

Act No. 351
Public Acts of 2006
Approved by the Governor
September 15, 2006
Filed with the Secretary of State
September 18, 2006
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STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006

Introduced by Reps. Hansen, Green, Jones, Booher, Shaffer, Palsrok, Stahl, Elsenheimer and Casperson

ENROLLED HOUSE BILL No. 5800

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 20i.

The People of the State of Michigan enact:

Sec. 20i. (1) If the Michigan youth correctional facility established pursuant to section 20g in Webber township, Lake county, Michigan, is not utilized by the department for housing inmates or detainees under the jurisdiction of the department, the private vendor that operates the Michigan youth correctional facility may utilize the facility for housing, custody, and care of detainees or inmates from other local, state, or federal agencies, either by directly contracting with those local, state, or federal agencies or by having 1 or more local, state, or federal agencies enter into an interlocal agreement with Webber township, Lake county, or the county sheriff for Lake county, who in turn may contract with the private vendor for services to be provided under the terms of the interlocal agreement, subject to the

requirements of this section. If all contractual factors regarding potential inmates or detainees are equal, the private vendor shall give preference to the admission of inmates or detainees sent from agencies within this state.

(2) Any contract under this section for the housing, custody, and care of detainees or inmates from other local, state, or federal agencies shall require all of the following:

(a) The private vendor that operates the facility shall do all of the following:

(i) Obtain accreditation of the facility by the American correctional association within 24 months after the private vendor commences operations at the facility and maintain that accreditation throughout the term of any contract for the use of the facility.

(ii) Operate the facility in compliance with the applicable standards of the American correctional association.

(b) The personnel employed by the private vendor in the operation of the facility shall meet the employment and training requirements set forth in the applicable standards of the American correctional association, and also shall meet any higher training and employment standards that may be mandated under a contract between the private vendor and a local, state, or federal agency that sends inmates or detainees to the facility.

(c) Any serious incident that occurs at the facility shall be reported immediately to the sheriff of Lake county and the state police.

(3) An inmate or detainee housed at the facility shall not participate in work release, a work camp, or another similar program or activity occurring outside the secure perimeter of the facility.

(4) The facility shall allow the presence of on-site monitors from any local, state, or federal agency that sends inmates or detainees to the facility, for the purpose of monitoring the conditions of confinement of those inmates or detainees. Whenever the private vendor submits a written report to a local, state, or federal agency that sends inmates or detainees to the facility, the private vendor shall send copies of the written report to the township supervisor for Webber township, the board of county commissioners for Lake county, the sheriff of Lake county, and the department.

(5) Personnel employed at the facility by the private vendor who have met the employment and training requirements set forth in the applicable standards of the American correctional association have full authority to perform their duties and responsibilities under law, including, but not limited to, exercising the use of force in the same manner and to the same extent as would be authorized if those personnel were employed in a correctional facility operated by the department.

(6) A contract with a local, state, or federal agency that sends inmates or detainees to the facility shall not require, authorize, or imply a delegation of the authority or responsibility to the private vendor to do any of the following:

(a) Develop or implement procedures for calculating inmate release and parole eligibility dates or recommending the granting or denying of parole, although the private vendor may submit written reports that have been prepared in the ordinary course of business.

(b) Develop or implement procedures for calculating and awarding earned credits, including good time credits, disciplinary credits, or similar credits affecting the length of an inmate's incarceration, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in that work, and granting, denying, or revoking earned credits.

(7) An inmate or detainee shall not be housed at the facility unless the security classification of the inmate or detainee, as it would be determined by the department if he or she were being housed in a state correctional facility, is level IV or below, and has never previously been above level IV.

(8) Inmates and detainees shall be transferred to and from the facility in a secure manner. Any inmate or detainee housed at the facility who was sent from another state, a local agency outside this state, or the federal government shall be returned to the agency that sent the inmate or detainee upon completion of the inmate's or detainee's term of incarceration in the facility and shall not be released from custody within this state.

(9) The department of corrections is not responsible for oversight of the facility. This state, or any department or agency of this state, is not civilly liable for damages arising out of the operation of the facility.

(10) As used in this section:

(a) "Facility" means the former Michigan youth correctional facility described in subsection (1).

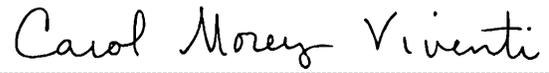
(b) "Security classification" means 1 of 6 levels of restrictiveness enforced in housing units at each state correctional facility, as determined by the department, with security level I being the least restrictive and security level VI being the most restrictive.

(c) "Serious incident" means a disturbance at the facility involving 5 or more inmates or detainees, a death of an inmate or detainee, a felony or attempted felony committed within the facility, or an escape or attempted escape from the facility.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor