

Act No. 331  
Public Acts of 2006  
Approved by the Governor  
August 10, 2006  
Filed with the Secretary of State  
August 10, 2006  
EFFECTIVE DATE: August 10, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

Introduced by Senators Switalski and Emerson

# ENROLLED SENATE BILL No. 1084

AN ACT to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; 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, 2007, 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 .....	51,490	
Full-time equated unclassified positions .....	16.0	
Full-time equated classified positions .....	17,782.0	
GROSS APPROPRIATION .....		\$ 1,940,421,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	1,238,400	
ADJUSTED GROSS APPROPRIATION .....		\$ 1,939,183,100
Federal revenues:		
Total federal revenues .....	11,431,500	
Special revenue funds:		
Total local revenues .....	420,900	
Total private revenues .....	0	
Total other state restricted revenues .....	68,775,700	
State general fund/general purpose .....		\$ 1,858,555,000

**Sec. 102. EXECUTIVE**

Full-time equated unclassified positions .....	16.0	
Full-time equated classified positions .....	228.2	
Unclassified positions—16.0 FTE positions .....		\$ 1,384,700
Executive direction—36.0 FTE positions .....		4,527,400
Policy and strategic planning—34.0 FTE positions .....		6,681,400
Prisoner reintegration programs .....		12,552,900
Human resources—158.2 FTE positions .....		15,627,800
Human resources optimization user charges .....		1,050,800
Training .....		11,750,600
Worker's compensation .....		17,794,000
Sheriffs' coordinating and training office .....		500,000
GROSS APPROPRIATION .....		\$ 71,869,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP, Michigan justice training fund .....		695,900
Federal revenues:		
DOJ, prisoner reintegration .....		1,035,000
DOJ, state criminal alien assistance program .....		81,300
Special revenue funds:		
Local corrections officer training fund .....		500,000
State general fund/general purpose .....		\$ 69,557,400

**Sec. 103. ADMINISTRATION AND PROGRAMS**

Full-time equated classified positions .....	292.9	
Administrative services—73.9 FTE positions .....		\$ 6,990,100
Substance abuse testing and treatment .....		18,311,000
Inmate legal services .....		314,900
Prison industries operations—219.0 FTE positions .....		19,248,500
Rent .....		2,095,200
Equipment and special maintenance .....		425,500
Compensatory buyout and union leave bank .....		275,000
Prosecutorial and detainer expenses .....		4,051,000
GROSS APPROPRIATION .....		\$ 51,711,200
Appropriated from:		
Federal revenues:		
DOJ, office of justice programs, RSAT .....		1,093,400
DOJ, office of justice programs, Byrne grants .....		729,400
Special revenue funds:		
Correctional industries revolving fund .....		19,352,700
State general fund/general purpose .....		\$ 30,535,700

**Sec. 104. FIELD OPERATIONS ADMINISTRATION**

Full-time equated classified positions .....	1,881.9	
Field operations—1,770.9 FTE positions .....		\$ 143,801,000
Parole and probation special operations program .....		1,300,000
Parole board operations—27.0 FTE positions .....		2,549,700
Loans to parolees .....		294,400
Parole/probation services .....		2,867,300
Community re-entry centers—48.0 FTE positions .....		14,295,200
Electronic monitoring center—36.0 FTE positions .....		5,644,500
GROSS APPROPRIATION .....		\$ 170,752,100
Appropriated from:		
Special revenue funds:		
Local - community tether program reimbursement .....		420,900
Parole and probation oversight fees .....		10,329,700
Tether program, participant contributions .....		5,767,900
Parole and probation oversight fees set-aside .....		2,867,300

		For Fiscal Year Ending Sept. 30, 2007
Community re-entry centers, offender revenue .....	\$	368,700
Telephone fees and commissions.....		902,600
State general fund/general purpose .....	\$	150,095,000

#### **Sec. 105. COMMUNITY CORRECTIONS**

Full-time equated classified positions .....	17.0	
Community corrections administration—17.0 FTE positions .....	\$	1,742,400
Residential services.....		16,925,500
Community corrections comprehensive plans and services.....		12,533,000
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 .....		2,097,400
County jail reimbursement program .....		13,249,000
GROSS APPROPRIATION .....	\$	48,617,000
Appropriated from:		
Special revenue funds:		
Telephone fees and commissions.....		11,775,100
Civil infraction fees .....		7,514,400
Parole and probation oversight fees set-aside .....		400,000
State general fund/general purpose .....	\$	28,927,500

#### **Sec. 106. CONSENT DECREES**

Full-time equated classified positions .....	471.3	
Hadix consent decree—138.0 FTE positions .....	\$	11,600,200
DOJ, consent decree—106.8 FTE positions.....		9,560,700
DOJ, psychiatric plan - MDCH mental health services.....		36,018,600
DOJ, psychiatric plan - MDOC staff and services—226.5 FTE positions .....		16,968,900
GROSS APPROPRIATION .....	\$	74,148,400
Appropriated from:		
State general fund/general purpose .....	\$	74,148,400

#### **Sec. 107. HEALTH CARE**

Full-time equated classified positions .....	1,043.1	
Health care administration—22.0 FTE positions .....	\$	2,951,400
Hospital and specialty care services .....		58,851,700
Vaccination program .....		691,200
Northern region clinical complexes—243.4 FTE positions .....		29,256,800
Southeastern region clinical complexes—472.3 FTE positions .....		62,222,900
Southwestern region clinical complexes—305.4 FTE positions .....		36,287,600
GROSS APPROPRIATION .....	\$	190,261,600
Appropriated from:		
Special revenue funds:		
Prisoner health care copayments.....		331,400
State general fund/general purpose .....	\$	189,930,200

#### **Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION**

Average population .....	240	
Full-time equated classified positions .....	451.9	
Correctional facilities administration—39.0 FTE positions .....	\$	5,925,100
Housing inmates in federal institutions.....		552,600
Education services and federal education grants—10.0 FTE positions .....		5,698,600
Federal school lunch program .....		712,800
Leased beds and alternatives to leased beds .....		100
Inmate housing fund—32.4 FTE positions .....		588,200
Average population .....	240	
Academic/vocational programs—370.5 FTE positions .....		36,862,900
GROSS APPROPRIATION .....	\$	50,340,300

Appropriated from:	
Federal revenues:	
DOJ-BOP, federal prisoner reimbursement .....	\$ 372,600
DED-OESE, title I.....	519,700
DED-OVAE, adult education.....	1,884,900
DED, adult literacy grants .....	307,100
DED-OSERS.....	100,800
DED, vocational education equipment .....	276,200
DED, youthful offender/Specter grant.....	1,284,200
DOJ-OJP, serious and violent offender reintegration initiative .....	1,010,000
DAG-FNS, national school lunch .....	712,800
SSA-SSI, incentive payment .....	119,900
DOJ, prison rape elimination act grant .....	1,000,000
Special revenue funds:	
State general fund/general purpose .....	\$ 42,752,100

#### Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES

Average population .....	15,406	
Full-time equated classified positions.....	4,199.0	
Alger maximum correctional facility - Munising—342.1 FTE positions .....	\$ 31,920,500	
Average population .....	849	
Baraga maximum correctional facility - Baraga—411.5 FTE positions .....	37,673,900	
Average population .....	1,172	
Chippewa correctional facility - Kincheloe—524.3 FTE positions.....	48,348,600	
Average population .....	2,122	
Kinross correctional facility - Kincheloe—572.7 FTE positions.....	55,995,900	
Average population .....	2,759	
Marquette branch prison - Marquette—367.7 FTE positions .....	36,319,500	
Average population .....	1,070	
Newberry correctional facility - Newberry—346.6 FTE positions .....	31,102,400	
Average population .....	1,204	
Oaks correctional facility - Eastlake—353.6 FTE positions .....	35,034,700	
Average population .....	1,156	
Ojibway correctional facility - Marenisco—283.9 FTE positions.....	25,557,500	
Average population .....	1,330	
Pugsley correctional facility - Kingsley—245.8 FTE positions.....	21,880,300	
Average population .....	1,158	
Saginaw correctional facility - Freeland—348.0 FTE positions.....	32,992,200	
Average population .....	1,480	
Standish maximum correctional facility - Standish—402.8 FTE positions .....	38,504,500	
Average population .....	1,106	
GROSS APPROPRIATION .....	\$ 395,330,000	

Appropriated from:	
Special revenue funds:	
Public works user fees .....	1,370,400
Resident stores .....	1,298,700
State general fund/general purpose .....	\$ 392,660,900

#### Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES

Average population .....	17,402	
Full-time equated classified positions.....	4,897.2	
Cooper Street correctional facility - Jackson—265.8 FTE positions .....	\$ 25,852,800	
Average population .....	1,360	
G. Robert Cotton correctional facility - Jackson—429.3 FTE positions.....	39,944,000	
Average population .....	1,854	
Charles E. Egeler correctional facility - Jackson—528.4 FTE positions .....	52,622,100	
Average population .....	1,591	

		For Fiscal Year Ending Sept. 30, 2007
Gus Harrison correctional facility - Adrian—512.8 FTE positions .....	\$	48,132,600
Average population .....		2,262
Huron Valley correctional complex - Ypsilanti—691.0 FTE positions .....		65,101,300
Average population .....		1,658
Macomb correctional facility - New Haven—321.5 FTE positions.....		29,127,700
Average population .....		1,228
Mound correctional facility - Detroit—277.8 FTE positions.....		25,372,200
Average population .....		1,051
Parnall correctional facility - Jackson—263.6 FTE positions .....		25,011,400
Average population .....		1,359
Ryan correctional facility - Detroit—316.8 FTE positions .....		29,335,500
Average population .....		1,059
Robert Scott correctional facility - Plymouth—339.8 FTE positions .....		30,261,500
Average population .....		880
Southern Michigan correctional facility - Jackson—417.8 FTE positions .....		37,317,700
Average population .....		1,481
Thumb correctional facility - Lapeer—324.6 FTE positions .....		30,413,100
Average population .....		1,219
Special alternative incarceration program - Cassidy Lake—126.0 FTE positions.....		11,301,600
Average population .....		400
Jackson area support and services - Jackson—82.0 FTE positions .....		14,440,000
GROSS APPROPRIATION.....	\$	464,233,500
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, forensic center food service .....		542,500
Federal revenues:		
DOJ, state criminal alien assistance program .....		904,200
Special revenue funds:		
Public works user fees .....		1,430,200
Resident stores .....		1,521,300
State general fund/general purpose .....	\$	459,835,300

#### **Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES**

Average population .....		18,442
Full-time equated classified positions.....		4,299.5
Bellamy Creek correctional facility - Ionia—465.1 FTE positions .....	\$	44,932,000
Average population .....		1,830
Earnest C. Brooks correctional facility - Muskegon—482.3 FTE positions .....		45,738,900
Average population .....		2,200
Carson City correctional facility - Carson City—495.6 FTE positions.....		46,884,000
Average population .....		2,200
Richard A. Handlon correctional facility - Ionia—255.2 FTE positions.....		24,617,400
Average population .....		1,320
Ionia maximum correctional facility - Ionia—323.8 FTE positions.....		29,474,100
Average population .....		667
Lakeland correctional facility - Coldwater—682.9 FTE positions.....		65,044,100
Average population .....		3,102
Muskegon correctional facility - Muskegon—245.4 FTE positions .....		24,921,700
Average population .....		1,326
Pine River correctional facility - St. Louis—223.6 FTE positions .....		20,606,500
Average population .....		1,120
Riverside correctional facility - Ionia—510.8 FTE positions .....		48,743,900
Average population .....		2,331
St. Louis correctional facility - St. Louis—614.8 FTE positions .....		55,576,700
Average population .....		2,346
GROSS APPROPRIATION.....	\$	406,539,300

Appropriated from:	
Special revenue funds:	
Public works user fees .....	\$ 587,300
Resident stores .....	1,778,700
State general fund/general purpose .....	\$ 404,173,300

#### **Sec. 112. INFORMATION TECHNOLOGY**

Information technology services and projects.....	\$ 16,618,500
GROSS APPROPRIATION .....	\$ 16,618,500
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund.....	137,800
Parole and probation oversight fees set-aside .....	541,500
State general fund/general purpose .....	\$ 15,939,200

## **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 2006-2007 is \$1,927,330,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$90,341,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

#### **DEPARTMENT OF CORRECTIONS**

Field operations - assumption of county probation staff.....	\$ 45,499,500
Public service work projects .....	11,216,400
Community corrections comprehensive plans and services.....	12,533,000
Community corrections residential services.....	16,925,500
Community corrections public education and training .....	50,000
Felony drunk driver jail reduction and community treatment program .....	2,097,400
Alternatives to prison jail program.....	1,619,600
Alternatives to prison treatment program .....	400,000
Regional jail program .....	100
TOTAL .....	\$ 90,341,500

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) "GPS" means global positioning system.
- (m) "IDG" means interdepartmental grant.
- (n) "IDT" means intradepartmental transfer.
- (o) "MDCH" means the Michigan department of community health.
- (p) "MDSP" means the Michigan department of state police.
- (q) "MPRI" means the Michigan prisoner reentry initiative.
- (r) "OCC" means the office of community corrections.
- (s) "RSAT" means residential substance abuse treatment.
- (t) "SSA" means the United States social security administration.
- (u) "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. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to the hiring freeze imposed under subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

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. (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. 211. 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 services provided to units of government. The revenues and fees collected are appropriated for all expenses associated with these services and activities.

Sec. 212. Preference should be given to purchasing produce from Michigan growers and processors when their produce is competitively priced and of comparable quality.

Sec. 213. By February 15, 2007, 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 2005-2006, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2005-2006, the account balance at the close of fiscal year 2005-2006, and the projected revenues and expenditures for fiscal year 2006-2007.

Sec. 214. 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. These user fees are subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 215. 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. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2007 is 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, safety, or health and 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, or both, 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 listed 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 senate and house standing committees on appropriations.

(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 senate and house standing committees on appropriations, 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.

Sec. 217. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services, supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in deprived and depressed communities for services, supplies, or both.

## **EXECUTIVE**

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2007 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall include explanations of the methodology and assumptions used in developing the projection updates.



Sec. 402. The department shall prepare by April 1, 2007 individual reports for the community re-entry 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. Each program's report shall include information on all of 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 each program location or locations, 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. 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, 2007 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. 404. (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 May 1, 2007, 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 number of all parolees returned to prison and probationers sentenced to prison for either a technical violation or new sentence from October 1, 2006 through March 30, 2007. After May 1, 2007, the department shall provide monthly reports. The reports shall include the following information each for probationers, parolees after their first parole, and parolees who have been paroled more than once:

(a) The numbers of parole and probation violators returned to or sent to prison for a new crime with a comparison of original versus new offenses by major offense type: assaultive, nonassaultive, drug, and sex.

(b) The numbers of parole and probation violators returned to or sent to prison for a technical violation and the type of violation, including, but not limited to, zero gun tolerance and substance abuse violations.

(c) The educational history of those offenders, including how many had a G.E.D. or high school diploma prior to incarceration in prison, how many received a G.E.D. while in prison, and how many received a vocational certificate while in prison.

(d) The number of offenders who participated in the MPRI versus the number of those who did not.

Sec. 405. 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 under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 406. (1) By April 1, 2007, the department shall provide a report on prisoner reintegration programs to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include all of the following information:

(a) Allocations and projected expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider.

(b) An explanation of the objectives and results measures for each program.

(c) An explanation of how the programs will be evaluated.

(d) A discussion of the evidence and research upon which each program is based.

(e) A discussion and estimate of the impact of prisoner reintegration programs on reoffending and returns to prison.

(f) A progress report on applicable results of each program, including, but not limited to, the estimated bed space impact of prisoner reintegration programs.

(2) The department shall provide quarterly reports on January 1, 2007, April 1, 2007, July 1, 2007, and September 30, 2007 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status and recidivism levels of offenders who participated in the MPRI and have been released. The data should be broken out by the following 4 offender types: drug, nonassaultive, assaultive, and sex.

(3) By September 30, 2007, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a comparison of the overall recidivism rates and length of time prior to prison return of offenders who participated in the MPRI with those of offenders who did not. The report should disaggregate the information by each pilot site in order to compare the practices and success rates of each pilot.

(4) If practicable, the department shall include prisoners nearing their maximum sentence in the prison phases of the MPRI.

Sec. 407. From the funds appropriated in part 1, the department shall maintain and make publicly accessible the files of all felony offenders even after an offender is no longer under the department's jurisdiction on the offender tracking information system in the same manner as files of current offenders.

Sec. 408. By March 1, 2007, the department shall report to the senate and house subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on offenders who have served their maximum sentence and been released from prison in the last 5 years. The report shall include the following information:

(a) The number of offenders who were paroled and returned to prison prior to serving their maximum sentence compared to the number of offenders who served their maximum sentence without ever having been paroled.

(b) The number of offenders disaggregated by major offense type: assaultive, nonassaultive, drug, and sex.

(c) The educational history of those offenders, including how many had a G.E.D. or high school diploma prior to incarceration in prison, how many received a G.E.D. while in prison, and how many received a vocational certificate while in prison.

(d) A comparison of each offender's original offense to the offender's new offense by major offense type: assaultive, nonassaultive, drug, and sex, for offenders who have since returned to prison with a new commitment after previously serving a maximum sentence.

Sec. 409. As a condition of expending funds appropriated for policy and strategic planning and prisoner reintegration programs under section 102 of this act, the department shall by January 31, 2007 provide a plan to reduce recidivism rates among prisoners released from correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on recidivism rates in this state for the most recent 5-year period, a detailed comparison of those rates to rates in other states and a national average, and details on how the department plans to improve recidivism rates. The plan also shall include details on how the department proposes to measure the success of the plan.

## **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.

Sec. 502. (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. 503. (1) In expending residential substance abuse treatment services funds appropriated under this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By April 1, 2007, 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 2005-2006 and projected for fiscal year 2006-2007. 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 under 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.

(3) By April 1, 2007, 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 substance abuse testing and treatment program objectives, outcome measures, and results, including program impact on offender behavior and recidivism.

Sec. 504. The department shall develop and maintain a statewide waiting list for offenders referred for assessment for the assaultive offender program for parole eligibility and, if possible, shall transfer prisoners into facilities where assaultive offender programs are available in order to facilitate timely participation and completion prior to parole eligibility hearings. Nothing in this section should be deemed to make parole denial appealable in court.

Sec. 505. The department shall cooperate with the department of community health in providing information for and developing the report required under section 425 of Enrolled Senate Bill No. 1083 of the 93rd Legislature. The report shall, by April 1, 2007, provide the following data concerning mental health and substance abuse services during fiscal year 2005-2006:

(a) The number of prisoners receiving substance abuse services, including a description and breakdown of the type of substance abuse services provided to prisoners.

(b) The number of prisoners with a primary diagnosis of mental illness and the number of those prisoners receiving mental health services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of mental health services provided to those prisoners.

(c) The number of prisoners with a primary diagnosis of mental illness and receiving substance abuse services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of treatment provided to those prisoners.

(d) Data indicating if prisoners receiving mental health services for a primary diagnosis of mental illness were previously hospitalized in a state psychiatric hospital for persons with mental illness.

(e) Data indicating whether prisoners with a primary diagnosis of mental illness and receiving substance abuse services were previously hospitalized in a state psychiatric hospital for persons with mental illness.

## **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, 2007.

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 costs 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 costs 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 under 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 total 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. (1) As a condition of expending funds appropriated in part 1 for field operations, the department shall develop and implement a response to the findings and recommendations of the national council on crime and delinquency contained in the council's report on the Michigan department of corrections probation and parole agent workload study, issued February 2006.

(2) By November 1, 2006, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the department's response to the workload study. At a minimum, the report shall include:

(a) The department's estimate of the number of agents required to meet agency standards for completing investigations and supervising offenders, consistent with public safety.

(b) An explanation of any difference between the department's estimate under subdivision (a) and that contained in the workload study.

(c) The number of agent positions authorized and the number of agent positions filled as of October 1, 2006.

(d) A plan for meeting agency standards with regard to field agent workloads.

Sec. 606. It is the intent of the legislature that the department shall ensure that parolees and probationers may timely contact their parole or probation agents and maintain 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.

Sec. 607. (1) Funds appropriated in part 1 for the parole and probation special operations program are appropriated for the purpose of collaborative efforts to reduce crime, particularly violent and gun-related crime, including, but not limited to, federal, state, and local community prosecution of crimes and funding law enforcement officer escorts for field agents making unscheduled visits to verify offenders' whereabouts and activities in selected precincts in cities with a population of more than 750,000 according to the most recent United States decennial census. As used in this section, "unscheduled visits" means visits to locations other than governmental offices between the hours of 5 p.m. and 8 a.m. and made without appointment with the supervised offender.

(2) From the funds appropriated in part 1 for the parole and probation special operations program, the department shall allocate \$500,000.00 to the department of attorney general for personnel and operational costs associated with the parole and probation special operations program.

(3) It is the intent of the legislature that in the course of expending funds appropriated under part 1 for field operations, the department shall cooperate with federal, state, and local law enforcement agencies either located in or with jurisdiction in cities with a population of more than 750,000 according to the most recent United States decennial census in assigning field agents to reduce crime, particularly violent and gun-related crime, and to conduct unscheduled visits in selected police precincts in cities with a population of more than 750,000 according to the most recent United States decennial census.

(4) The department shall evaluate or assist other agencies in the evaluations of the impact of local collaborative efforts to reduce crime, particularly violent and gun-related crime.

Sec. 608. By May 1, 2007, 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 failure rate of parolees involved with the GPS electronic tether program. The report shall include the following information about these offenders:

(a) The number and rate of parolee technical violations, including specifying failures due to committing a new crime that is unchanged but leads to parole termination.

(b) The number and rate of parolee violators with new sentences.

## **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 that appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or that 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 residential services 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 residential services in part 1 shall provide for a per diem reimbursement of not more than \$47.50.

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, 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 plans 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 under 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, that 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 residential services, 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 the previous 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 is 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 the county jail reimbursement program. 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, 2006 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 established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, 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 established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, 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 funds, consistent with the purposes specified in this section.

(4) Allowable uses of the funds 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 recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) 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.

Sec. 709. (1) By April 1, 2007, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

- (a) The county jail reimbursement program.
- (b) The felony drunk driver jail reduction and community treatment program.
- (c) The alternatives to prison jail and treatment programs.
- (d) Any new initiatives to control prison population growth funded or proposed to be funded under section 105 of part 1.

(2) For each program listed under subsection (1), the report under subsection (1) shall include information on each of the following:

- (a) Program objectives and outcome measures.
- (b) Expenditures by location.
- (c) The impact on jail utilization.
- (d) The impact on prison admissions.
- (e) Other information relevant to an evaluation of the program.

## **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, 2007 and July 1, 2007 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. 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. 904. (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, 2007, 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. 905. 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. 906. 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. 907. 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. 908. 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. 909. The department, in conjunction with efforts to implement the MPRI, shall cooperate with the MDCH to share data and information as they relate to prisoners being released and hepatitis C. By April 1, 2007, 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 and results of its work and potential outcomes from its work with the MDCH under this section.

## **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 except those areas which house prisoners with special medical needs.

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. 1005. (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. 1006. 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. 1007. (1) By April 1, 2007, 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.

(2) By April 1, 2007, 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 status of the department's response to the August 2005 performance audit of the prisoner education program by the office of the auditor general. The report shall include the department's status of compliance with each of the following findings:

(a) Finding 1: general educational development program coordination and best practices.

(b) Finding 2: prisoner education files.

(c) Finding 3: performance indicators.

(d) Finding 4: pre-release programs.

(e) Finding 5: prisoner education policies and procedures.

(f) Finding 6: use of educational program resources.

(g) Finding 7: maximization of federal funding.

Sec. 1008. (1) By February 1, 2007, 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 2004-2005 and 2005-2006 who have a high school diploma or a general educational development (G.E.D.) certificate.

(2) By February 1, 2007, the department shall provide the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with statistical reports on the efficacy of both department-provided prison general education and vocational education programs in reducing offender recidivism rates. At a minimum, the report should compare the recidivism rates of the following groups of offenders:

(a) Offenders who completed a G.E.D. while in prison and participated in the MPRI.

(b) Offenders who completed a G.E.D. while in prison but did not participate in the MPRI.

(c) Offenders who completed a vocational education program while in prison and participated in the MPRI.

(d) Offenders who completed a vocational education program while in prison but did not participate in the MPRI.

Sec. 1009. As a condition of expending funds appropriated for academic/vocational programs under section 108 of this act, the department shall by January 31, 2007 provide a plan to increase certification rates among prisoners enrolled in general educational development (G.E.D.) programs at correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on certification rates for the most recent 5-year period, a comparison with prisoner certification rates in other states and a national average, and details on how the department plans to improve certification rates.

Sec. 1010. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high-quality materials for use by the visually impaired.

Sec. 1011. (1) From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution.

(2) By February 1, 2007, 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 number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2006.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Sam E. Randall*

Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor