-	
8	Ionia--256.0 FTE positions.....	21,109,800
9	Average population.....	1,320
10	Ionia maximum correctional facility - Ionia--358.6	
11	FTE positions.....	26,733,700
12	Average population.....	636
13	Lakeland correctional facility - Coldwater--282.5	
14	FTE positions.....	22,965,000
15	Average population.....	1,256
16	Muskegon correctional facility - Muskegon--264.4 FTE	
17	positions.....	22,441,900
18	Average population.....	1,310
19	Pine River correctional facility - St. Louis--214.6	
20	FTE positions.....	17,032,000
21	Average population.....	960
22	Riverside correctional facility - Ionia--308.5 FTE	
23	positions.....	26,478,200
24	Average population.....	1,244
25	St. Louis correctional facility - St. Louis--597.2	
26	FTE positions.....	44,822,900
27	Average population.....	2,254

1	GROSS APPROPRIATION.....	\$	343,231,600
2	Appropriated from:		
3	Special revenue funds:		
4	Camps public works user fees.....		139,000
5	Resident stores.....		1,362,500
6	State general fund/general purpose.....	\$	341,730,100
7	Sec. 112. INFORMATION TECHNOLOGY		
8	Information technology services and projects.....	\$	<u>12,388,800</u>
9	GROSS APPROPRIATION.....	\$	12,388,800
10	Appropriated from:		
11	Special revenue funds:		
12	Correctional industries revolving fund.....		9,000
13	State general fund/general purpose.....	\$	12,379,800

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 **GENERAL SECTIONS**

17 Sec. 201. Pursuant to section 30 of article IX of the state

18 constitution of 1963, total state spending from state resources under

19 part 1 for fiscal year 2003-2004 is \$1,693,058,600.00 and state

20 spending from state resources to be paid to local units of government

21 for fiscal year 2003-2004 is \$81,067,400.00. The itemized statement

22 below identifies appropriations from which spending to units of local

23 government will occur:

24 DEPARTMENT OF CORRECTIONS

25 Field operations - assumption of county probation

1	staff.....	\$	37,313,900
2	Prosecutorial and detainer expenses.....		4,050,900
3	Public service work projects.....		9,100,600
4	Community corrections comprehensive plans and		
5	services.....		13,066,800
6	Community corrections probation residential centers.		15,034,400
7	Local facility housing program.....		2,450,900
8	Community corrections public education and training.		<u>49,900</u>
9	TOTAL.....	\$	81,067,400

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

13 Sec. 203. As used in this act:

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

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

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

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

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

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

23 (g) "Department" or "MDOC" means the Michigan department of
 24 corrections.

25 (h) "DOJ" means the United States department of justice.

26 (i) "DOJ BOP" means the DOJ bureau of prisons.

27 (j) "DOJ OJP" means the DOJ office of justice programs.

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

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

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

23 (2) The state budget director shall grant exceptions to this
24 hiring freeze when the state budget director believes that the hiring
25 freeze will result in rendering a state department or agency unable to
26 deliver basic services, cause a loss of revenue to the state, result
27 in the inability of the state to receive federal funds, or would

1 necessitate additional expenditures that exceed any savings from
2 maintaining a vacancy. The state budget director shall report
3 quarterly to the chairpersons of the senate and house standing
4 committees on appropriations the number of exceptions to the hiring
5 freeze approved during the previous quarter and the reasons to justify
6 the exception.

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

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

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

27 Sec. 210. The director of each department receiving

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

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

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

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

24 Sec. 213. Of the state general fund/general purpose revenue
25 appropriated in part 1, \$579,352,500.00 represents a state spending
26 increase over the amount provided to the department for the fiscal
27 year ending September 30, 1994, and may be used to meet state match

1 requirements of programs contained in the violent crime control and
2 law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or
3 successor grant programs, so that any additional federal funds
4 received shall supplement funding provided to the department in part
5 1.

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

21 Sec. 215. The department shall require the contract monitor for
22 the Michigan youth correctional facility to provide a manual to each
23 prisoner at intake that details programs and services available at the
24 facility, the processes by which prisoner complaints and grievances
25 can be pursued, and the identity of staff available at the facility to
26 answer questions regarding the information in the manual. The
27 contract monitor shall obtain written verification of receipt from

House Bill No. 4390 as amended June 17, 2003

1 each prisoner receiving the manual. The contract monitor also shall
2 answer prisoner questions regarding facility programs, services, and
3 grievance procedures.

4 Sec. 216. As a condition of expending funds appropriated in part
5 1 for the Michigan youth correctional facility, the department shall
6 use electronic mail to notify the members of the senate and house
7 appropriations subcommittees on corrections and the senate and house
8 fiscal agencies that an invitation to bid, request for proposals, or
9 similar document pertaining to management services for the Michigan
10 youth correctional facility has been issued and shall provide a link
11 to an Internet or Intranet site from which the document can be viewed
12 and downloaded. The electronic mail shall be sent on the same day the
13 document is made available to the public.

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

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House Bill No. 4390 as amended June 17, 2003

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Sec. 219. From the funds appropriated in part 1, the department 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.

Sec. 220. By April 1, 2004, 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 for the most recently completed appropriation year. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

1 (a) The number of prisoners enrolled in each program, the number
2 of prisoners completing each program, and the number of prisoners on
3 waiting lists for each program.

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

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

9 (d) An identification of program outcomes for each academic and
10 vocational program.

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

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

House Bill No. 4390 as amended June 17, 2003

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

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

14 Sec. 224. By October 15, 2003, the department shall report to
15 the senate and house appropriations subcommittees on corrections and
16 the senate and house fiscal agencies a detailed plan of how the
17 department will implement reductions in order to compensate for
18 unfunded economic increases in salaries, insurance, and retirement
19 rates. The report shall include, but not be limited to, the
20 department's plan for layoffs, program changes and eliminations,
21 prisoner release, and facility closures.

<<Sec. 225. Funds appropriated in part 1 shall not be expended to
pay for a contract for the connection of the Gus Harrison and Parr
Highway correctional facilities' sewer systems to the central Lenawee
sewage disposal system operated by the charter township of Madison,
Lenawee County, Michigan.>>

22 SUBSTANCE ABUSE TESTING AND TREATMENT

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

1 determine the treatment plan, if appropriate.

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

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

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

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

27 **EXECUTIVE**

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

5 Sec. 402. The department shall prepare by April 1, 2004
6 individual reports for the technical rule violator program, the
7 community residential program, the electronic tether program, and the
8 special alternative to incarceration program. The reports shall be
9 submitted to the house and senate appropriations subcommittees on
10 corrections, the house and senate fiscal agencies, and the state
11 budget director. The reports shall include the following:

- 12 (a) Monthly new participants.
- 13 (b) Monthly participant unsuccessful terminations, including
14 cause.
- 15 (c) Number of successful terminations.
- 16 (d) End month population by facility/program.
- 17 (e) Average length of placement.
- 18 (f) Return to prison statistics.
- 19 (g) Description of program location(s), capacity, and staffing.
- 20 (h) Sentencing guideline scores and actual sentence statistics for
21 participants, if applicable.
- 22 (i) Comparison with prior year statistics.
- 23 (j) Analysis of the impact on prison admissions and jail
24 utilization and the cost effectiveness of the program.

25 Sec. 403. From the funds appropriated in part 1, the department
26 shall continue to maintain county jail services staff sufficient to
27 enable the department to continue to fulfill its functions of

1 providing technical support, inspections of county jails, and
2 maintenance of the jail reimbursement program.

3 Sec. 404. The department shall report to the senate and house
4 appropriations subcommittees on corrections, the senate and house
5 fiscal agencies, and the state budget director by April 1, 2004 on the
6 ratio of correctional officers to prisoners for each correctional
7 institution, the ratio of shift command staff to line custody staff,
8 and the ratio of noncustody institutional staff to prisoners for each
9 correctional institution.

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

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

25 (3) The department shall continue to utilize parole violator
26 processing guidelines that require parole agents to utilize all
27 available appropriate community-based, nonincarcerative postrelease

1 sanctions and services when appropriate. The department shall
2 periodically evaluate such guidelines for modification, in response to
3 emerging information from the pilot projects for substance abuse
4 treatment provided under this act and applicable provisions of prior
5 budget acts for the department.

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

12 Sec. 406. From the funds allocated in part 1, the department
13 shall conduct a cost/benefit analysis of privatizing prisoner
14 transportation services and shall report the findings of this
15 cost/benefit analysis to the senate and house appropriations
16 subcommittees on corrections and the senate and house fiscal agencies
17 by January 1, 2004.

18 **ADMINISTRATION AND PROGRAMS**

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

25 **FIELD OPERATIONS ADMINISTRATION**

26 Sec. 601. From the funds appropriated in part 1, the department

1 shall conduct a statewide caseload audit of field agents. The audit
2 shall address public protection issues and assess the ability of the
3 field agents to complete their professional duties. The results of
4 the audit shall be submitted to the senate and house appropriations
5 subcommittees on corrections and the senate and house fiscal agencies,
6 and the state budget office by September 30, 2004.

7 Sec. 602. (1) Of the amount appropriated in part 1 for field
8 operations, a sufficient amount shall be allocated for the community
9 service work program and shall be used for salaries and wages and
10 fringe benefit costs of community service coordinators employed by the
11 department to supervise offenders participating in work crew
12 assignments. Funds shall also be used to cover motor transport
13 division rates on state vehicles used to transport offenders to
14 community service work project sites.

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

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

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

1 individuals unable to pay for the cost of the equipment.

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

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

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

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

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

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

9 **COMMUNITY CORRECTIONS**

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

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

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

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

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

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

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

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

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

1 community corrections program.

2 Sec. 702. (1) The funds included in part 1 for community
3 corrections comprehensive plans and services are to encourage the
4 development through technical assistance grants, implementation, and
5 operation of community corrections programs that serve as an
6 alternative to incarceration in a state facility or jail. The
7 comprehensive corrections plans shall include an explanation of how
8 the public safety will be maintained, the goals for the local
9 jurisdiction, offender target populations intended to be affected,
10 offender eligibility criteria for purposes outlined in the plan, and
11 how the plans will meet the following objectives, consistent with
12 section 8(4) of the community corrections act, 1988 PA 511,
13 MCL 791.408:

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

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

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

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

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

27 (2) The award of community corrections comprehensive plans funds

1 shall be based on criteria that include, but are not limited to, the
2 prison commitment rate by category of offenders, trends in prison
3 commitment rates and jail utilization, historical trends in community
4 corrections program capacity and program utilization, and the
5 projected impact and outcome of annual policies and procedures of
6 programs on prison commitment rates and jail utilization.

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

9 Sec. 703. The comprehensive corrections plans shall also
10 include, where appropriate, descriptive information on the full range
11 of sanctions and services which are available and utilized within the
12 local jurisdiction and an explanation of how jail beds, probation
13 residential services, the special alternative incarceration program
14 (boot camp), probation detention centers, the electronic monitoring
15 program for probationers, and treatment and rehabilitative services
16 will be utilized to support the objectives and priorities of the
17 comprehensive corrections plan and the purposes and priorities of
18 section 8(4) of the community corrections act, 1988 PA 511,
19 MCL 791.408. The plans shall also include, where appropriate,
20 provisions that detail how the local communities plan to respond to
21 sentencing guidelines found in chapter XVII of the code of criminal
22 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county
23 jail reimbursement program pursuant to section 706 of this act. The
24 state community corrections board shall encourage local community
25 corrections boards to include in their comprehensive corrections plans
26 strategies to collaborate with local alcohol and drug treatment
27 agencies of the department of community health for the provision of

1 alcohol and drug screening, assessment, case management planning, and
2 delivery of treatment to alcohol- and drug-involved offenders,
3 including, but not limited to, probation and parole violators who are
4 at risk of revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (3) The county jail reimbursement program shall reimburse counties

1 for housing and custody of convicted felons if the conviction was for
2 a crime committed on or after January 1, 1999 and 1 of the following
3 applies:

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

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

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

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

1 fiscal agencies, and the state budget director.

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

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

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

20 Sec. 707. Funds included in part 1 for the local facility
21 housing program are appropriated for the purpose of reimbursing local
22 units of government for housing state prisoners.

23 Sec. 708. (1) From the funds appropriated in part 1 for
24 probation residential centers, funds are allocated for the operation
25 of a probation detention program in a county that has adopted a
26 charter pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation
27 detention program shall have a capacity of 100 beds. The department

1 shall provide the program administrator monthly with 90-day
2 projections of the numbers of beds expected to be needed for
3 probationers and parolees in Phase II residential placement under
4 section 4(2) of the special alternative incarceration act, 1988
5 PA 287, MCL 798.14, and the program administrator shall make beds
6 available as necessary to house probationers and parolees entering
7 Phase II residential placement.

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

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

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

22 (a) Orientation and assessment.

23 (b) Substance abuse counseling.

24 (c) Life skills counseling.

25 (d) Education.

26 (e) Employment preparation.

27 (f) Vocational training.

1 (g) Employment.

2 (h) Community service.

3 (i) Physical training.

4 (j) Cognitive skill training.

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

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

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

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

1 objectives, but shall not exceed 120 days.

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

10 Sec. 709. (1) As a condition of receipt of the funds
11 appropriated in part 1 for community corrections plans and services
12 and probation residential centers, the department shall only award
13 those funds requested under a properly prepared and approved
14 comprehensive corrections plan submitted under section 8 of the
15 community corrections act, 1988 PA 511, MCL 791.408, or directly
16 applied for under section 10 of the community corrections act, 1988 PA
17 511, MCL 791.410.

18 (2) The department shall only halt funding for an entity funded
19 under section 8 of the community corrections act, 1988 PA 511, MCL
20 791.408, in instances of substantial noncompliance during the period
21 covered by the plan.

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

25 (a) To increase availability of treatment options to reduce drunk
26 driving and drunk driving-related deaths by addressing the alcohol
27 addiction of felony drunk drivers who otherwise likely would be

1 sentenced to jail or a combination of jail and other sanctions.

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

8 (c) To provide a policy and funding framework to make additional
9 jail space available for housing convicted felons whose recommended
10 minimum sentence ranges under sentencing guidelines have lower limits
11 of 12 months or less and who likely otherwise would be sentenced to
12 prison, with the aim of enabling counties to meet or exceed amounts
13 received through the county jail reimbursement program during fiscal
14 year 2002-2003 and reducing the numbers of felons sentenced to
15 prison.

16 (2) Expenditure of funds included in part 1 for the felony drunk
17 driver jail reduction and community treatment program shall be by
18 grant awards consistent with standards developed by a committee of the
19 state community corrections advisory board. The chairperson of the
20 committee shall be the board member representing county sheriffs.
21 Remaining members of the committee shall be appointed by the
22 chairperson of the board.

23 (3) In developing standards, the committee shall consult with
24 interested agencies and associations. Standards developed by the
25 committee shall include application criteria, performance objectives
26 and measures, funding allocations, and allowable uses of the fund,
27 consistent with the purposes specified in this section.

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

7 (5) The standards developed by the committee shall assign each
8 county a maximum funding allocation based on the amount the county
9 received under the county jail reimbursement program in fiscal year
10 2001-2002 for housing felony drunk drivers whose sentencing guidelines
11 recommended minimum sentence ranges had upper limits of 18 months or
12 less.

13 (6) Awards of funding under this section shall be provided
14 consistent with the local comprehensive corrections plans developed
15 under the community corrections act, 1988 PA 511, MCL 791.401 to
16 791.414. Funds awarded under this section may be used in conjunction
17 with funds awarded under grant programs established under that act.
18 Due to the need for felony drunk drivers to be transitioned from
19 county jails to community treatment services, it is the intent of the
20 legislature that local units of government utilize funds received
21 under this section to support county sheriff departments.

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

1 **CONSENT DECREES**

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

8 **HEALTH CARE**

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

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

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

24 Sec. 903. There are sufficient funds and FTEs appropriated in
25 part 1 to provide a full complement of nurses for clinical complexes

1 working regular pay hours and it is the intent of the legislature that
2 sufficient nurses be hired or retained to limit the use of overtime
3 other-than-holiday pay.

4 Sec. 904. From the funds allocated in part 1 for health care
5 services, the department shall conduct a 1-year cost/benefit analysis
6 of privatizing pharmacy services and shall report the findings of this
7 1-year cost/benefit analysis to the senate and house appropriations
8 subcommittees on corrections and the senate and house fiscal agencies
9 not less than 120 days before any effort to privatize pharmacy
10 services unless a report is completed prior to October 1, 2003.

11 Sec. 905. As a condition of expending funds appropriated in part
12 1 for hospital and specialty care or other correctional managed care
13 health care services, the department shall use electronic mail to
14 notify the members of the senate and house appropriations
15 subcommittees on corrections, the senate and house fiscal agencies,
16 and the state budget director that an invitation to bid, request for
17 proposals, or similar document pertaining to hospital and specialty
18 care or other correctional managed care health care services has been
19 issued and shall provide a link to an Internet or Intranet site from
20 which the document can be viewed and downloaded. The electronic mail
21 shall be sent on the same day that the invitation to bid, request for
22 proposals, or similar document is released to potential bidders and
23 other members of the public.

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

1 uncontested claim for service.

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

7 **INSTITUTIONAL OPERATIONS**

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

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

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

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

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

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

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