

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1064

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; 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, 2005, 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.....	51,569	
7	Full-time equated unclassified positions.....	16.0	
8	Full-time equated classified positions.....	17,788.6	
9	GROSS APPROPRIATION.....		\$ 1,787,706,300
10	Appropriated from:		
11	Interdepartmental grant revenues:		
12	Total interdepartmental grants and intradepartmental		
13	transfers.....		3,364,200
14	ADJUSTED GROSS APPROPRIATION.....		\$ 1,784,342,100
15	Federal revenues:		
16	Total federal revenues.....		7,788,100
17	Special revenue funds:		
18	Total local revenues.....		393,600
19	Total private revenues.....		0
20	Total other state restricted revenues.....		65,090,100
21	State general fund/general purpose.....		\$ 1,711,070,300
22	Sec. 102. EXECUTIVE		
23	Full-time equated unclassified positions.....	16.0	
24	Full-time equated classified positions.....	263.7	
25	Unclassified positions--16.0 FTE positions.....		\$ 1,308,800
26	Executive direction--41.5 FTE positions.....		4,272,100
27	Policy and strategic planning--50.0 FTE positions...		5,179,700

1	Human resources--172.2 FTE positions.....	14,870,400
2	Human resources optimization user charges.....	1,299,100
3	Training.....	3,265,000
4	Worker's compensation.....	20,277,000
5	Sheriffs' coordinating and training office.....	<u>1,000,000</u>
6	GROSS APPROPRIATION..... \$	51,472,100
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG-MDSP, Michigan justice training fund.....	660,100
10	Special revenue funds:	
11	Local corrections officer training fund.....	1,000,000
12	State general fund/general purpose..... \$	49,812,000
13	Sec. 103. ADMINISTRATION AND PROGRAMS	
14	Average population.....	480
15	Full-time equated classified positions.....	284.9
16	Administrative services--63.9 FTE positions..... \$	5,469,700
17	Substance abuse testing and treatment.....	17,746,000
18	Inmate legal services.....	314,800
19	Prison industries operations--220.0 FTE positions...	17,532,300
20	Rent.....	2,095,100
21	Equipment and special maintenance.....	4,167,100
22	Compensatory buyout and union leave bank.....	274,900
23	Michigan youth correctional facility - management	
24	services.....	13,317,800
25	Michigan youth correctional facility -	
26	administration--1.0 FTE positions.....	156,100
27	Average population.....	480

1	Michigan youth correctional facility - lease	
2	payments.....	5,646,000
3	Prosecutorial and detainer expenses.....	<u>4,050,900</u>
4	GROSS APPROPRIATION.....	\$ 70,770,700
5	Appropriated from:	
6	Federal revenues:	
7	DOJ - office of justice programs, Byrne grants.....	329,400
8	Special revenue funds:	
9	Correctional industries revolving fund.....	17,532,300
10	State general fund/general purpose.....	\$ 52,909,000
11	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
12	Average population.....	581
13	Full-time equated classified positions.....	2,117.9
14	Field operations--1,873.2 FTE positions.....	\$ 138,611,900
15	Parole board operations--29.0 FTE positions.....	2,304,000
16	Loans to parolees.....	294,300
17	Parole/probation services.....	2,867,200
18	Corrections centers--70.0 FTE positions.....	9,283,000
19	Average population.....	581
20	Electronic monitoring center--49.4 FTE positions....	6,189,100
21	Technical rule violator program--96.3 FTE positions.	<u>9,637,300</u>
22	GROSS APPROPRIATION.....	\$ 169,186,800
23	Appropriated from:	
24	Special revenue funds:	
25	Local-community tether program reimbursement.....	393,600
26	Parole and probation oversight fees.....	8,278,300
27	Tether program, participant contributions.....	6,937,200

1	Parole and probation oversight fees set-aside.....	2,867,200
2	Corrections centers, resident contributions revenue.	1,486,300
3	Technical rule violator program, public works user	
4	fees.....	173,700
5	State general fund/general purpose..... \$	149,050,500
6	Sec. 105. COMMUNITY CORRECTIONS	
7	Full-time equated classified positions.....16.0	
8	Community corrections administration--16.0 FTE	
9	positions..... \$	1,491,600
10	Probation residential centers.....	15,828,300
11	Community corrections comprehensive plans and	
12	services.....	13,032,900
13	Public education and training.....	49,900
14	Regional jail program.....	200
15	Alternatives to prison jail crowding reduction	
16	program.....	1,619,500
17	Alternatives to prison treatment program.....	399,900
18	Felony drunk driver jail reduction and community	
19	treatment program.....	2,999,900
20	County jail reimbursement program.....	<u>13,248,900</u>
21	GROSS APPROPRIATION..... \$	48,671,100
22	Appropriated from:	
23	Special revenue funds:	
24	Telephone fees and commissions.....	13,191,900
25	Civil infraction fees.....	6,999,900
26	Parole and probation oversight fees set-aside.....	400,000
27	State general fund/general purpose..... \$	28,079,300

1	Sec. 106. CONSENT DECREES	
2	Average population.....	400
3	Full-time equated classified positions.....	471.3
4	Hadix consent decree--138.0 FTE positions.....	\$ 9,456,700
5	DOJ consent decree--106.8 FTE positions.....	8,562,500
6	DOJ psychiatric plan - MDCH mental health services..	67,687,600
7	DOJ psychiatric plan - MDOC staff and	
8	services--226.5 FTE positions.....	<u>15,006,800</u>
9	GROSS APPROPRIATION.....	\$ 100,713,600
10	Appropriated from:	
11	State general fund/general purpose.....	\$ 100,713,600
12	Sec. 107. HEALTH CARE	
13	Full-time equated classified positions.....	923.6
14	Health care administration--18.0 FTE positions.....	\$ 2,285,700
15	Hospital and specialty care services.....	59,875,100
16	Hepatitis C testing and treatment.....	1,150,000
17	Vaccination program.....	991,100
18	Northern region clinical complexes--240.4 FTE	
19	positions.....	26,900,500
20	Southeastern region clinical complexes--360.8 FTE	
21	positions.....	47,328,400
22	Southwestern region clinical complexes--304.4 FTE	
23	positions.....	<u>30,248,600</u>
24	GROSS APPROPRIATION.....	\$ 168,779,400
25	Appropriated from:	
26	Special revenue funds:	
27	Prisoner health care copayments.....	315,700

1	State general fund/general purpose.....	\$	168,463,700
2	Sec. 108. CORRECTIONAL FACILITIES-ADMINISTRATION		
3	Average population.....		1,378
4	Full-time equated classified positions.....		884.2
5	Correctional facilities administration--45.0 FTE		
6	positions.....	\$	4,429,300
7	Housing inmates in federal institutions.....		552,500
8	Education services and federal education		
9	grants--10.0 FTE positions.....		5,642,600
10	Federal school lunch program.....		712,800
11	Leased beds and alternatives to leased beds.....		200
12	Inmate housing fund--418.7 FTE positions.....		37,338,700
13	Average population.....		1,378
14	Academic/vocational programs--410.5 FTE positions...		30,405,600
15	Transportation efficiencies.....		(2,000,100)
16	GROSS APPROPRIATION.....	\$	77,081,600
17	Appropriated from:		
18	Federal revenues:		
19	DOJ-BOP - federal prisoner reimbursement.....		372,600
20	DED-OESE, title 1.....		515,100
21	DED-OVAE, adult education.....		1,868,200
22	DED, adult literacy grants.....		304,300
23	DED-OSERS.....		99,900
24	DED, vocational education equipment.....		273,800
25	DED, youthful offender/Specter grant.....		1,272,800
26	DOJ-OJP, serious and violent offender reintegration		
27	initiative.....		1,004,800

1	DAG-FNS, national school lunch.....	712,800
2	SSA-SSI, incentive payment.....	108,200
3	Special revenue funds:	
4	Facility public works user fees.....	67,300
5	Resident stores.....	120,800
6	State general fund/general purpose..... \$	70,361,000
7	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
8	Average population.....14,805	
9	Full-time equated classified positions.....4,171.2	
10	Alger maximum correctional facility-Munising--343.0	
11	FTE positions..... \$	28,743,200
12	Average population.....849	
13	Baraga maximum correctional facility-Baraga--405.5	
14	FTE positions.....	33,052,700
15	Average population.....1,084	
16	Chippewa correctional facility-Kincheloe--512.3 FTE	
17	positions.....	43,011,700
18	Average population.....2,122	
19	Kinross correctional facility-Kincheloe--559.7 FTE	
20	positions.....	49,405,400
21	Average population.....2,423	
22	Marquette branch prison-Marquette--386.6 FTE	
23	positions.....	33,930,800
24	Average population.....1,129	
25	Newberry correctional facility-Newberry--345.4 FTE	
26	positions.....	27,625,300
27	Average population.....1,144	

1	Oaks correctional facility-Eastlake--354.4 FTE	
2	positions.....	31,381,800
3	Average population.....1,312	
4	Ojibway correctional facility-Marenisco--285.1 FTE	
5	positions.....	22,639,300
6	Average population.....1,202	
7	Pugsley correctional facility-Kingsley--220.4 FTE	
8	positions.....	17,355,700
9	Average population.....954	
10	Saginaw correctional facility-Freeland--356.0 FTE	
11	positions.....	30,577,200
12	Average population.....1,480	
13	Standish maximum correctional	
14	facility-Standish--402.8 FTE positions.....	<u>33,605,800</u>
15	Average population.....1,106	
16	GROSS APPROPRIATION..... \$	351,328,900
17	Appropriated from:	
18	Special revenue funds:	
19	Facility public works user fees.....	520,100
20	Resident stores.....	1,106,900
21	State general fund/general purpose..... \$	349,701,900
22	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL	
23	FACILITIES	
24	Average population.....16,227	
25	Full-time equated classified positions.....4,332.5	
26	Cooper street correctional facility-Jackson--267.2	
27	FTE positions..... \$	23,613,300

1	Average population.....	1,360
2	G. Robert Cotton correctional	
3	facility-Jackson--429.3 FTE positions.....	35,523,600
4	Average population.....	1,734
5	Charles E. Egeler correctional	
6	facility-Jackson--578.6 FTE positions.....	50,652,600
7	Average population.....	2,071
8	Gus Harrison correctional facility-Adrian--494.2 FTE	
9	positions.....	41,542,500
10	Average population.....	2,102
11	Macomb correctional facility-New Haven--325.5 FTE	
12	positions.....	26,339,800
13	Average population.....	1,228
14	Mound correctional facility-Detroit--311.5 FTE	
15	positions.....	25,000,300
16	Average population.....	1,051
17	Parnall correctional facility-Jackson--266.2 FTE	
18	positions.....	23,262,700
19	Average population.....	1,378
20	Ryan correctional facility-Detroit--305.9 FTE	
21	positions.....	25,851,600
22	Average population.....	1,059
23	Robert Scott correctional facility-Plymouth--332.5	
24	FTE positions.....	26,758,500
25	Average population.....	884
26	Southern Michigan correctional	
27	facility-Jackson--418.8 FTE positions.....	33,508,500

1	Average population.....	1,481	
2	Thumb correctional facility-Lapeer--374.8 FTE		
3	positions.....		30,765,300
4	Average population.....	1,479	
5	Special alternative incarceration program (Cassidy		
6	Lake)--131.0 FTE positions.....		10,657,000
7	Average population.....	400	
8	Jackson area support and services--97.0 FTE		
9	positions.....		<u>17,726,800</u>
10	GROSS APPROPRIATION.....		\$ 371,202,500
11	Appropriated from:		
12	Intradepartmental transfer revenues:		
13	IDT, production kitchen user fees.....		2,704,100
14	Federal revenues:		
15	DOJ, state criminal alien assistance program.....		926,200
16	Special revenue funds:		
17	Facility public works user fees.....		479,700
18	Resident stores.....		1,336,300
19	State general fund/general purpose.....		\$ 365,756,200
20	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL		
21	FACILITIES		
22	Average population.....	17,698	
23	Full-time equated classified positions.....	4,323.3	
24	Bellamy Creek correctional facility-Ionia--503.1 FTE		
25	positions.....		\$ 40,749,800
26	Average population.....	1,830	
27	Earnest C. Brooks correctional		

1	facility-Muskegon--475.9 FTE positions.....	40,638,300
2	Average population.....2,200	
3	Carson City correctional facility-Carson City--527.4	
4	FTE positions.....	44,075,600
5	Average population.....2,200	
6	Richard A. Handlon correctional	
7	facility-Ionia--254.2 FTE positions.....	22,306,400
8	Average population.....1,320	
9	Ionia maximum correctional facility-Ionia--322.8 FTE	
10	positions.....	26,115,400
11	Average population.....667	
12	Lakeland correctional facility-Coldwater--673.1 FTE	
13	positions.....	57,513,600
14	Average population.....2,816	
15	Muskegon correctional facility-Muskegon--259.4 FTE	
16	positions.....	23,196,200
17	Average population.....1,310	
18	Pine River correctional facility-St. Louis--214.4	
19	FTE positions.....	17,809,800
20	Average population.....960	
21	Riverside correctional facility-Ionia--498.2 FTE	
22	positions.....	44,411,200
23	Average population.....2,171	
24	St. Louis correctional facility-St. Louis--594.8 FTE	
25	positions.....	<u>48,145,500</u>
26	Average population.....2,224	
27	GROSS APPROPRIATION..... \$	364,961,800

1	Appropriated from:	
2	Special revenue funds:	
3	Facility public works user fees.....	226,100
4	Resident stores.....	1,540,900
5	State general fund/general purpose..... \$	363,194,800
6	Sec. 112. INFORMATION TECHNOLOGY	
7	Information technology services and projects..... \$	<u>13,537,800</u>
8	GROSS APPROPRIATION..... \$	13,537,800
9	Appropriated from:	
10	Special revenue funds:	
11	Correctional industries revolving fund.....	9,500
12	Parole and probation oversight fees set-aside.....	500,000
13	State general fund/general purpose..... \$	13,028,300

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 2004-2005 is \$1,776,160,400.00 and state
 20 spending from state resources to be paid to local units of government
 21 for fiscal year 2004-2005 is \$88,507,100.00. 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.....	\$	40,605,000
2	Prosecutorial and detainer expenses.....		4,050,900
3	Public service work projects.....		9,920,600
4	Community corrections comprehensive plans and		
5	services.....		13,032,900
6	Community corrections probation residential centers.		15,828,300
7	Community corrections public education and training.		49,900
8	Felony drunk driver jail reduction and community		
9	treatment program.....		2,999,900
10	Alternatives to prison jail crowding reduction		
11	program.....		1,619,500
12	Alternatives to prison treatment program.....		399,900
13	Regional jail program.....		<u>200</u>
14	TOTAL.....	\$	88,507,100

15 Sec. 202. The appropriations authorized under this act are
16 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
17 18.1594.

18 Sec. 203. As used in this act:

- 19 (a) "DAG" means the United States department of agriculture.
- 20 (b) "DAG - FNS" means the DAG food and nutrition service.
- 21 (c) "DED" means the United States department of education.
- 22 (d) "DED - OESE" means the DED office of elementary and secondary
23 education.
- 24 (e) "DED - OSERS" means the DED office of special education and
25 rehabilitative services.
- 26 (f) "DED - OVAE" means the DED office of vocational and adult
27 education.

1 (g) "Department" or "MDOC" means the Michigan department of
2 corrections.

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

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

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

6 (k) "FTE" means full-time equated.

7 (l) "IDG" means interdepartmental grant.

8 (m) "IDT" means intradepartmental transfer.

9 (n) "MDCH" means the Michigan department of community health.

10 (o) "MDSP" means the Michigan department of state police.

11 (p) "OCC" means office of community corrections.

12 (q) "RSAT" means residential substance abuse treatment.

13 (r) "SSA" means the United States social security administration.

14 (s) "SSA - SSI" means SSA supplemental security income.

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 shall not hire any new
22 full-time state classified civil service employees and prohibited from
23 filling any vacant state classified civil service positions. This
24 hiring freeze does not apply to internal transfers of classified
25 employees from 1 position to another within a department.

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

1 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 shall not be used for the
25 purchase of foreign goods or services, or both, if competitively
26 priced and comparable quality American goods or services, or both, are
27 available. Preference should be given to goods or services, or both,

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

3 Sec. 209a. It is the intent of the legislature that correctional
4 facilities shall purchase goods and services in their local markets if
5 economically feasible.

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

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

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

22 Sec. 212. The department may charge fees and collect revenues in
23 excess of appropriations in part 1 not to exceed the cost of offender
24 services and programming, employee meals, parolee loans,
25 academic/vocational services, custody escorts, compassionate visits,
26 union steward activities, public work programs, and emergency services
27 provided to units of government. The revenues and fees collected

1 shall be appropriated for all expenses associated with these services
2 and activities.

3 Sec. 213. Of the state general fund/general purpose revenue
4 appropriated in part 1, \$603,736,400.00 represents a state spending
5 increase over the amount provided to the department for the fiscal
6 year ending September 30, 1994, and may be used to meet state match
7 requirements of programs contained in the violent crime control and
8 law enforcement act of 1994, Public Law 103-322, or successor grant
9 programs, so that any additional federal funds received shall
10 supplement funding provided to the department in part 1.

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

26 Sec. 215. The department shall require the contract monitor for
27 the Michigan youth correctional facility to provide a manual to each

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

9 Sec. 215a. (1) From the funds appropriated in part 1, the
10 department shall establish a work group with representatives of the
11 supreme court, the family independence agency, the prosecuting
12 attorneys association of Michigan, and private, nonprofit providers of
13 residential delinquency services. The work group shall examine
14 sentencing practices with regard to offenders less than 18 years of
15 age who are sentenced as adults and committed to the department for
16 incarceration. The work group also shall examine the impact of
17 housing in the Michigan youth correctional facility offenders whose
18 true security classification levels are level I, II, or III.

19 (2) By April 1, 2005, the work group established under subsection
20 (1) shall report to the senate and house appropriation subcommittees on
21 corrections, the senate and house appropriations subcommittees on the
22 judiciary, the senate and house appropriations subcommittees on the
23 family independence agency, the senate and house fiscal agencies, and
24 the state budget director. The report shall include information on
25 the work group's findings regarding the sentencing and placement of
26 youthful offenders within the adult correctional system and
27 recommendations, if any, for change.

1 Sec. 216. By February 15, 2005, the department shall provide the
2 members of the senate and house appropriations subcommittees on
3 corrections, the senate and house fiscal agencies, and the state
4 budget director with a report detailing nongeneral fund/general
5 purpose sources of revenue, including but not limited to, federal
6 revenues, state restricted revenues, local and private revenues,
7 offender reimbursements and other payments, revolving funds, and
8 1-time sources of revenue, whether or not such revenues were
9 appropriated. The report shall include statements detailing for each
10 account the total amount of revenue received during fiscal year
11 2003-2004, the amount by which the revenue exceeded any applicable
12 appropriated fund source, the amount spent during fiscal year
13 2003-2004, the account balance at the close of fiscal year 2003-2004,
14 and the projected revenues and expenditures for fiscal year
15 2004-2005.

16 Sec. 217. From the funds appropriated in part 1 for information
17 technology, the department shall pay user fees to the department of
18 information technology for technology-related services and projects.
19 Such user fees shall be subject to provisions of an interagency
20 agreement between the departments and agencies and the department of
21 information technology.

22 Sec. 218. Amounts appropriated in part 1 for information
23 technology may be designated as work projects and carried forward to
24 support department of corrections technology projects under the
25 direction of the department of information technology. Funds
26 designated in this manner are not available for expenditure until
27 approved as work projects under section 451a of the management and

1 budget act, 1984 PA 431, MCL 18.1451a.

2 Sec. 219. By October 15, 2004, the department shall report to
3 the senate and house appropriations subcommittees on corrections and
4 the senate and house fiscal agencies a detailed plan of how the
5 department will implement reductions in order to compensate for
6 employment related savings. The report shall include, but not be
7 limited to, the department's plan for banked leave, layoffs, program
8 changes and eliminations, prisoner release, and facility closures.

9 Sec. 220. (1) The negative appropriation for transportation
10 savings in part 1 shall be satisfied by savings realized from various
11 efficiencies in prisoner transportation in addition to those proposed
12 by the department in the executive recommended budget for the fiscal
13 year ending September 30, 2005.

14 (2) Appropriation authorization adjustments required to implement
15 negative appropriations for transportation savings shall be made only
16 after the approval of transfers by the legislature pursuant to section
17 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

18 Sec. 221. (1) The department shall not spend funds appropriated
19 in part 1 on travel outside the state of Michigan except for travel
20 required for the transportation of prisoners or otherwise expressly
21 prescribed by law.

22 (2) From the funds appropriated in part 1, the department shall
23 spend on nonessential travel in fiscal year 2004-2005 not more than
24 50% of the amount spent on nonessential travel in fiscal year
25 2003-2004. As used in this subsection, "nonessential travel" means
26 travel that is not required to fulfill the fundamental duties of a
27 given position, including, but not limited to, prisoner

1 transportation, parole and probation visits, parole board hearings,
2 and facility site visits.

3 Sec. 222. (1) In addition to the funds appropriated in part 1,
4 there is appropriated an amount not to exceed \$20,000,000.00 for
5 federal contingency funds. These funds are not available for
6 expenditure until they have been transferred to another line item in
7 this act under section 393(2) of the management and budget act, 1984
8 PA 431, MCL 18.1393.

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

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

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

26 **SUBSTANCE ABUSE TESTING AND TREATMENT**

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

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

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

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

18 (3) By April 1, 2005, the department shall report to the senate
19 and house appropriations subcommittees on corrections, the senate and
20 house fiscal agencies, and the state budget director on the
21 allocation, distribution, and expenditure of all funds appropriated by
22 the substance abuse testing and treatment line item during fiscal year
23 2003-2004 and projected for fiscal year 2004-2005. The report shall
24 include, but not be limited to, an explanation of an anticipated
25 year-end balance, the number of participants in substance abuse
26 programs, and the number of offenders on waiting lists for residential
27 substance abuse programs. Information required by this subsection

1 shall, where possible, be separated by MDOC administrative region and
2 by offender type, including, but not limited to, a distinction between
3 prisoners, parolees, and probationers.

4 **EXECUTIVE**

5 Sec. 401. The department shall submit 3-year and 5-year prison
6 population projection updates by February 1, 2005 to the senate and
7 house appropriations subcommittees on corrections, the senate and
8 house fiscal agencies, and the state budget director.

9 Sec. 402. The department shall prepare by April 1, 2005
10 individual reports for the technical rule violator program, the
11 community residential program, the electronic tether program, and the
12 special alternative to incarceration program. The reports shall be
13 submitted to the house and senate appropriations subcommittees on
14 corrections, the house and senate fiscal agencies, and the state
15 budget director. The reports shall include the following:

16 (a) Monthly new participants.

17 (b) Monthly participant unsuccessful terminations, including
18 cause.

19 (c) Number of successful terminations.

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

21 (e) Average length of placement.

22 (f) Return to prison statistics.

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

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

26 (i) Comparison with prior year statistics.

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

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

8 Sec. 404. The department shall report to the senate and house
9 appropriations subcommittees on corrections, the senate and house
10 fiscal agencies, and the state budget director by April 1, 2005 on the
11 ratio of correctional officers to prisoners for each correctional
12 institution, the ratio of shift command staff to line custody staff,
13 and the ratio of noncustody institutional staff to prisoners for each
14 correctional institution.

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

25 (2) To the extent policies or programs described in subsection (1)
26 are used, developed, or contracted for, the department may request
27 that funds appropriated in part 1 be transferred under section 393(2)

1 of the management and budget act, 1984 PA 431, MCL 18.1393, for their
2 operation.

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

11 (4) By March 1, 2005, the department shall report to the senate
12 and house appropriations subcommittees on corrections, senate and
13 house fiscal agencies, and state budget director on the effect that
14 any recommended policy changes for technical violators of parole and
15 technical violators of probation would have on admission to prison and
16 jail and the impact on other program alternatives.

17 Sec. 406. Funds included in part 1 for the sheriffs'
18 coordinating and training office are appropriated for and may be
19 expended to defray costs of continuing education, certification,
20 recertification, decertification, and training of local corrections
21 officers, the personnel and administrative costs of the sheriffs'
22 coordinating and training office, the local corrections officers
23 advisory board, and the sheriffs' coordinating and training council
24 pursuant to the local corrections officers training act, 2003 PA 125,
25 MCL 791.531 to 791.546.

26 ADMINISTRATION AND PROGRAMS

27 Sec. 501. From the funds appropriated in part 1 for

1 prosecutorial and detainer expenses, the department shall reimburse
2 counties for housing and custody of parole violators and offenders
3 being returned by the department from community placement who are
4 available for return to institutional status and for prisoners who
5 volunteer for placement in a county jail.

6 **FIELD OPERATIONS ADMINISTRATION**

7 Sec. 601. From the funds appropriated in part 1, the department
8 shall conduct a statewide caseload audit of field agents. The audit
9 shall address public protection issues and assess the ability of the
10 field agents to complete their professional duties. The results of
11 the audit shall be submitted to the senate and house appropriations
12 subcommittees on corrections and the senate and house fiscal agencies,
13 and the state budget office by September 30, 2005.

14 Sec. 601a. (1) It is the intent of the legislature that the
15 department shall conduct or contract for a study of parole and
16 probation agent workloads. The study shall analyze agent workloads,
17 caseloads, and responsibilities and provide recommendations for
18 changes to workload computations and offender-agent workload or
19 caseload ratios.

20 (2) By April 1, 2005, the department shall report to the senate
21 and house appropriations subcommittees on corrections, the senate and
22 house fiscal agencies, and the state budget director on the progress
23 of the study, including information on study timelines, objectives,
24 and methodology.

25 Sec. 601b. It is the intent of the legislature that the
26 department shall implement means by which parolees and probationers

1 may timely contact their parole or probation agents, and develop
2 procedures that preclude any necessity for an offender to have access
3 to an agent's home telephone number or other personal information
4 pertaining to the agent.

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

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

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

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

27 (2) Program participant contributions and local community tether

1 program reimbursement for the electronic tether program appropriated
2 in part 1 are related to program expenditures and may be used to
3 offset expenditures for this purpose.

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

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

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

26 Sec. 604. Community-placement prisoners and parolees shall
27 reimburse the department for the operational costs of the program. As

1 an alternative method of payment, the department may develop a
2 community service work schedule for those individuals unable to meet
3 reimbursement requirements established by the department.

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

7 **COMMUNITY CORRECTIONS**

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

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

25 (b) "Goal" means the intended or projected result of a
26 comprehensive corrections plan or community corrections program to

1 reduce prison commitment rates, to reduce the length of stay in a
2 jail, or to improve the utilization of a jail.

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

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

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

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

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

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

27 Sec. 702. (1) The funds included in part 1 for community

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

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

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

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

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

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

25 (2) The award of community corrections comprehensive plans and
26 probation residential centers funds shall be based on criteria that
27 include, but are not limited to, the prison commitment rate by

1 category of offenders, trends in prison commitment rates and jail
2 utilization, historical trends in community corrections program
3 capacity and program utilization, and the projected impact and outcome
4 of policies, procedures, and programs on prison commitment rates and
5 jail utilization.

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

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

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

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

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

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

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

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

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

27 (2) The report required under subsection (1) shall include the

1 total funding allocated, program expenditures, required program data,
2 and year-to-date totals.

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

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

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

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

16 (2) 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 (3) 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 (4) 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 (5) 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 (4) and, if appropriate, recommend
21 modification of the criteria for reimbursement contained in subsection
22 (2). Any recommended modification shall be forwarded to the house and
23 senate appropriations subcommittees on corrections and the state
24 budget office.

25 (6) 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 (7) 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, 2004 distribute the documentation requirements to all
8 counties.

9 Sec. 707. (1) As a condition of receipt of the funds
10 appropriated in part 1 for community corrections plans and services
11 and probation residential centers, the department shall only award
12 those funds requested under a properly prepared and approved
13 comprehensive corrections plan submitted under section 8 of the
14 community corrections act, 1988 PA 511, MCL 791.408, or directly
15 applied for under section 10 of the community corrections act, 1988 PA
16 511, MCL 791.410.

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

21 Sec. 708. (1) Funds included in part 1 for the felony drunk
22 driver jail reduction and community treatment program are appropriated
23 for and may be expended for any of the following purposes:

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

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

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

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

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

27 (4) Allowable uses of the fund shall include reimbursing counties

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

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

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

21 (7) As used in this section, "felony drunk driver" means a felon
22 convicted of operating a motor vehicle under the influence of
23 intoxicating liquor or a controlled substance, or both, third or
24 subsequent offense, under section 625(9)(c) of the Michigan vehicle
25 code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable
26 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, 2005
16 and July 1, 2005 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
26 working regular pay hours and it is the intent of the legislature that

1 sufficient nurses be hired or retained to limit the use of overtime
2 other-than-holiday pay.

3 Sec. 904. From the funds allocated in part 1 for health care
4 services, the department shall conduct a cost/benefit analysis of
5 privatizing pharmacy services and shall report the findings of this
6 cost/benefit analysis to the senate and house appropriations
7 subcommittees on corrections and the senate and house fiscal agencies
8 not less than 120 days before any effort to privatize pharmacy
9 services unless a report is completed prior to October 1, 2004.

10 Sec. 905. It is the intent of the legislature that, with the
11 funds appropriated in part 1 for hospital and specialty care services,
12 the department shall ensure that local providers of ambulance services
13 to prisoners be reimbursed within 60 days of the filing of any
14 uncontested claim for service.

15 Sec. 906. (1) The department shall identify and manage prisoners
16 who abuse the availability of medical services by obtaining
17 transportation to off-site medical care when unnecessary or reasonably
18 avoidable. In doing this, the department shall, when appropriate,
19 consult with off-site medical facilities on how to accomplish this
20 goal.

21 (2) By April 1, 2005, the department shall report to the senate
22 and house appropriations subcommittees on corrections, the senate and
23 house fiscal agencies, and the state budget director on its activities
24 and progress in implementing this section.

25 Sec. 907. The bureau of health care services shall develop
26 information on Hepatitis C prevention and the risks associated with
27 exposure to Hepatitis C, and the health care providers shall

1 disseminate this information verbally and in writing to each prisoner
2 at the health screening and full health appraisal conducted at
3 admissions, at the annual health care screening 1 week before or after
4 a prisoner's birthday, and prior to release to the community by
5 parole, transfer to community residential placement, or discharge on
6 the maximum.

7 Sec. 908. From the funds appropriated in part 1, the department
8 shall offer an alanine aminotransferase (ALT) test to each prisoner
9 who has received positive parole action. An explanation of results of
10 the test shall be provided confidentially to the prisoner prior to
11 release on parole, and if appropriate based on the test results, the
12 prisoner shall also be provided a recommendation to seek follow-up
13 medical attention in the community. The test shall be voluntary; if
14 the prisoner refuses to be tested, that decision shall not affect
15 parole release, conditions of parole, or parole supervision.

16 Sec. 909. The department shall ensure that all medications for a
17 prisoner be transported with that prisoner when the prisoner is
18 transported from 1 correctional facility to another.

19 Sec. 910. The department shall attempt to collect reimbursement
20 from health insurance providers for the health care of prisoners who
21 have retirement health insurance benefits. By April 1, 2005, the
22 department shall provide the members of the senate and house
23 appropriations subcommittees on corrections, the senate and house
24 fiscal agencies, and the state budget director with a status report on
25 its efforts and the amount of reimbursement successfully collected.

26 **INSTITUTIONAL OPERATIONS**

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

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

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

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

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

27 (2) Quarterly reports on all expenditures from the inmate housing

1 fund shall be submitted by the department to the state budget
2 director, the senate and house appropriations subcommittees on
3 corrections, and the senate and house fiscal agencies.

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

8 Sec. 1009. By April 1, 2005, the department shall report to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director on
11 academic/vocational programs for the most recently completed
12 appropriation year. The report shall provide information relevant to
13 an assessment of the department's academic and vocational programs,
14 including, but not limited to, the following:

15 (a) The number of prisoners enrolled in each program, the number
16 of prisoners completing each program, and the number of prisoners on
17 waiting lists for each program.

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

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

23 (d) An identification of program outcomes for each academic and
24 vocational program.

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

27 Sec. 1010. (1) By February 1, 2005, the department shall report

1 to the senate and house appropriations subcommittees on corrections,
2 the senate and house fiscal agencies, and the state budget director,
3 the percent of offenders included in the prison population intake for
4 fiscal years 2002-2003 and 2003-2004 who have a high school diploma or
5 a general educational development (G.E.D.) certificate.

6 (2) By February 1, 2005, the department shall provide the senate
7 and house appropriations subcommittees on corrections, the senate and
8 house fiscal agencies, and the state budget director with a
9 statistical report on the efficacy of department-provided prison
10 vocational education programs in reducing offender recidivism rates.

11 Sec. 1011. The department shall maintain the Michigan Braille
12 transcribing service at its current location at the correctional
13 complex located in Jackson at the site of the former state prison of
14 southern Michigan.