

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5800

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.283) by adding section 20i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20I. (1) IF THE MICHIGAN YOUTH CORRECTIONAL FACILITY
2 ESTABLISHED PURSUANT TO SECTION 20G IN WEBBER TOWNSHIP, LAKE
3 COUNTY, MICHIGAN, IS NOT UTILIZED BY THE DEPARTMENT FOR HOUSING
4 INMATES OR DETAINEES UNDER THE JURISDICTION OF THE DEPARTMENT, THE
5 PRIVATE VENDOR THAT OPERATES THE MICHIGAN YOUTH CORRECTIONAL
6 FACILITY MAY UTILIZE THE FACILITY FOR HOUSING, CUSTODY, AND CARE OF
7 DETAINEES OR INMATES FROM OTHER LOCAL, STATE, OR FEDERAL AGENCIES,
8 EITHER BY DIRECTLY CONTRACTING WITH THOSE LOCAL, STATE, OR FEDERAL
9 AGENCIES OR BY HAVING 1 OR MORE LOCAL, STATE, OR FEDERAL AGENCIES
10 ENTER INTO AN INTERLOCAL AGREEMENT WITH WEBBER TOWNSHIP, LAKE

1 COUNTY, OR THE COUNTY SHERIFF FOR LAKE COUNTY, WHO IN TURN MAY
2 CONTRACT WITH THE PRIVATE VENDOR FOR SERVICES TO BE PROVIDED UNDER
3 THE TERMS OF THE INTERLOCAL AGREEMENT, SUBJECT TO THE REQUIREMENTS
4 OF THIS SECTION. IF ALL CONTRACTUAL FACTORS REGARDING POTENTIAL
5 INMATES OR DETAINEES ARE EQUAL, THE PRIVATE VENDOR SHALL GIVE
6 PREFERENCE TO THE ADMISSION OF INMATES OR DETAINEES SENT FROM
7 AGENCIES WITHIN THIS STATE.

8 (2) ANY CONTRACT UNDER THIS SECTION FOR THE HOUSING, CUSTODY,
9 AND CARE OF DETAINEES OR INMATES FROM OTHER LOCAL, STATE, OR
10 FEDERAL AGENCIES SHALL REQUIRE ALL OF THE FOLLOWING:

11 (A) THE PRIVATE VENDOR THAT OPERATES THE FACILITY SHALL DO ALL
12 OF THE FOLLOWING:

13 (i) OBTAIN ACCREDITATION OF THE FACILITY BY THE AMERICAN
14 CORRECTIONAL ASSOCIATION WITHIN 24 MONTHS AFTER THE PRIVATE VENDOR
15 COMMENCES OPERATIONS AT THE FACILITY AND MAINTAIN THAT
16 ACCREDITATION THROUGHOUT THE TERM OF ANY CONTRACT FOR THE USE OF
17 THE FACILITY.

18 (ii) OPERATE THE FACILITY IN COMPLIANCE WITH THE APPLICABLE
19 STANDARDS OF THE AMERICAN CORRECTIONAL ASSOCIATION.

20 (B) THE PERSONNEL EMPLOYED BY THE PRIVATE VENDOR IN THE
21 OPERATION OF THE FACILITY SHALL MEET THE EMPLOYMENT AND TRAINING
22 REQUIREMENTS SET FORTH IN THE APPLICABLE STANDARDS OF THE AMERICAN
23 CORRECTIONAL ASSOCIATION, AND ALSO SHALL MEET ANY HIGHER TRAINING
24 AND EMPLOYMENT STANDARDS THAT MAY BE MANDATED UNDER A CONTRACT
25 BETWEEN THE PRIVATE VENDOR AND A LOCAL, STATE, OR FEDERAL AGENCY
26 THAT SENDS INMATES OR DETAINEES TO THE FACILITY.

27 (C) ANY SERIOUS INCIDENT THAT OCCURS AT THE FACILITY SHALL BE

1 REPORTED IMMEDIATELY TO THE SHERIFF OF LAKE COUNTY AND THE STATE
2 POLICE.

3 (3) AN INMATE OR DETAINEE HOUSED AT THE FACILITY SHALL NOT
4 PARTICIPATE IN WORK RELEASE, A WORK CAMP, OR ANOTHER SIMILAR
5 PROGRAM OR ACTIVITY OCCURRING OUTSIDE THE SECURE PERIMETER OF THE
6 FACILITY.

7 (4) THE FACILITY SHALL ALLOW THE PRESENCE OF ON-SITE MONITORS
8 FROM ANY LOCAL, STATE, OR FEDERAL AGENCY THAT SENDS INMATES OR
9 DETAINEES TO THE FACILITY, FOR THE PURPOSE OF MONITORING THE
10 CONDITIONS OF CONFINEMENT OF THOSE INMATES OR DETAINEES. WHENEVER
11 THE PRIVATE VENDOR SUBMITS A WRITTEN REPORT TO A LOCAL, STATE, OR
12 FEDERAL AGENCY THAT SENDS INMATES OR DETAINEES TO THE FACILITY, THE
13 PRIVATE VENDOR SHALL SEND COPIES OF THE WRITTEN REPORT TO THE
14 TOWNSHIP SUPERVISOR FOR WEBBER TOWNSHIP, THE BOARD OF COUNTY
15 COMMISSIONERS FOR LAKE COUNTY, THE SHERIFF OF LAKE COUNTY, AND THE
16 DEPARTMENT.

17 (5) PERSONNEL EMPLOYED AT THE FACILITY BY THE PRIVATE VENDOR
18 WHO HAVE MET THE EMPLOYMENT AND TRAINING REQUIREMENTS SET FORTH IN
19 THE APPLICABLE STANDARDS OF THE AMERICAN CORRECTIONAL ASSOCIATION
20 HAVE FULL AUTHORITY TO PERFORM THEIR DUTIES AND RESPONSIBILITIES
21 UNDER LAW, INCLUDING, BUT NOT LIMITED TO, EXERCISING THE USE OF
22 FORCE IN THE SAME MANNER AND TO THE SAME EXTENT AS WOULD BE
23 AUTHORIZED IF THOSE PERSONNEL WERE EMPLOYED IN A CORRECTIONAL
24 FACILITY OPERATED BY THE DEPARTMENT.

25 (6) A CONTRACT WITH A LOCAL, STATE, OR FEDERAL AGENCY THAT
26 SENDS INMATES OR DETAINEES TO THE FACILITY SHALL NOT REQUIRE,
27 AUTHORIZE, OR IMPLY A DELEGATION OF THE AUTHORITY OR RESPONSIBILITY

1 TO THE PRIVATE VENDOR TO DO ANY OF THE FOLLOWING:

2 (A) DEVELOP OR IMPLEMENT PROCEDURES FOR CALCULATING INMATE
3 RELEASE AND PAROLE ELIGIBILITY DATES OR RECOMMENDING THE GRANTING
4 OR DENYING OF PAROLE, ALTHOUGH THE PRIVATE VENDOR MAY SUBMIT
5 WRITTEN REPORTS THAT HAVE BEEN PREPARED IN THE ORDINARY COURSE OF
6 BUSINESS.

7 (B) DEVELOP OR IMPLEMENT PROCEDURES FOR CALCULATING AND
8 AWARDING EARNED CREDITS, INCLUDING GOOD TIME CREDITS, DISCIPLINARY
9 CREDITS, OR SIMILAR CREDITS AFFECTING THE LENGTH OF AN INMATE'S
10 INCARCERATION, APPROVING THE TYPE OF WORK INMATES MAY PERFORM AND
11 THE WAGE OR EARNED CREDITS, IF ANY, THAT MAY BE AWARDED TO INMATES
12 ENGAGING IN THAT WORK, AND GRANTING, DENYING, OR REVOKING EARNED
13 CREDITS.

14 (7) AN INMATE OR DETAINEE SHALL NOT BE HOUSED AT THE FACILITY
15 UNLESS THE SECURITY CLASSIFICATION OF THE INMATE OR DETAINEE, AS IT
16 WOULD BE DETERMINED BY THE DEPARTMENT IF HE OR SHE WERE BEING
17 HOUSED IN A STATE CORRECTIONAL FACILITY, IS LEVEL IV OR BELOW, AND
18 HAS NEVER PREVIOUSLY BEEN ABOVE LEVEL IV.

19 (8) INMATES AND DETAINEES SHALL BE TRANSFERRED TO AND FROM THE
20 FACILITY IN A SECURE MANNER. ANY INMATE OR DETAINEE HOUSED AT THE
21 FACILITY WHO WAS SENT FROM ANOTHER STATE, A LOCAL AGENCY OUTSIDE
22 THIS STATE, OR THE FEDERAL GOVERNMENT SHALL BE RETURNED TO THE
23 AGENCY THAT SENT THE INMATE OR DETAINEE UPON COMPLETION OF THE
24 INMATE'S OR DETAINEE'S TERM OF INCARCERATION IN THE FACILITY AND
25 SHALL NOT BE RELEASED FROM CUSTODY WITHIN THIS STATE.

26 (9) THE DEPARTMENT OF CORRECTIONS IS NOT RESPONSIBLE FOR
27 OVERSIGHT OF THE FACILITY. THIS STATE, OR ANY DEPARTMENT OR AGENCY

1 OF THIS STATE, IS NOT CIVILLY LIABLE FOR DAMAGES ARISING OUT OF THE
2 OPERATION OF THE FACILITY.

3 (10) AS USED IN THIS SECTION:

4 (A) "FACILITY" MEANS THE FORMER MICHIGAN YOUTH CORRECTIONAL
5 FACILITY DESCRIBED IN SUBSECTION (1).

6 (B) "SECURITY CLASSIFICATION" MEANS 1 OF 6 LEVELS OF
7 RESTRICTIVENESS ENFORCED IN HOUSING UNITS AT EACH STATE
8 CORRECTIONAL FACILITY, AS DETERMINED BY THE DEPARTMENT, WITH
9 SECURITY LEVEL I BEING THE LEAST RESTRICTIVE AND SECURITY LEVEL VI
10 BEING THE MOST RESTRICTIVE.

11 (C) "SERIOUS INCIDENT" MEANS A DISTURBANCE AT THE FACILITY
12 INVOLVING 5 OR MORE INMATES OR DETAINEES, A DEATH OF AN INMATE OR
13 DETAINEE, A FELONY OR ATTEMPTED FELONY COMMITTED WITHIN THE
14 FACILITY, OR AN ESCAPE OR ATTEMPTED ESCAPE FROM THE FACILITY.