

Act No. 345
Public Acts of 2004
Approved by the Governor
September 28, 2004
Filed with the Secretary of State
September 29, 2004
EFFECTIVE DATE: September 29, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senator Johnson

ENROLLED SENATE BILL No. 1064

AN ACT 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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population	51,503	
Full-time equated unclassified positions	16.0	
Full-time equated classified positions	17,753.8	
GROSS APPROPRIATION		\$ 1,786,182,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers	3,364,200	
ADJUSTED GROSS APPROPRIATION		\$ 1,782,818,400
Federal revenues:		
Total federal revenues	8,188,100	
Special revenue funds:		
Total local revenues	393,600	
Total private revenues	0	
Total other state restricted revenues	66,075,600	
State general fund/general purpose		\$ 1,708,161,100

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	16.0	
Full-time equated classified positions	263.7	
Unclassified positions—16.0 FTE positions.....		\$ 1,308,800
Executive direction—41.5 FTE positions		4,315,900
Policy and strategic planning—50.0 FTE positions		5,232,100
Human resources—172.2 FTE positions		15,021,700
Human resources optimization user charges.....		1,299,200
Training		3,265,000
Worker's compensation.....		20,277,000
Sheriffs' coordinating and training office		2,000,000
GROSS APPROPRIATION		\$ 52,719,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP, Michigan justice training fund		660,100
Special revenue funds:		
Local corrections officer training fund		2,000,000
State general fund/general purpose		\$ 50,059,600

Sec. 103. ADMINISTRATION AND PROGRAMS

Average population	480	
Full-time equated classified positions	284.9	
Administrative services—63.9 FTE positions.....		\$ 5,525,300
Substance abuse testing and treatment		17,646,000
Inmate legal services		314,900
Prison industries operations—220.0 FTE positions		17,532,400
Rent.....		2,095,200
Equipment and special maintenance		1,667,200
Compensatory buyout and union leave bank.....		275,000
Michigan youth correctional facility - management services.....		13,317,800
Michigan youth correctional facility - administration—1.0 FTE position.....		156,200
Average population	480	
Michigan youth correctional facility - lease payments.....		5,366,700
Prosecutorial and detainer expenses		4,051,000
GROSS APPROPRIATION		\$ 67,947,700
Appropriated from:		
Federal revenues:		
DOJ, office of justice programs, Byrne grants.....		729,400
Special revenue funds:		
Correctional industries revolving fund.....		17,532,400
State general fund/general purpose		\$ 49,685,900

Sec. 104. FIELD OPERATIONS ADMINISTRATION

Average population	581	
Full-time equated classified positions	2,090.9	
Field operations—1,873.2 FTE positions		\$ 138,328,400
Parole board operations—29.0 FTE positions.....		2,304,000
Loans to parolees.....		294,400
Parole/probation services		2,867,300
Corrections centers—70.0 FTE positions		9,283,000
Average population	581	
Electronic monitoring center—49.4 FTE positions.....		6,189,100
Technical rule violator program—69.3 FTE positions.....		8,350,700
GROSS APPROPRIATION		\$ 167,616,900
Appropriated from:		
Special revenue funds:		
Local - community tether program reimbursement.....		393,600
Parole and probation oversight fees		8,278,300

	For Fiscal Year Ending Sept. 30, 2005
Tether program, participant contributions	\$ 6,922,200
Parole and probation oversight fees set-aside	2,867,300
Corrections centers, resident contributions revenue.....	1,486,300
Technical rule violator program, public works user fees	173,700
State general fund/general purpose	\$ 147,495,500

Sec. 105. COMMUNITY CORRECTIONS

Full-time equated classified positions	16.0
Community corrections administration—16.0 FTE positions	\$ 1,506,800
Probation residential centers	15,828,400
Community corrections comprehensive plans and services.....	13,033,000
Public education and training.....	50,000
Regional jail program	100
Alternatives to prison jail program.....	1,619,600
Alternatives to prison treatment program	400,000
Felony drunk driver jail reduction and community treatment program	3,000,000
County jail reimbursement program	13,249,000
GROSS APPROPRIATION.....	\$ 48,686,900
Appropriated from:	
Special revenue funds:	
Telephone fees and commissions.....	13,192,100
Civil infraction fees	7,000,000
Parole and probation oversight fees set-aside	400,000
State general fund/general purpose	\$ 28,094,800

Sec. 106. CONSENT DECREES

Average population	400
Full-time equated classified positions	471.3
Hadix consent decree—138.0 FTE positions	\$ 9,456,700
DOJ consent decree—106.8 FTE positions.....	8,562,500
DOJ psychiatric plan - MDCH mental health services.....	67,687,600
DOJ psychiatric plan - MDOC staff and services—226.5 FTE positions	15,006,800
GROSS APPROPRIATION.....	\$ 100,713,600
Appropriated from:	
State general fund/general purpose	\$ 100,713,600

Sec. 107. HEALTH CARE

Full-time equated classified positions	923.6
Health care administration—18.0 FTE positions	\$ 2,309,000
Hospital and specialty care services	59,875,200
Hepatitis C testing and treatment	1,150,000
Vaccination program	991,200
Northern region clinical complexes—240.4 FTE positions	26,900,500
Southeastern region clinical complexes—360.8 FTE positions	47,328,400
Southwestern region clinical complexes—304.4 FTE positions	30,248,600
GROSS APPROPRIATION.....	\$ 168,802,900
Appropriated from:	
Special revenue funds:	
Prisoner health care copayments.....	315,700
State general fund/general purpose	\$ 168,487,200

Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION

Average population	1,382
Full-time equated classified positions	884.2
Correctional facilities administration—45.0 FTE positions	\$ 4,474,400
Housing inmates in federal institutions.....	552,600
Education services and federal education grants—10.0 FTE positions	5,642,700
Federal school lunch program.....	712,800
Leased beds and alternatives to leased beds	100

	For Fiscal Year Ending Sept. 30, 2005
Inmate housing fund—418.7 FTE positions	\$ 37,338,700
Average population	1,382
Academic/vocational programs—410.5 FTE positions.....	31,905,600
Transportation efficiencies.....	(2,000,000)
GROSS APPROPRIATION.....	\$ 78,626,900
Appropriated from:	
Federal revenues:	
DOJ - BOP, federal prisoner reimbursement.....	372,600
DED - OESE, title 1.....	515,100
DED - OVAE, adult education	1,868,200
DED, adult literacy grants	304,300
DED - OSERS	99,900
DED, vocational education equipment	273,800
DED, youthful offender/Specter grant.....	1,272,800
DOJ - OJP, serious and violent offender reintegration initiative.....	1,004,800
DAG - FNS, national school lunch	712,800
SSA - SSI, incentive payment.....	108,200
Special revenue funds:	
Public works user fees	67,300
Resident stores	120,800
State general fund/general purpose	\$ 71,906,300
 Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
Average population	14,805
Full-time equated classified positions.....	4,171.2
Alger maximum correctional facility - Munising—343.0 FTE positions	\$ 28,743,200
Average population	849
Baraga maximum correctional facility - Baraga—405.5 FTE positions	33,052,700
Average population	1,084
Chippewa correctional facility - Kincheloe—512.3 FTE positions.....	43,011,700
Average population	2,122
Kinross correctional facility - Kincheloe—559.7 FTE positions.....	49,405,400
Average population	2,423
Marquette branch prison - Marquette—386.6 FTE positions	33,930,800
Average population	1,129
Newberry correctional facility - Newberry—345.4 FTE positions	27,625,300
Average population	1,144
Oaks correctional facility - Eastlake—354.4 FTE positions	31,381,800
Average population	1,312
Ojibway correctional facility - Marenisco—285.1 FTE positions.....	22,639,300
Average population	1,202
Pugsley correctional facility - Kingsley—220.4 FTE positions	17,355,700
Average population	954
Saginaw correctional facility - Freeland—356.0 FTE positions.....	30,577,200
Average population	1,480
Standish maximum correctional facility - Standish—402.8 FTE positions.....	33,605,800
Average population	1,106
GROSS APPROPRIATION.....	\$ 351,328,900
Appropriated from:	
Special revenue funds:	
Public works user fees	520,100
Resident stores	1,106,900
State general fund/general purpose	\$ 349,701,900
 Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
Average population	16,157
Full-time equated classified positions.....	4,324.7
Cooper Street correctional facility - Jackson—267.2 FTE positions	\$ 23,613,300
Average population	1,360

	For Fiscal Year Ending Sept. 30, 2005
G. Robert Cotton correctional facility - Jackson—429.3 FTE positions.....	\$ 35,523,600
Average population	1,734
Charles E. Egeler correctional facility - Jackson—578.6 FTE positions	50,652,600
Average population	2,071
Gus Harrison correctional facility - Adrian—494.2 FTE positions	41,542,500
Average population	2,102
Macomb correctional facility - New Haven—325.5 FTE positions.....	26,339,800
Average population	1,228
Mound correctional facility - Detroit—311.5 FTE positions.....	25,000,300
Average population	1,051
Parnall correctional facility - Jackson—260.4 FTE positions	22,237,600
Average population	1,308
Ryan correctional facility - Detroit—305.9 FTE positions	25,851,600
Average population	1,059
Robert Scott correctional facility - Plymouth—332.5 FTE positions	26,758,500
Average population	884
Southern Michigan correctional facility - Jackson—418.8 FTE positions	33,508,500
Average population	1,481
Thumb correctional facility - Lapeer—374.8 FTE positions	30,765,300
Average population	1,479
Special alternative incarceration program - Cassidy Lake—129.0 FTE positions.....	10,467,000
Average population	400
Jackson area support and services - Jackson—97.0 FTE positions	17,726,800
GROSS APPROPRIATION.....	\$ 369,987,400
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, production kitchen user fees.....	2,704,100
Federal revenues:	
DOJ, state criminal alien assistance program	926,200
Special revenue funds:	
Public works user fees	479,700
Resident stores	1,336,300
State general fund/general purpose	\$ 364,541,100
 Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
Average population	17,698
Full-time equated classified positions	4,323.3
Bellamy Creek correctional facility - Ionia—503.1 FTE positions	\$ 40,749,800
Average population	1,830
Earnest C. Brooks correctional facility - Muskegon—475.9 FTE positions	40,638,300
Average population	2,200
Carson City correctional facility - Carson City—527.4 FTE positions.....	44,075,600
Average population	2,200
Richard A. Handlon correctional facility- Ionia—254.2 FTE positions	22,306,400
Average population	1,320
Ionia maximum correctional facility - Ionia—322.8 FTE positions.....	26,115,400
Average population	667
Lakeland correctional facility - Coldwater—673.1 FTE positions.....	57,513,600
Average population	2,816
Muskegon correctional facility - Muskegon—259.4 FTE positions	23,196,200
Average population	1,310
Pine River correctional facility - St. Louis—214.4 FTE positions	17,809,800
Average population	960
Riverside correctional facility - Ionia—498.2 FTE positions	44,411,200
Average population	2,171
St. Louis correctional facility - St. Louis—594.8 FTE positions	48,145,500
Average population	2,224
GROSS APPROPRIATION.....	\$ 364,961,800

For Fiscal Year
Ending Sept. 30,
2005

Appropriated from:	
Special revenue funds:	
Public works user fees	\$ 226,100
Resident stores	1,540,900
State general fund/general purpose	\$ 363,194,800

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 14,789,900
GROSS APPROPRIATION	\$ 14,789,900
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund.....	9,500
Parole and probation oversight fees set-aside	500,000
State general fund/general purpose	\$ 14,280,400

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2004-2005 is \$1,774,236,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is \$88,507,700.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff.....	\$ 40,605,000
Prosecutorial and detainer expenses	4,051,000
Public service work projects	9,920,600
Community corrections comprehensive plans and services.....	13,033,000
Community corrections probation residential centers.....	15,828,400
Community corrections public education and training	50,000
Felony drunk driver jail reduction and community treatment program	3,000,000
Alternatives to prison jail program.....	1,619,600
Alternatives to prison treatment program	400,000
Regional jail program	100
TOTAL	\$ 88,507,700

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

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DAG - FNS" means the DAG food and nutrition service.
- (c) "DED" means the United States department of education.
- (d) "DED - OESE" means the DED office of elementary and secondary education.
- (e) "DED - OSERS" means the DED office of special education and rehabilitative services.
- (f) "DED - OVAE" means the DED office of vocational and adult education.
- (g) "Department" or "MDOC" means the Michigan department of corrections.
- (h) "DOJ" means the United States department of justice.
- (i) "DOJ - BOP" means the DOJ bureau of prisons.
- (j) "DOJ - OJP" means the DOJ office of justice programs.
- (k) "FTE" means full-time equated.

- (l) "IDG" means interdepartmental grant.
- (m) "IDT" means intradepartmental transfer.
- (n) "MDCH" means the Michigan department of community health.
- (o) "MDSPP" means the Michigan department of state police.
- (p) "OCC" means office of community corrections.
- (q) "SSA" means the United States social security administration.
- (r) "SSA - SSI" means SSA supplemental security income.

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

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

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

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

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

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

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

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

Sec. 213. Of the state general fund/general purpose revenue appropriated in part 1, \$600,827,200.00 represents a state spending increase over the amount provided to the department for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, or successor grant programs, so that any additional federal funds received shall supplement funding provided to the department in part 1.

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

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

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

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

Sec. 218. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of corrections technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

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

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

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

Sec. 221. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

SUBSTANCE ABUSE TESTING AND TREATMENT

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

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

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

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

(3) By April 1, 2005, 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 the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2003-2004 and projected for fiscal year 2004-2005. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required by this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and probationers.

EXECUTIVE

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

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

(a) Monthly new participants.

(b) Monthly participant unsuccessful terminations, including cause.

(c) Number of successful terminations.

(d) End month population by facility/program.

(e) Average length of placement.

(f) Return to prison statistics.

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

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

(i) Comparison with prior year statistics.

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

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

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

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

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

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

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

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

ADMINISTRATION AND PROGRAMS

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

FIELD OPERATIONS ADMINISTRATION

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

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

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

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

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for the equipment costs and telephone charges associated with their participation in the program. The

department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the cost of the equipment.

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

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

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

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

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

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

Sec. 606. (1) It is the intent of the legislature that the department shall conduct or contract for a study of parole and probation agent workloads. The study shall analyze agent workloads, caseloads, and responsibilities and provide recommendations for changes to workload computations and offender-agent workload or caseload ratios.

(2) By April 1, 2005, 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 the progress of the study, including information on study timelines, objectives, and methodology.

Sec. 607. It is the intent of the legislature that the department shall implement means by which parolees and probationers may timely contact their parole or probation agents, and develop procedures that preclude any necessity for an offender to have access to an agent's home telephone number or other personal information pertaining to the agent.

COMMUNITY CORRECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for this purpose. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2004 distribute the documentation requirements to all counties.

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

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

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

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

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines have

upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

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

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

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

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

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

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

(7) As used in this section, "felony drunk driver" means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

CONSENT DECREES

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

HEALTH CARE

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

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2005 and July 1, 2005 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

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

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

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

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

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

(2) By April 1, 2005, 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 its activities and progress in implementing this section.

Sec. 907. The bureau of health care services shall develop information on Hepatitis C prevention and the risks associated with exposure to Hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

Sec. 908. 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. 909. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another.

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

INSTITUTIONAL OPERATIONS

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

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

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

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

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

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

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

Sec. 1009. By April 1, 2005, 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:

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

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

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

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

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

Sec. 1010. (1) By February 1, 2005, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, the percent of offenders included in the prison population intake for fiscal years 2002-2003 and 2003-2004 who have a high school diploma or a general educational development (G.E.D.) certificate.

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

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor