

HOUSE BILL No. 5720

March 30, 2004, Introduced by Rep. Stewart and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 16 (MCL 791.216), as added by 1980 PA 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) The department shall develop a comprehensive
2 plan for determining the need for establishing various types of
3 correctional facilities, for selecting the location of a
4 correctional facility, and for determining the size of the
5 correctional facility. The comprehensive plan shall not be
6 implemented until the legislature, by concurrent resolution
7 adopted by a majority of those elected and serving in each house
8 by a record roll call vote, approves the comprehensive plan.

9 (2) ~~The~~ **Once the comprehensive plan is approved and**
10 **implemented pursuant to subsection (1),** the department shall
11 determine the need for a correctional facility based upon the

1 comprehensive plan. ~~developed pursuant to subsection (1).~~

2 (3) Regardless of whether the comprehensive plan described in
3 subsection (1) has been approved and implemented, the department
4 shall comply with subsections (4) to (11).

5 (4) ~~(3) The~~ Before the department expands an existing
6 correctional facility or establishes a new correctional facility,
7 the department shall publish a notice that it proposes to
8 establish ~~a~~ or expand that correctional facility. ~~in a~~ The
9 notice shall specify the particular city, village, or township in
10 which the facility will be expanded or established. The notice
11 shall appear in a newspaper of general circulation in ~~the~~ that
12 area. In addition, the department shall notify the following
13 officials:

14 (a) The state senator and the state representative
15 representing the district in which the correctional facility is
16 to be ~~located~~ expanded or established.

17 (b) The president of each state supported college or
18 university whose campus is located within 1 mile of the
19 ~~proposed~~ site where the correctional facility is to be expanded
20 or established.

21 (c) The chief elected official of the city, village, or
22 township in which the correctional facility is to be ~~located~~
23 expanded or established.

24 (d) Each member of the governing body of the city, village,
25 or township in which the correctional facility is to be ~~located~~
26 expanded or established.

27 (e) Each member of the county board of commissioners of the

1 **county** in which the correctional facility is to be ~~located~~
 2 **expanded or established.**

3 (f) The president of the local school board of the local
 4 school district in which the correctional facility is to be
 5 ~~located~~ **expanded or established.**

6 (g) The president of the intermediate school board of the
 7 intermediate school district in which the correctional facility
 8 is to be ~~located~~ **expanded or established.**

9 (5) ~~(4)~~ With the notice, the department shall request the
 10 chairperson of the county board of commissioners of the county in
 11 which the correctional facility is to be ~~located~~ **expanded or**
 12 **established** and the person notified pursuant to subsection
 13 ~~(3)(e)~~ **(4)(c)** to create a local advisory board. ~~to~~ **In the**
 14 **case of a proposed new correctional facility, the board shall**
 15 assist in the identification of potential sites for the
 16 correctional facility. ~~to~~ **The board also shall** act as a
 17 liaison between the department and the local community ~~and,~~
 18 ~~to~~ **if the comprehensive plan has been implemented, shall** ensure
 19 that the comprehensive plan is being followed by the department.
 20 The officials requested to create a local advisory board pursuant
 21 to this subsection shall serve as co-chairpersons of that local
 22 advisory board.

23 (6) ~~(5)~~ After the requirements of subsections ~~(1), (2),~~
 24 ~~(3), and~~ **(4) and (5)** are completed and, **in the case of a**
 25 **proposed new correctional facility,** the department has selected a
 26 potential site, the department shall hold a public hearing in the
 27 city, village, or township in which the ~~potential site is~~

1 **proposed facility or expansion will be** located. The department
2 shall participate in the hearing and shall make a reasonable
3 effort to respond in writing to concerns and questions raised on
4 the record at the hearing. The hearing shall not be held until
5 the local advisory board created by subsection ~~—(4)—~~ **(5)** has
6 organized, or sooner than 30 days after the notice is sent
7 pursuant to subsection ~~—(3)—~~ **(4)**, whichever occurs first.

8 **(7)** ~~—(6)—~~ Hearings the department ~~—shall conduct—~~ **conducts**
9 under subsection ~~—(5)—~~ **(6)** shall be open to the public and shall
10 be held in a place available to the general public. Any person
11 shall be permitted to attend a hearing except as otherwise
12 provided in this section. A person shall not be required as a
13 condition to attendance at a hearing to register or otherwise
14 provide his or her name or other information or otherwise to
15 fulfill a condition precedent to attendance. A person shall be
16 permitted to address the hearing under written procedures
17 established by the department. A person shall not be excluded
18 from a hearing except for a breach of the peace actually
19 committed at the meeting.

20 **(8)** ~~—(7)—~~ The following provisions shall apply with respect
21 to public notice of hearings required under this section:

22 (a) A public notice shall always contain the name of the
23 department, its telephone number, and its address.

24 (b) A public notice shall always be posted at the
25 department's principal office and other locations considered
26 appropriate by the department.

27 (c) The required public notice for a hearing shall be posted

1 in the office of the county clerk of the county in which the
 2 facility is to be ~~located~~ **expanded or established** and shall be
 3 published in a newspaper of general circulation in ~~the~~ **that**
 4 county. ~~in which the facility is to be located.~~

5 (d) A public notice stating the date, time, and place of the
 6 hearing shall be posted at least 10 days before the hearing.

7 **(9)** ~~-(8)-~~ Minutes of each hearing required under this section
 8 shall be kept showing the date, time, place, members of the local
 9 advisory board present, members of the local advisory board
 10 absent, and a summary of the discussions at the hearing. The
 11 minutes shall be public records open to public inspection and
 12 shall be available at the address designated on posted public
 13 notices pursuant to subsection ~~-(7)-~~ **(8)**. Copies of the minutes
 14 shall be available from the department to the public at the
 15 reasonable estimated cost for printing and copying.

16 **(10)** ~~-(9)-~~ On the basis of the information developed by the
 17 department during the course of the site selection process **or**
 18 **plan for expansion**, and after community concerns have been
 19 responded to by the department pursuant to subsection ~~-(5)-~~ **(6)**,
 20 the ~~commission~~ **department** shall make a final site determination
 21 for the correctional facility **or approve the proposed expansion**.
 22 The commission shall make a finding that the site determination
 23 **or expansion plan** was made in compliance with this section. This
 24 finding and notice of final site selection **or expansion plan**
 25 **approval** shall be transmitted in writing by the commission to the
 26 local advisory board, the officials described in subsection ~~-(3)-~~
 27 **(4)**, and the chairpersons of the senate and house appropriations

1 committees.

2 **(11)** ~~—(10)—~~ An option to lease, purchase, or use property may
3 be obtained but shall not be exercised by the state for a
4 correctional facility until the commission has made a final site
5 determination **or final approval of an expansion** and has
6 transmitted a notice of ~~—final site selection—~~ **that decision** as
7 required in subsection ~~—(9)—~~ **(10)**.