

**SUBSTITUTE FOR  
HOUSE BILL NO. 4348**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; 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:**

**1**

PART 1

1 LINE-ITEM APPROPRIATIONS

2 Sec. 101. Subject to the conditions set forth in this act, the  
3 amounts listed in this part are appropriated for the department of  
4 corrections for the fiscal year ending September 30, 2008, from the  
5 funds indicated in this part. The following is a summary of the  
6 appropriations in this part:

7 **DEPARTMENT OF CORRECTIONS**

8 APPROPRIATION SUMMARY:

9	Average population .....	53,444	
10	Full-time equated unclassified positions.....	16.0	
11	Full-time equated classified positions.....	18,275.2	
12	GROSS APPROPRIATION.....		\$ 2,115,220,900
13	Appropriated from:		
14	Interdepartmental grant revenues:		
15	Total interdepartmental grants and intradepartmental		
16	transfers .....		1,264,600
17	ADJUSTED GROSS APPROPRIATION.....		\$ 2,113,956,300
18	Federal revenues:		
19	Total federal revenues.....		10,340,700
20	Special revenue funds:		
21	Total local revenues.....		429,700
22	Total private revenues.....		0
23	Total other state restricted revenues.....		70,285,900
24	State general fund/general purpose.....		\$ 2,032,900,000

25 **Sec. 102. EXECUTIVE**

26	Full-time equated unclassified positions.....	16.0
27	Full-time equated classified positions.....	8.0

1	Unclassified positions--16.0 FTE positions .....	\$	1,373,500
2	Executive direction--8.0 FTE positions .....		1,790,000
3	Legislative corrections ombudsman .....		1,250,000
4	Sentencing guidelines commission .....		500,000
5	Mental health study .....		<u>300,000</u>
6	GROSS APPROPRIATION .....	\$	5,213,500
7	Appropriated from:		
8	State general fund/general purpose .....	\$	5,213,500
9	<b>Sec. 103. PLANNING AND COMMUNITY SUPPORT</b>		
10	Full-time equated classified positions.....		56.0
11	Planning, community development, and research--30.0		
12	FTE positions .....	\$	2,801,700
13	Drug treatment courts .....		1,300,000
14	Mental health treatment courts .....		1,900,000
15	Prisoner reintegration programs .....		56,214,300
16	Community corrections administration--17.0 FTE		
17	positions .....		1,891,300
18	Substance abuse testing and treatment services--9.0		
19	FTE positions .....		20,042,800
20	Residential services .....		16,925,500
21	Community corrections comprehensive plans and services		22,619,000
22	Public education and training .....		50,000
23	Regional jail program .....		100
24	Felony drunk driver jail reduction and community		
25	treatment program .....		2,097,400
26	Local jail programs .....		6,900,000
27	County jail reimbursement program .....		<u>4,100,000</u>

1	GROSS APPROPRIATION.....	\$	136,842,100
2	Appropriated from:		
3	Federal revenues:		
4	DOJ, office of justice programs, Byrne grants .....		729,400
5	DOJ, office of justice programs, RSAT.....		142,800
6	DOJ, prisoner reintegration.....		1,035,000
7	DOJ, state criminal alien assistance program.....		81,300
8	Special revenue funds:		
9	Telephone fees and commissions.....		7,906,500
10	Civil infraction fees.....		7,514,400
11	State general fund/general purpose.....	\$	119,432,700
12	<b>Sec. 104. OPERATIONS SUPPORT ADMINISTRATION</b>		
13	Full-time equated classified positions.....	259.1	
14	Operations support administration--3.0 FTE positions .	\$	405,000
15	Bureau of human resources--159.2 FTE positions .....		15,881,900
16	Human resources optimization user charges .....		1,079,700
17	New custody staff training.....		15,033,000
18	Compensatory buyout and union leave bank.....		275,000
19	Worker's compensation.....		16,862,000
20	Bureau of fiscal management--60.9 FTE positions .....		5,287,900
21	Office of legal services--28.0 FTE positions .....		3,086,200
22	Internal affairs--8.0 FTE positions .....		814,100
23	Rent.....		2,095,200
24	Equipment and special maintenance.....		2,425,500
25	Administrative hearings officers.....		3,963,900
26	Sheriffs' coordinating and training office .....		500,000
27	Prosecutorial and detainer expenses .....		<u>4,051,000</u>

1	GROSS APPROPRIATION.....	\$	71,760,400
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDG-MDSP, Michigan justice training fund.....		695,900
5	Special revenue funds:		
6	Local corrections officer training fund.....		500,000
7	Correctional industries revolving fund.....		107,800
8	State general fund/general purpose.....	\$	70,456,700
9	<b>Sec. 105. FIELD OPERATIONS ADMINISTRATION</b>		
10	Full-time equated classified positions.....	1,905.9	
11	Field operations--1,788.9 FTE positions.....	\$	151,218,500
12	Parole board operations--33.0 FTE positions.....		2,883,200
13	Parole/probation services.....		2,867,300
14	Community reentry centers--48.0 FTE positions.....		14,886,100
15	Electronic monitoring center--36.0 FTE positions.....		5,757,800
16	Alternatives to prison jail program.....		1,619,600
17	Alternatives to prison treatment program.....		<u>400,000</u>
18	GROSS APPROPRIATION.....	\$	179,632,500
19	Appropriated from:		
20	Special revenue funds:		
21	Local - community tether program reimbursement.....		429,700
22	Parole and probation oversight fees.....		10,753,900
23	Tether program, participant contributions.....		6,010,800
24	Parole and probation oversight fees set-aside.....		3,267,300
25	Offender reimbursements.....		133,900
26	Public works user fees.....		431,000
27	Telephone fees and commissions.....		2,522,200

1	State general fund/general purpose .....	\$	156,083,700
2	<b>Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION</b>		
3	Full-time equated classified positions.....		926.5
4	Correctional facilities administration--259.0 FTE		
5	positions .....	\$	27,716,100
6	Central records--63.0 FTE positions .....		5,295,800
7	Inmate legal services .....		314,900
8	Loans to parolees .....		160,000
9	Housing inmates in federal institutions .....		793,900
10	Prison industries operations--219.0 FTE positions ....		20,097,000
11	Education services and federal education grants--10.0		
12	FTE positions .....		5,718,900
13	Federal school lunch program .....		712,800
14	Inmate housing fund .....		100
15	MPRI education program--375.5 FTE positions .....		<u>39,226,800</u>
16	GROSS APPROPRIATION .....	\$	100,036,300
17	Appropriated from:		
18	Federal revenues:		
19	DAG-FNS, national school lunch .....		712,800
20	DED-OESE, title 1 .....		521,800
21	DED-OVAE, adult education .....		1,892,500
22	DED, adult literacy grants .....		308,300
23	DED-OSERS .....		101,300
24	DED, vocational education equipment .....		277,300
25	DED, youthful offender/Specter grant .....		1,289,400
26	DOJ-BOP, federal prisoner reimbursement .....		211,000
27	DOJ-OJP, serious and violent offender reintegration		

1	initiative .....		1,010,000
2	DOJ, prison rape elimination act grant .....		1,000,000
3	SSA-SSI, incentive payment .....		123,600
4	Special revenue funds:		
5	Correctional industries revolving fund .....		20,097,000
6	State general fund/general purpose .....	\$	72,491,300
7	<b>Sec. 107. CONSENT DECREES</b>		
8	Full-time equated classified positions.....	471.3	
9	Hadix consent decree--138.0 FTE positions .....	\$	12,102,000
10	DOJ consent decree--106.8 FTE positions .....		10,031,300
11	DOJ psychiatric plan - MDCH mental health services ...		38,748,900
12	DOJ psychiatric plan - MDOC staff and services--226.5		
13	FTE positions .....		<u>17,986,500</u>
14	GROSS APPROPRIATION .....	\$	78,868,700
15	Appropriated from:		
16	State general fund/general purpose .....	\$	78,868,700
17	<b>Sec. 108. HEALTH CARE</b>		
18	Full-time equated classified positions.....	1,042.1	
19	Health care administration--13.0 FTE positions .....	\$	2,098,600
20	Hospital and specialty care services .....		79,723,000
21	Vaccination program .....		691,200
22	Northern region clinical complexes--270.9 FTE		
23	positions .....		36,371,200
24	Southeastern region clinical complexes--455.4 FTE		
25	positions .....		69,365,300
26	Southwestern region clinical complexes--302.8 FTE		
27	positions .....		<u>41,304,000</u>

1	GROSS APPROPRIATION.....	\$	229,553,300
2	Appropriated from:		
3	Special revenue funds:		
4	Prisoner health care copayments.....		331,400
5	State general fund/general purpose.....	\$	229,221,900
6	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>		
7	Average population .....		16,039
8	Full-time equated classified positions.....		4,247.1
9	Alger maximum correctional facility - Munising--		344.1
10	FTE positions .....	\$	33,960,800
11	Average population .....		849
12	Baraga maximum correctional facility - Baraga--		416.6
13	FTE positions .....		40,260,300
14	Average population .....		1,172
15	Chippewa correctional facility - Kincheloe--		563.7 FTE
16	positions .....		54,607,900
17	Average population .....		2,282
18	Kinross correctional facility - Kincheloe--		586.7 FTE
19	positions .....		60,030,500
20	Average population .....		2,919
21	Marquette branch prison - Marquette--		386.7 FTE
22	positions .....		40,329,200
23	Average population .....		1,201
24	Newberry correctional facility - Newberry--		346.0 FTE
25	positions .....		32,919,900
26	Average population .....		1,242
27	Oaks correctional facility - Eastlake--		335.6 FTE



1	positions .....	35,911,000
2	Average population ..... 1,156	
3	Ojibway correctional facility - Marenisco--284.3 FTE	
4	positions .....	27,044,000
5	Average population ..... 1,378	
6	Pugsley correctional facility - Kingsley--243.4 FTE	
7	positions .....	22,876,800
8	Average population ..... 1,158	
9	Saginaw correctional facility - Freeland--345.0 FTE	
10	positions .....	34,368,700
11	Average population ..... 1,480	
12	Standish maximum correctional facility - Standish--	
13	395.0 FTE positions .....	<u>40,178,000</u>
14	Average population ..... 1,202	
15	GROSS APPROPRIATION.....	\$ 422,487,100
16	Appropriated from:	
17	Special revenue funds:	
18	Public works user fees.....	2,107,600
19	Resident stores.....	1,365,000
20	State general fund/general purpose.....	\$ 419,014,500
21	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL</b>	
22	<b>FACILITIES</b>	
23	Average population ..... 18,533	
24	Full-time equated classified positions..... 5,052.2	
25	Cooper Street correctional facility - Jackson--298.8	
26	FTE positions .....	\$ 31,177,900
27	Average population ..... 1,752	

1	G. Robert Cotton correctional facility - Jackson--	
2	435.3 FTE positions .....	42,316,900
3	Average population ..... 1,854	
4	Charles E. Egeler correctional facility - Jackson--	
5	496.4 FTE positions .....	51,329,300
6	Average population ..... 1,591	
7	Gus Harrison correctional facility - Adrian--502.5 FTE	
8	positions .....	49,948,000
9	Average population ..... 2,262	
10	Huron Valley correctional complex - Ypsilanti--709.0	
11	FTE positions .....	69,230,300
12	Average population ..... 1,772	
13	Macomb correctional facility - New Haven--360.5 FTE	
14	positions .....	34,173,900
15	Average population ..... 1,468	
16	Mound correctional facility - Detroit--305.6 FTE	
17	positions .....	28,449,700
18	Average population ..... 1,051	
19	Parnall correctional facility - Jackson--282.6 FTE	
20	positions .....	28,647,100
21	Average population ..... 1,584	
22	Ryan correctional facility - Detroit--334.6 FTE	
23	positions .....	31,343,300
24	Average population ..... 1,059	
25	Robert Scott correctional facility - Plymouth--374.5	
26	FTE positions .....	35,216,400
27	Average population ..... 1,040	

1	Southern Michigan correctional facility - Jackson--	
2	423.8 FTE positions .....	39,463,700
3	Average population .....	1,481
4	Thumb correctional facility - Lapeer--320.6 FTE	
5	positions .....	31,748,500
6	Average population .....	1,219
7	Special alternative incarceration program (Camp	
8	Cassidy Lake)--126.0 FTE positions.....	11,959,900
9	Average population .....	400
10	Jackson area support and services--82.0 FTE positions	<u>15,591,600</u>
11	GROSS APPROPRIATION.....	\$ 500,596,500
12	Appropriated from:	
13	Interdepartmental grant revenues:	
14	IDG-MDCH, forensic center food service .....	568,700
15	Federal revenues:	
16	DOJ, state criminal alien assistance program .....	904,200
17	Special revenue funds:	
18	Public works user fees .....	2,119,500
19	Resident stores .....	1,597,900
20	State general fund/general purpose .....	\$ 495,406,200
21	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL</b>	
22	<b>FACILITIES</b>	
23	Average population .....	18,872
24	Full-time equated classified positions.....	4,307.0
25	Bellamy Creek correctional facility - Ionia--470.5 FTE	
26	positions .....	\$ 48,152,700
27	Average population .....	1,850

1	Earnest C. Brooks correctional facility - Muskegon--	
2	496.7 FTE positions .....	49,654,000
3	Average population .....	2,360
4	Carson City correctional facility - Carson City--	514.2
5	FTE positions .....	51,478,300
6	Average population .....	2,360
7	Richard A. Handlon correctional facility - Ionia--	
8	255.2 FTE positions .....	26,051,800
9	Average population .....	1,320
10	Ionia maximum correctional facility - Ionia--	334.8 FTE
11	positions .....	32,238,000
12	Average population .....	707
13	Lakeland correctional facility - Coldwater--	671.9 FTE
14	positions .....	66,903,800
15	Average population .....	3,152
16	Muskegon correctional facility - Muskegon--	246.4 FTE
17	positions .....	26,235,100
18	Average population .....	1,326
19	Pine River correctional facility - St. Louis--	221.6
20	FTE positions .....	21,615,900
21	Average population .....	1,120
22	Riverside correctional facility - Ionia--	501.8 FTE
23	positions .....	49,670,100
24	Average population .....	2,331
25	St. Louis correctional facility - St. Louis--	593.9 FTE
26	positions .....	<u>56,677,000</u>
27	Average population .....	2,346

1	GROSS APPROPRIATION.....	\$	428,676,700
2	Appropriated from:		
3	Special revenue funds:		
4	Public works user fees.....		954,900
5	Resident stores.....		1,866,800
6	State general fund/general purpose.....	\$	425,855,000
7	<b>Sec. 112. INFORMATION TECHNOLOGY</b>		
8	Information technology services and projects.....	\$	<u>17,639,900</u>
9	GROSS APPROPRIATION.....	\$	17,639,900
10	Appropriated from:		
11	Special revenue funds:		
12	Correctional industries revolving fund.....		141,600
13	Parole and probation oversight fees set-aside.....		556,400
14	State general fund/general purpose.....	\$	16,941,900
15	<b>Sec. 113. SENTENCING REFORM</b>		
16	Sentencing reform policy savings.....	\$	(76,000,000)
17	Truth in sentencing savings.....		(100)
18	Field operations reinvestment.....		<u>19,914,000</u>
19	GROSS APPROPRIATION.....	\$	(56,086,100)
20	Appropriated from:		
21	Special revenue funds:		
22	State general fund/general purpose.....	\$	(56,086,100)

## 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 2007-2008 is \$2,103,185,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$109,926,000.00. 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 .....	\$	47,487,800
Public service work projects .....		11,826,600
Community corrections comprehensive plans and services		22,619,000
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
Local jail programs .....		6,900,000
Alternatives to prison jail program .....		1,619,600
Alternatives to prison treatment program .....		400,000
Regional jail program .....		<u>100</u>
TOTAL .....	\$	109,926,000

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.

1 (c) "DED" means the United States department of education.

2 (d) "DED-OESE" means the DED office of elementary and  
3 secondary education.

4 (e) "DED-OSERS" means the DED office of special education and  
5 rehabilitative services.

6 (f) "DED-OVAE" means the DED office of vocational and adult  
7 education.

8 (g) "Department" or "MDOC" means the Michigan department of  
9 corrections.

10 (h) "DOJ" means the United States department of justice.

11 (i) "DOJ-BOP" means the DOJ bureau of prisons.

12 (j) "DOJ-OJP" means the DOJ office of justice programs.

13 (k) "FTE" means full-time equated.

14 (l) "GED" means general education diploma.

15 (m) "GPS" means global positioning system.

16 (n) "IDG" means interdepartmental grant.

17 (o) "IDT" means intradepartmental transfer.

18 (p) "MDCH" means the Michigan department of community health.

19 (q) "MDSP" means the Michigan department of state police.

20 (r) "MPRI" means the Michigan prisoner reentry initiative.

21 (s) "OCC" means the office of community corrections.

22 (t) "RSAT" means residential substance abuse treatment.

23 (u) "SSA" means the United States social security  
24 administration.

25 (v) "SSA-SSI" means SSA supplemental security income.

26 Sec. 204. The department of civil service shall bill  
27 departments and agencies at the end of the first fiscal quarter for

1 the 1% charge authorized by section 5 of article XI of the state  
2 constitution of 1963. Payments shall be made for the total amount  
3 of the billing by the end of the second fiscal quarter.

4       Sec. 205. (1) A hiring freeze is imposed on the state  
5 classified civil service. State departments and agencies are  
6 prohibited from hiring any new full-time state classified civil  
7 service employees and prohibited from filling any vacant state  
8 classified civil service positions. This hiring freeze does not  
9 apply to internal transfers of classified employees from 1 position  
10 to another within a department.

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

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

26       Sec. 207. At least 120 days before beginning any effort to  
27 privatize, the department shall submit a complete project plan to



1 the appropriate senate and house of representatives appropriations  
2 subcommittees and the senate and house fiscal agencies. The plan  
3 shall include the criteria under which the privatization initiative  
4 will be evaluated. The evaluation shall be completed and submitted  
5 to the appropriate senate and house of representatives  
6 appropriations subcommittees and the senate and house fiscal  
7 agencies within 30 months.

8       Sec. 207a. (1) Before privatizing any services or activities  
9 currently provided by state employees in the department, a  
10 department or agency shall submit to the senate and house  
11 appropriations committees a detailed preprivatization cost-benefit  
12 analysis. This analysis shall utilize accurate, reliable, and  
13 objective data, and shall use the most actuarially sound techniques  
14 available to the department or agency. Included in this analysis  
15 shall be a detailed comparative estimate of the costs that will be  
16 incurred by the state over the life of the contract if either or  
17 both of the following occur:

18       (a) The service or activity continues to be provided by state  
19 employees.

20       (b) The service or activity is privatized. The costs of  
21 privatizing these services shall include the costs of all necessary  
22 monitoring and oversight of the private entity by the state. The  
23 department or agency shall use only accurate and up-to-date bids  
24 from reputable companies with a previous history or reputation of  
25 providing quality services or activities. These private entities  
26 must be adequately bonded, so as not to expose the state to any  
27 potential future liability or legal causes of action.

1           (2) The department or agency shall not commence any efforts to  
2 privatize the services or activities currently provided by state  
3 employees under appropriations made by this act until the cost-  
4 benefit analysis prescribed by subsection (1) has been reviewed and  
5 approved by both the senate and house appropriations committees and  
6 proves a cost savings of at least 10% of the costs of continuing to  
7 use state employees in providing the services or activities.

8           (3) The department or agency shall not commence any efforts to  
9 renew, extend, or expand contracts for services or activities  
10 previously contracted out that were at 1 time performed by state  
11 employees until it performs a cost-benefit analysis as prescribed  
12 by subsection (1) using the actual contract cost, any cost  
13 overruns, and any additional expenses the state has incurred. This  
14 cost-benefit analysis must be reviewed and approved by both the  
15 senate and house appropriations committees and show a cost savings  
16 of at least 10% of the cost of having state employees provide the  
17 services or activities.

18           (4) If, after analyzing a contract under subsection (3), it is  
19 determined that the contract is not in compliance with the  
20 requirements of this section, the state department or agency shall  
21 reassume the responsibility of providing these previously  
22 contracted services or activities.

23           (5) A private contractor with a contract with this state that  
24 expends state or federal tax dollars shall have all records  
25 concerning state contracts be subject to the freedom of information  
26 act, 1976 PA 442, MCL 15.231 to 15.246, and a full and  
27 comprehensive audit upon the request of any member of the senate or

1 house appropriations committee.

2 Sec. 208. Unless otherwise specified, the department shall use  
3 the Internet to fulfill the reporting requirements of this act.

4 This requirement may include transmission of reports via electronic  
5 mail to the recipients identified for each reporting requirement or  
6 it may include placement of reports on an Internet or Intranet  
7 site.

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

15 Sec. 210. (1) Pursuant to the provisions of civil service  
16 rules and regulations and applicable collective bargaining  
17 agreements, individuals seeking employment with the department  
18 shall submit to a controlled substance test. The test shall be  
19 administered by the department.

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

24 Sec. 211. The department may charge fees and collect revenues  
25 in excess of appropriations in part 1 not to exceed the cost of  
26 offender services and programming, employee meals, parolee loans,  
27 academic/vocational services, custody escorts, compassionate

1 visits, union steward activities, public work programs, and  
2 services provided to units of government. The revenues and fees  
3 collected are appropriated for all expenses associated with these  
4 services and activities.

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

8 Sec. 213. By February 15, 2008, the department shall provide  
9 the members of the senate and house appropriations subcommittees on  
10 corrections, the senate and house fiscal agencies, and the state  
11 budget director with a report detailing nongeneral fund/general  
12 purpose sources of revenue, including, but not limited to, federal  
13 revenues, state restricted revenues, local and private revenues,  
14 offender reimbursements and other payments, revolving funds, and 1-  
15 time sources of revenue, whether or not such revenues were  
16 appropriated. The report shall include statements detailing for  
17 each account the total amount of revenue received during fiscal  
18 year 2006-2007, the amount by which the revenue exceeded any  
19 applicable appropriated fund source, the amount spent during fiscal  
20 year 2006-2007, the account balance at the close of fiscal year  
21 2006-2007, and the projected revenues and expenditures for fiscal  
22 year 2007-2008.

23 Sec. 214. From the funds appropriated in part 1 for  
24 information technology, the department shall pay user fees to the  
25 department of information technology for technology-related  
26 services and projects. These user fees are subject to provisions of  
27 an interagency agreement between the departments and agencies and

1 the department of information technology.

2       Sec. 215. Amounts appropriated in part 1 for information  
3 technology may be designated as work projects and carried forward  
4 to support department of corrections technology projects under the  
5 direction of the department of information technology. Funds  
6 designated in this manner are not available for expenditure until  
7 approved as work projects under section 451a of the management and  
8 budget act, 1984 PA 431, MCL 18.1451a.

9       Sec. 216. (1) Due to the current budgetary problems in this  
10 state, out-of-state travel shall be limited to situations in which  
11 1 or more of the following conditions apply:

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

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

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

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

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

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

26       (2) If out-of-state travel is necessary but does not meet 1 or  
27 more of the conditions listed in subsection (1), the state budget

1 director may grant an exception to allow the travel. Any exceptions  
2 granted by the state budget director shall be reported on a monthly  
3 basis to the senate and house standing committees on  
4 appropriations.

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

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

16 (b) The destination of each travel occurrence.

17 (c) The dates of each travel occurrence.

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

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

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

27 Sec. 217. The director shall take all reasonable steps to

1 ensure businesses in deprived and depressed communities compete for  
2 and perform contracts to provide services, supplies, or both. The  
3 director shall strongly encourage firms with which the department  
4 contracts to subcontract with certified businesses in deprived and  
5 depressed communities for services, supplies, or both.

6       Sec. 218. It is the intent of the legislature that no  
7 expenditures for employee dry cleaning allowances be made or  
8 obligations to pay employee dry cleaning allowances be incurred for  
9 dry cleaning allowances in excess of the amounts authorized under  
10 collective bargaining contracts in effect from January 1, 2002 to  
11 December 31, 2004. Payment of obligations to pay dry cleaning  
12 allowances incurred during the fiscal year 2006-2007 shall be paid  
13 from fiscal year 2006-2007 appropriations that otherwise would  
14 lapse to the general fund.

15       Sec. 219. It is the intent of the legislature that any  
16 contract for prisoner telephone services include a condition that  
17 fee schedules for prisoner telephone calls be the same as fee  
18 schedules for calls placed from outside of correctional facilities.

19       **EXECUTIVE**

20       Sec. 401. The department shall submit 3-year and 5-year prison  
21 population projection updates by February 1, 2008 to the senate and  
22 house appropriations subcommittees on corrections, the senate and  
23 house fiscal agencies, and the state budget director. The report  
24 shall include explanations of the methodology and assumptions used  
25 in developing the projection updates.

26       Sec. 402. The department shall prepare by April 1, 2008

1 individual reports for the community re-entry program, the  
2 electronic tether program, and the special alternative to  
3 incarceration program. The reports shall be submitted to the house  
4 and senate appropriations subcommittees on corrections, the house  
5 and senate fiscal agencies, and the state budget director. Each  
6 program's report shall include information on all of the following:

7 (a) Monthly new participants.

8 (b) Monthly participant unsuccessful terminations, including  
9 cause.

10 (c) Number of successful terminations.

11 (d) End month population by facility/program.

12 (e) Average length of placement.

13 (f) Return to prison statistics.

14 (g) Description of each program location or locations,  
15 capacity, and staffing.

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

18 (i) Comparison with prior year statistics.

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

21 Sec. 403. The department shall report to the senate and house  
22 appropriations subcommittees on corrections, the senate and house  
23 fiscal agencies, and the state budget director by April 1, 2008 on  
24 the ratio of correctional officers to prisoners for each  
25 correctional institution, the ratio of shift command staff to line  
26 custody staff, and the ratio of noncustody institutional staff to  
27 prisoners for each correctional institution.



1       Sec. 404. (1) The department shall review and revise as  
2 necessary policy proposals that provide alternatives to prison for  
3 offenders being sentenced to prison as a result of technical  
4 probation violations and technical parole violations. To the extent  
5 the department has insufficient policies or resources to affect the  
6 continued increase in prison commitments among these offender  
7 populations, the department shall explore other policy options to  
8 allow for program alternatives, including department or OCC-funded  
9 programs, local level programs, and programs available through  
10 private agencies that may be used as prison alternatives for these  
11 offenders.

12       (2) To the extent policies or programs described in subsection  
13 (1) are used, developed, or contracted for, the department may  
14 request that funds appropriated in part 1 be transferred under  
15 section 393(2) of the management and budget act, 1984 PA 431, MCL  
16 18.1393, for their operation.

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

25       (4) The department shall provide monthly reports to the senate  
26 and house appropriations subcommittees on corrections, the senate  
27 and house fiscal agencies, and the state budget director on the

1 number of all parolees returned to prison and probationers  
2 sentenced to prison for either a technical violation or new  
3 sentence during the preceding calendar month. The reports shall  
4 include the following information each for probationers, parolees  
5 after their first parole, and parolees who have been paroled more  
6 than once:

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

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

15 (c) The educational history of those offenders, including how  
16 many had a GED or high school diploma prior to incarceration in  
17 prison, how many received a GED while in prison, and how many  
18 received a vocational certificate while in prison.

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

21 Sec. 405. Funds included in part 1 for the sheriffs'  
22 coordinating and training office are appropriated for and may be  
23 expended to defray costs of continuing education, certification,  
24 recertification, decertification, and training of local corrections  
25 officers, the personnel and administrative costs of the sheriffs'  
26 coordinating and training office, the local corrections officers  
27 advisory board, and the sheriffs' coordinating and training council

1 under the local corrections officers training act, 2003 PA 125, MCL  
2 791.531 to 791.546.

3 Sec. 406. (1) By April 1, 2008, the department shall provide a  
4 report on prisoner reintegration programs to the members of the  
5 senate and house appropriations subcommittees on corrections, the  
6 senate and house fiscal agencies, and the state budget director. At  
7 a minimum, the report shall include all of the following  
8 information:

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

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

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

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

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

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

22 (2) The department shall provide quarterly reports on January  
23 1, 2008, April 1, 2008, July 1, 2008, and September 30, 2008 to the  
24 senate and house appropriations subcommittees on corrections, the  
25 senate and house fiscal agencies, and the state budget director on  
26 the status and recidivism levels of offenders who participated in  
27 the MPRI and have been released. The data should be broken out by

1 the following 4 offender types: drug, nonassaultive, assaultive,  
2 and sex.

3 (3) By September 30, 2008, the department shall report to the  
4 senate and house appropriations subcommittees on corrections, the  
5 senate and house fiscal agencies, and the state budget director a  
6 comparison of the overall recidivism rates and length of time prior  
7 to prison return of offenders who participated in the MPRI with  
8 those of offenders who did not. The report should disaggregate the  
9 information by each pilot site in order to compare the practices  
10 and success rates of each pilot.

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

13 Sec. 407. (1) By October 15, 2007, and as a condition of  
14 expending funds appropriated in part 1 for prisoner reintegration  
15 programs, the department shall develop and implement uniform  
16 minimum standards for MPRI pilot sites and the expenditure of MPRI  
17 funds, including funds appropriated for prisoner reintegration  
18 programs. At a minimum, the standards shall address all of the  
19 following:

20 (a) The acceptable range or ranges for administrative costs.

21 (b) How local program results are to be reported and quantified.

22 (c) The acceptable range or ranges for per-participant  
23 expenditures.

24 (d) Any other standards determined by the department to be  
25 consistent with good management practices and optimum program  
26 results.

27 (2) By October 15, 2007, the department shall report to the

1 senate and house appropriations subcommittees on corrections, the  
2 senate and house fiscal agencies, and the state budget director on  
3 the standards required by subsection (1). The report shall include  
4 information explaining how each standard was determined and how it  
5 is being implemented.

6 Sec. 408. By March 1, 2008, the department shall report to the  
7 senate and house subcommittees on corrections, the senate and house  
8 fiscal agencies, and the state budget director on offenders who  
9 have served their maximum sentence and been released from prison in  
10 the last 5 years. The report shall include the following  
11 information:

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

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

18 (c) The educational history of those offenders, including how  
19 many had a GED or high school diploma prior to incarceration in  
20 prison, how many received a GED while in prison, and how many  
21 received a vocational certificate while in prison.

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

27 Sec. 409. As a condition of expending funds appropriated for

1 planning, community development and research and prisoner  
2 reintegration programs under part 1, the department shall by  
3 January 31, 2008 provide a plan to reduce recidivism rates among  
4 prisoners released from correctional facilities to the members of  
5 the senate and house appropriations committees, the senate and  
6 house fiscal agencies, and the state budget director. The plan  
7 shall include detailed information on recidivism rates in this  
8 state for the most recent 5-year period, a detailed comparison of  
9 those rates to rates in other states and a national average, and  
10 details on how the department plans to improve recidivism rates.  
11 The plan also shall include details on how the department proposes  
12 to measure the success of the plan.

13       Sec. 410. Funds appropriated in part 1 for the legislative  
14 corrections ombudsman are appropriated as an interdepartmental  
15 grant to the legislative council for the purpose of reestablishing  
16 the office of the legislative corrections ombudsman under 1975 PA  
17 46, MCL 4.351 to 4.364. The department shall not expend  
18 appropriations from part 1 to satisfy charges from the legislative  
19 council for the office of legislative corrections ombudsman in  
20 excess of the amount expressly appropriated under this act for the  
21 legislative corrections ombudsman.

22       Sec. 411. Funds appropriated in part 1 for the sentencing  
23 guidelines commission are appropriated as an interdepartmental  
24 grant to the legislative council for the purpose of establishing a  
25 sentencing guidelines commission as provided by House Bill No. 4964  
26 of the 2007-2008 legislative session. The department shall not  
27 expend appropriations from part 1 to satisfy charges from the

1 legislative council for the sentencing guidelines commission in  
2 excess of the amount expressly appropriated by this act for the  
3 sentencing guidelines commission.

4       Sec. 412. (1) From the funds appropriated in part 1 for the  
5 mental health study, the department shall allocate not more than  
6 \$300,000.00 for the purpose of contracting with a state university  
7 for an independent study prescribed under this section.

8       (2) In consultation with the department of community health,  
9 the department shall contract with a state university for an  
10 independent study on the prevalence of prisoners in need of mental  
11 health treatment, substance abuse services, or both, and on the  
12 provision of services to prisoners in need of mental health  
13 treatment, substance abuse services, or both. At a minimum, the  
14 study shall collect and evaluate data on all of the following:

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

18       (b) The number of prisoners with a primary diagnosis of mental  
19 illness, the number of those prisoners deemed to currently require  
20 mental health treatment, and the number of those prisoners  
21 currently receiving mental health services, including a description  
22 and breakdown, encompassing, at a minimum, the categories of  
23 inpatient, residential, and outpatient care, of the type of mental  
24 health services provided to those prisoners.

25       (c) The number of prisoners with a primary diagnosis of mental  
26 illness and currently receiving substance abuse services, including  
27 a description and breakdown, encompassing, at a minimum, the

1 categories of inpatient, residential, and outpatient care, of the  
2 type of treatment provided to those prisoners.

3 (d) Data indicating whether prisoners with a primary diagnosis  
4 of mental illness were previously hospitalized in a state  
5 psychiatric hospital for persons with mental illness. This data  
6 shall be broken down according to each of the following categories:

7 (i) All prisoners with a primary diagnosis of mental illness.

8 (ii) Prisoners with a primary diagnosis of mental illness and  
9 currently receiving mental health services.

10 (iii) Prisoners with a primary diagnosis of mental illness and  
11 currently receiving substance abuse services.

12 (3) A report on the study, together with any recommendations  
13 from the university and response from the department, shall be  
14 provided to the members of the senate and house appropriations  
15 subcommittees on corrections and community health, the senate and  
16 house fiscal agencies, the department of community health, and the  
17 state budget director no later than August 1, 2008. The report  
18 shall include all of the information required by subsection (2) and  
19 any university recommendations. The report also shall include a  
20 plan by the department to implement those recommendations with  
21 which it agrees and an explanation of any disagreements with  
22 recommendations.

23 Sec. 413. (1) Except as provided by subsection (2), funds  
24 appropriated in part 1 for drug treatment courts are appropriated  
25 as an interdepartmental grant to the state court administrative  
26 office for the exclusive purpose of funding drug treatment dockets  
27 to work in cooperation with the Michigan prisoner re-entry



1 initiative to reduce the numbers of parolees being returned to  
2 prison for substance abuse violations.

3 (2) Of the amount appropriated for drug treatment courts under  
4 part 1, \$100,000.00 is appropriated to the state court  
5 administrative office for the exclusive purpose of contracting for  
6 an independent study of the drug treatment court program as  
7 provided by this section. The study shall be conducted by an entity  
8 with statewide experience in the development and implementation of  
9 the Michigan prisoner re-entry initiative. By August 1, 2008, the  
10 state court administrative office shall provide a report on the  
11 study to the members of the senate and house appropriations  
12 subcommittees on corrections, the senate and house appropriations  
13 subcommittees on community health, the senate and house  
14 appropriations subcommittees on the judiciary, the senate and house  
15 fiscal agencies, and the state budget director. The study shall  
16 include, but not be limited to, all of the following:

17 (a) Data on the numbers and characteristics of parolees  
18 adjudicated under drug treatment dockets.

19 (b) An evaluation of the effectiveness of drug treatment  
20 dockets in reducing the numbers of parolees being returned to  
21 prison.

22 (c) Estimates of fiscal impacts on state and local  
23 correctional agencies.

24 (d) Recommendations with regard to best practices and funding  
25 of drug treatment dockets for handling parolee cases.

26 Sec. 414. (1) Funds appropriated in part 1 for mental health  
27 treatment courts are appropriated for the exclusive purpose of

1 providing interdepartmental grants to the state court  
2 administrative office and the department of community health as  
3 provided by this section.

4 (2) Of the amount appropriated for mental health treatment  
5 courts under part 1, \$684,000.00 is appropriated to the state court  
6 administrative office for the exclusive purpose of funding 4 pilot  
7 mental health treatment dockets, which shall be responsible for  
8 handling cases involving nonviolent offenders with mental illness,  
9 or mental illness co-occurring with substance abuse problems, and  
10 who otherwise likely would be sentenced to imprisonment in a state  
11 correctional facility or jail, according to historical local  
12 sentencing patterns and crime characteristics. Each pilot shall be  
13 allocated \$171,000.00 and shall be located as follows: 1 pilot in a  
14 county with a population of more than 2,000,000, 1 pilot in a  
15 county with a population of more than 750,000 but less than  
16 1,000,000, 1 pilot in a county with a population of more than  
17 300,000 but less than 400,000, and 1 pilot in a county with a  
18 population of more than 238,500 but less than 275,000. In disposing  
19 of cases involving offenders with mental illness or co-occurring  
20 disorders, each mental health treatment pilot shall coordinate with  
21 community mental health and law enforcement agencies for offender  
22 assessment and treatment with the objective of diverting offenders  
23 from prison or jail sentences.

24 (3) Of the amount appropriated for mental health treatment  
25 courts under part 1, \$1,116,000.00 is appropriated to the  
26 department of community health for the exclusive purpose of  
27 providing additional funding for community mental health agencies

1 in counties in which mental health treatment pilots are funded  
2 under this section. Each community mental health agency in a county  
3 in which a mental health treatment pilot is funded under this  
4 section shall be allocated \$279,000.00. Each affected community  
5 mental health agency shall cooperate with its local mental health  
6 treatment pilot to provide assessment and treatment services for  
7 offenders in the mental health treatment court program.

8 (4) Of the amount appropriated for mental health treatment  
9 courts under part 1, \$100,000.00 is appropriated to the state court  
10 administrative office for the exclusive purpose of contracting for  
11 an independent study of the mental health treatment docket program  
12 as provided by this section. The study shall be conducted by an  
13 entity with statewide experience in the development and  
14 implementation of the Michigan prisoner re-entry initiative. By  
15 August 1, 2008, the state court administrative office shall provide  
16 a report on the study to the members of the senate and house  
17 appropriations subcommittees on corrections, the senate and house  
18 appropriations subcommittees on community health, the senate and  
19 house appropriations subcommittees on the judiciary, the senate and  
20 house fiscal agencies, and the state budget director. The study  
21 shall include, but not be limited to, all of the following:

22 (a) Data on the numbers and characteristics of offenders  
23 brought under the jurisdiction of each mental health treatment  
24 docket.

25 (b) An evaluation of the effectiveness of each pilot mental  
26 health treatment docket in reducing the numbers of mentally ill  
27 offenders in jail or prison.

1 (c) Estimates of fiscal impacts on state and local  
2 correctional agencies.

3 (d) Recommendations with regard to best practices and funding  
4 of mental health treatment dockets.

5 **ADMINISTRATION AND PROGRAMS**

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

12 Sec. 502. (1) The department shall screen and assess each  
13 prisoner for alcohol and other drug involvement to determine the  
14 need for further treatment. The assessment process shall be  
15 designed to identify the severity of alcohol and other drug  
16 addiction and determine the treatment plan, if appropriate.

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

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

1           (2) By April 1, 2008, the department shall report to the  
2 senate and house appropriations subcommittees on corrections, the  
3 senate and house fiscal agencies, and the state budget director on  
4 the allocation, distribution, and expenditure of all funds  
5 appropriated by the substance abuse testing and treatment line item  
6 during fiscal year 2006-2007 and projected for fiscal year 2007-  
7 2008. The report shall include, but not be limited to, an  
8 explanation of an anticipated year-end balance, the number of  
9 participants in substance abuse programs, and the number of  
10 offenders on waiting lists for residential substance abuse  
11 programs. Information required under this subsection shall, where  
12 possible, be separated by MDOC administrative region and by  
13 offender type, including, but not limited to, a distinction between  
14 prisoners, parolees, and probationers.

15           (3) By April 1, 2008, the department shall report to the  
16 senate and house appropriations subcommittees on corrections, the  
17 senate and house fiscal agencies, and the state budget director on  
18 substance abuse testing and treatment program objectives, outcome  
19 measures, and results, including program impact on offender  
20 behavior and recidivism.

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

1   appealable in court.

2           Sec. 505. Funds appropriated in part 1 for administrative  
3   hearings officers are appropriated as an interdepartmental grant to  
4   the department of labor and economic growth for the purpose of  
5   funding administrative hearings officers for adjudication of  
6   grievances pertaining to the department of corrections. The  
7   department shall not expend appropriations from part 1 to satisfy  
8   charges from the department of labor and economic growth for  
9   administrative hearings officers in excess of the amount expressly  
10   appropriated by this act for the administrative hearings officers.

11   **FIELD OPERATIONS ADMINISTRATION**

12           Sec. 601. From the funds appropriated in part 1, the  
13   department shall conduct a statewide caseload audit of field  
14   agents. The audit shall address public protection issues and assess  
15   the ability of the field agents to complete their professional  
16   duties. The results of the audit shall be submitted to the senate  
17   and house appropriations subcommittees on corrections and the  
18   senate and house fiscal agencies, and the state budget office by  
19   September 30, 2008.

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

1 offenders to community service work project sites.

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

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

10 Sec. 603. (1) All prisoners, probationers, and parolees  
11 involved with the electronic tether program shall reimburse the  
12 department for costs associated with their participation in the  
13 program. The department may require community service work  
14 reimbursement as a means of payment for those able-bodied  
15 individuals unable to pay for the costs of the equipment.

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

20 (3) Included in the appropriation in part 1 is adequate  
21 funding to implement the community tether program to be  
22 administered by the department. The community tether program is  
23 intended to provide sentencing judges and county sheriffs in  
24 coordination with local community corrections advisory boards  
25 access to the state's electronic tether program to reduce prison  
26 admissions and improve local jail utilization. The department shall  
27 determine the appropriate distribution of the tether units

1 throughout the state based upon locally developed comprehensive  
2 corrections plans under the community corrections act, 1988 PA 511,  
3 MCL 791.401 to 791.414.

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

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

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

21 Sec. 606. It is the intent of the legislature that the  
22 department shall ensure that parolees and probationers may timely  
23 contact their parole or probation agents and maintain procedures  
24 that preclude any necessity for an offender to have access to an  
25 agent's home telephone number or other personal information  
26 pertaining to the agent.

27 Sec. 608. By May 1, 2008, the department shall report to the



1 senate and house appropriations subcommittees on corrections, the  
2 senate and house fiscal agencies, and the state budget director on  
3 the use of GPS electronic monitoring. At a minimum, the report  
4 shall include all of the following:

5 (a) Details on the failure rate of parolees for whom GPS  
6 tether is utilized, including the number and rate of parolee  
7 technical violations, including specifying failures due to  
8 committing a new crime that is uncharged but leads to parole  
9 termination, and the number and rate of parolee violators with new  
10 sentences.

11 (b) Information on the factors considered in determining  
12 whether an offender is placed on active GPS tether, passive GPS  
13 tether, radio frequency tether, or some combination of these or  
14 other types of electronic monitoring.

15 (c) Monthly data on the number of offenders on active GPS  
16 tether, passive GPS tether, radio frequency tether, and any other  
17 type of tether.

18 Sec. 609. By May 1, 2008, the department shall report to the  
19 senate and house appropriations subcommittees on corrections, the  
20 senate and house fiscal agencies, and the state budget director on  
21 the use of kiosk reporting stations. At a minimum, the report shall  
22 include all of the following:

23 (a) Factors considered in determining whether an offender is  
24 assigned to report at a kiosk.

25 (b) Information on the location, costs, safety features, and  
26 other features of kiosks used for offender reporting.

27 (c) Information on pilot program outcome measures.

1 (d) An evaluation of the kiosk reporting pilot program,  
2 including any need for improvement and an assessment of the  
3 potential for expanded use of kiosk reporting stations.

4 Sec. 610. Included in appropriations in part 1 for field  
5 operations are 12.0 FTEs and \$977,200.00 and included in the  
6 appropriations for information technology services and projects is  
7 \$49,200.00, which together represent increases over the current  
8 year and which are appropriated to support increased field  
9 supervision needs in conjunction with the Michigan prisoner re-  
10 entry initiative (MPRI), in addition to MPRI-related increases  
11 proposed by the executive.

#### 12 COMMUNITY CORRECTIONS

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

24 (a) "Alternative to incarceration in a state facility or jail"  
25 means a program that involves offenders who receive a sentencing  
26 disposition that appears to be in place of incarceration in a state

1 correctional facility or jail based on historical local sentencing  
2 patterns or that amounts to a reduction in the length of sentence  
3 in a jail.

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

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

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

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

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

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

1 sentencing patterns.

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

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

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

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

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

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

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

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

13 (3) Funds awarded for residential services in part 1 shall  
14 provide for a per diem reimbursement of not more than \$47.50.

15 Sec. 703. The comprehensive corrections plans shall also  
16 include, where appropriate, descriptive information on the full  
17 range of sanctions and services that are available and utilized  
18 within the local jurisdiction and an explanation of how jail beds,  
19 residential services, the special alternative incarceration program  
20 (boot camp), probation detention centers, the electronic monitoring  
21 program for probationers, and treatment and rehabilitative services  
22 will be utilized to support the objectives and priorities of the  
23 comprehensive corrections plans and the purposes and priorities of  
24 section 8(4) of the community corrections act, 1988 PA 511, MCL  
25 791.408. The plans shall also include, where appropriate,  
26 provisions that detail how the local communities plan to respond to  
27 sentencing guidelines found in chapter XVII of the code of criminal

1 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the  
2 county jail reimbursement program under section 706 of this act.  
3 The state community corrections board shall encourage local  
4 community corrections boards to include in their comprehensive  
5 corrections plans strategies to collaborate with local alcohol and  
6 drug treatment agencies of the department of community health for  
7 the provision of alcohol and drug screening, assessment, case  
8 management planning, and delivery of treatment to alcohol- and  
9 drug-involved offenders, including, but not limited to, probation  
10 and parole violators who are at risk of revocation.

11 Sec. 703a. Included in the appropriations in part 1 for  
12 comprehensive plans and services is \$10,086,000.00, which shall be  
13 used by the department to fund local programs for offender services  
14 or treatment. A request for funding under this section would have  
15 to be submitted to the department and consistent with a local  
16 comprehensive corrections plan and would have to be for a service  
17 or services being provided due to changes in Michigan's sentencing  
18 laws enacted during the 2007-2008 legislative session. Offender  
19 services which may be funded under this section include, but are  
20 not limited to, offender employment and training services,  
21 education, community service, and drug, alcohol, and mental health  
22 treatment services, including when provided as treatment components  
23 of a drug court program or mental health diversion program. Funds  
24 described in this section also may be used for administrative costs  
25 for a drug court program that specifically limits its services to  
26 participating felons who meet 1 of the following criteria:

27 (a) The felon's sentencing guidelines recommended range for

1 the minimum sentence has a lower limit of more than 12 months.

2 (b) The felon was sentenced to jail for a felony committed  
3 while he or she was on parole and under the jurisdiction of the  
4 parole board.

5 Sec. 704. (1) As part of the March biannual report specified  
6 in section 12(2) of the community corrections act, 1988 PA 511, MCL  
7 791.412, that requires an analysis of the impact of that act on  
8 prison admissions and jail utilization, the department shall submit  
9 to the senate and house appropriations subcommittees on  
10 corrections, the senate and house fiscal agencies, and the state  
11 budget director the following information for each county and  
12 counties consolidated for comprehensive corrections plans:

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

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

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

22 (d) Data on residential services, including participant data,  
23 participant sentencing guideline scores, program expenditures,  
24 average length of stay, and bed utilization data.

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

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

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

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

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

13          Sec. 706. (1) Subject to subsection (3), from the funds  
14 appropriated in part 1 for the county jail reimbursement program,  
15 the department shall administer a county jail reimbursement program  
16 for the purpose of reimbursing counties for housing in jail  
17 convicted felons who meet both of the following criteria:

18          (a) The conviction was for a felony committed on or after  
19 January 1, 1999.

20          (b) Either the felon's sentencing guidelines recommended range  
21 for the minimum sentence has a lower limit of more than 12 months  
22 or the felon was sentenced to jail for a felony committed while he  
23 or she was on parole and under the jurisdiction of the parole board  
24 and for which the sentencing guidelines recommended range for the  
25 minimum sentence has an upper limit of more than 18 months.

26          (2) Subject to subsection (3), the department shall reimburse  
27 counties for all applicable offenders for whom documentation is



1 received by October 15 for the fiscal year ending the previous  
2 September 30.

3 (3) Expenditures for the county jail reimbursement program  
4 shall not exceed the amount appropriated under part 1 for the  
5 county jail reimbursement program. Expenditures under the county  
6 jail reimbursement program shall not exceed the amount of  
7 restricted revenue collected and allocated for the county jail  
8 reimbursement program.

9 (4) The reimbursement rate under this section shall be \$43.50  
10 per eligible felon per diem, up to a 1-year total.

11 (5) Payments to counties under the county jail reimbursement  
12 program shall be made in the order in which properly documented  
13 requests for reimbursements are received. A request shall be  
14 considered to be properly documented if it meets MDOC requirements  
15 for documentation. The department shall by October 15, 2007  
16 distribute the documentation requirements to all counties.

17 Sec. 706a. Funds appropriated under part 1 for local jail  
18 programs shall be used by the department to fund projects and  
19 proposals submitted to the department and consistent with local  
20 comprehensive corrections plans and which are undertaken or in  
21 place due to changes in Michigan's sentencing laws enacted during  
22 the 2007-2008 legislative session. Funds described in this section  
23 may be used for any of the following:

24 (a) Services including, but not limited to, employment and  
25 training services, education, community service, and drug, alcohol,  
26 and mental health treatment services, including when provided as  
27 treatment components of a drug court program or mental health

1 diversion program.

2 (b) Jail construction or renovation.

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

11 (2) The department shall only halt funding for an entity  
12 funded under section 8 of the community corrections act, 1988 PA  
13 511, MCL 791.408, in instances of substantial noncompliance during  
14 the period covered by the plan.

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

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

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

1 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to  
2 777.69, have upper limits of 18 months or less, through funding  
3 programs that may be used in lieu of incarceration and that  
4 increase the likelihood of rehabilitation.

5 (c) To provide a policy and funding framework to make  
6 additional jail space available for housing convicted felons whose  
7 recommended minimum sentence ranges under sentencing guidelines  
8 established under chapter XVII of the code of criminal procedure,  
9 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or  
10 less and who likely otherwise would be sentenced to prison, with  
11 the aim of enabling counties to meet or exceed amounts received  
12 through the county jail reimbursement program during fiscal year  
13 2002-2003 and reducing the numbers of felons sentenced to prison.

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

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

27 (4) Allowable uses of the funds shall include reimbursing

1 counties for transportation, treatment costs, and housing felony  
2 drunk drivers during a period of assessment for treatment and case  
3 planning. Reimbursements for housing during the assessment process  
4 shall be at the rate of \$43.50 per day per offender, up to a  
5 maximum of 5 days per offender.

6 (5) The standards developed by the committee shall assign each  
7 county a maximum funding allocation based on the amount the county  
8 received under the county jail reimbursement program in fiscal year  
9 2001-2002 for housing felony drunk drivers whose recommended  
10 minimum sentence ranges under the sentencing guidelines described  
11 in subsection (1)(c) had upper limits of 18 months or less.

12 (6) Awards of funding under this section shall be provided  
13 consistent with the local comprehensive corrections plans developed  
14 under the community corrections act, 1988 PA 511, MCL 791.401 to  
15 791.414. Funds awarded under this section may be used in  
16 conjunction with funds awarded under grant programs established  
17 under that act. Due to the need for felony drunk drivers to be  
18 transitioned from county jails to community treatment services, it  
19 is the intent of the legislature that local units of government  
20 utilize funds received under this section to support county sheriff  
21 departments.

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

1       Sec. 709. (1) By April 1, 2008, the department shall report to  
2 the members of the senate and house appropriations subcommittees on  
3 corrections, the senate and house fiscal agencies, and the state  
4 budget director on each of the following programs from the previous  
5 fiscal year:

6       (a) The county jail reimbursement program.

7       (b) The felony drunk driver jail reduction and community  
8 treatment program.

9       (c) The alternatives to prison jail and treatment programs.

10       (d) Any new initiatives to control prison population growth  
11 funded or proposed to be funded under part 1.

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

15       (a) Program objectives and outcome measures.

16       (b) Expenditures by location.

17       (c) The impact on jail utilization.

18       (d) The impact on prison admissions.

19       (e) Other information relevant to an evaluation of the  
20 program.

#### 21    CONSENT DECREES

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

1 with each consent decree.

2 **HEALTH CARE**

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

7 Sec. 902. (1) As a condition of expenditure of the funds  
8 appropriated in part 1, the department shall provide the senate and  
9 house of representatives appropriations subcommittees on  
10 corrections, the senate and house fiscal agencies, and the state  
11 budget director with all of the following:

12 (a) Quarterly reports itemizing quarterly and fiscal year-to-  
13 date expenditures, allocations, and projected year-end expenditures  
14 from accounts for prisoner health care.

15 (b) By October 15, 2007, a report on preliminary findings and  
16 recommendations of the national commission on correctional health  
17 care with regard to the following:

18 (i) Bureau of health care services organizational structure,  
19 administration, and management.

20 (ii) Timeliness, appropriateness, and quality of clinical  
21 services provided through the department, including nursing,  
22 dental, and clinical support services.

23 (iii) Timeliness, appropriateness, and quality of clinical  
24 psychological services provided through the department, including  
25 intake processing, assaultive offender program, and sex offender  
26 treatment program.

1           (iv) Timeliness, appropriateness, and quality of mental health  
2 services to treat the seriously mentally ill provided through the  
3 department of community health, including inpatient care,  
4 rehabilitative treatment, residential treatment, crisis  
5 stabilization, and outpatient mental health treatment.

6           (v) Timeliness, appropriateness, and quality of primary on-  
7 site medical services, on-site inpatient medical services,  
8 specialty services, and utilization review procedures provided by  
9 the state's health care contractors.

10          (c) By January 1, 2008, a copy of the final findings and  
11 recommendations of the national commission on correctional health  
12 care with regard to all of the information specified in subdivision  
13 (b) .

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

19          Sec. 903. It is the intent of the legislature that, with the  
20 funds appropriated in part 1 for hospital and specialty care  
21 services, the department shall ensure that local providers of  
22 ambulance services to prisoners be reimbursed within 60 days of the  
23 filing of any uncontested claim for service.

24          Sec. 904. (1) The department shall identify and manage  
25 prisoners who abuse the availability of medical services by  
26 obtaining transportation to off-site medical care when unnecessary  
27 or reasonably avoidable. In doing this, the department shall, when

1 appropriate, consult with off-site medical facilities on how to  
2 accomplish this goal.

3 (2) By April 1, 2008, the department shall report to the  
4 senate and house appropriations subcommittees on corrections, the  
5 senate and house fiscal agencies, and the state budget director on  
6 its activities and progress in implementing this section.

7 Sec. 905. The bureau of health care services shall develop  
8 information on hepatitis C prevention and the risks associated with  
9 exposure to hepatitis C, and the health care providers shall  
10 disseminate this information verbally and in writing to each  
11 prisoner at the health screening and full health appraisal  
12 conducted at admissions, at the annual health care screening 1 week  
13 before or after a prisoner's birthday, and prior to release to the  
14 community by parole, transfer to community residential placement,  
15 or discharge on the maximum.

16 Sec. 906. From the funds appropriated in part 1, the  
17 department shall offer an alanine aminotransferase (ALT) test to  
18 each prisoner who has received positive parole action. An  
19 explanation of results of the test shall be provided confidentially  
20 to the prisoner prior to release on parole, and if appropriate  
21 based on the test results, the prisoner shall also be provided a  
22 recommendation to seek follow-up medical attention in the  
23 community. The test shall be voluntary; if the prisoner refuses to  
24 be tested, that decision shall not affect parole release,  
25 conditions of parole, or parole supervision.

26 Sec. 907. The department shall ensure that all medications for  
27 a prisoner be transported with that prisoner when the prisoner is



1 transferred from 1 correctional facility to another.

2       Sec. 908. There are sufficient funds and FTEs appropriated in  
3 part 1 to provide a full complement of nurses for clinical  
4 complexes working regular pay hours, and it is the intent of the  
5 legislature that sufficient nurses be hired or retained to limit  
6 the use of overtime other-than-holiday pay.

7       Sec. 909. The department, in conjunction with efforts to  
8 implement the MPRI, shall cooperate with the MDCH to share data and  
9 information as they relate to prisoners being released and  
10 hepatitis C. By April 1, 2008, the department shall report to the  
11 senate and house appropriations subcommittees on corrections, the  
12 senate and house fiscal agencies, and the state budget director on  
13 the progress and results of its work and potential outcomes from  
14 its work with the MDCH under this section.

15       Sec. 910. Included in the appropriations in part 1 for  
16 hospital and specialty care services are savings of \$4,196,000.00  
17 to be achieved through contracting and scheduling efficiencies for  
18 hospital and specialty care services.

19       Sec. 911. (1) When an inmate of a state correctional facility  
20 is confined for maintenance of order and discipline to a cell or  
21 room, apart from accommodations provided for inmates who are  
22 participating in programs of the facility, for a period in excess  
23 of 24 hours, the inmate's mental health status and record shall be  
24 reviewed within the next 24 hours by a mental health clinician  
25 employed, contracted, or otherwise arranged for by the department  
26 of community health. Inmates remaining in confinement after such  
27 assessment shall be reassessed by a department of community health

1 mental health clinician every 7 days thereafter.

2 (2) A department of community health mental health clinician  
3 conducting an assessment under subsection (1) shall recommend for  
4 removal from confinement and placement in an existing corrections  
5 mental health service those inmates who meet any of the following  
6 criteria:

7 (a) Were diagnosed with or currently display symptoms of 1 or  
8 more of the following axis I diagnoses as described in the most  
9 recent edition of the American psychiatric association's diagnostic  
10 and statistical manual of mental disorders:

11 (i) Schizophrenia or other psychotic disorder.

12 (ii) Major depressive disorder.

13 (iii) Bipolar disorder.

14 (iv) Delirium or dementia.

15 (b) Traumatic brain injury.

16 (c) At risk of suicide.

17 (d) The mental or emotional condition has deteriorated  
18 substantially while in confinement and a clinically appropriate  
19 corrections mental health service exists.

20 (3) Upon a recommendation for cessation of confinement and  
21 placement in a corrections mental health service, the recommended  
22 service shall commence as soon as is possible, and the inmate shall  
23 be removed from confinement within 24 hours of the recommendation's  
24 issuance.

25 **INSTITUTIONAL OPERATIONS**

26 Sec. 1001. As a condition of expenditure of the funds

1 appropriated in part 1, the department shall ensure that smoking  
2 areas are designated for use by prisoners and staff at each  
3 facility except those areas which house prisoners with special  
4 medical needs.

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

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

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

19 Sec. 1005. (1) The inmate housing fund shall be used for the  
20 custody, treatment, clinical, and administrative costs associated  
21 with the housing of prisoners other than those specifically  
22 budgeted for elsewhere in this act. Funding in the inmate housing  
23 fund is appropriated into a separate control account. Funding in  
24 the control account shall be distributed as necessary into separate  
25 accounts created to separately identify costs for specific  
26 purposes.

27 (2) Quarterly reports on all expenditures from the inmate

1 housing fund shall be submitted by the department to the state  
2 budget director, the senate and house appropriations subcommittees  
3 on corrections, and the senate and house fiscal agencies.

4       Sec. 1006. (1) The department shall establish a uniform rate  
5 to be paid by agencies that benefit from public work services  
6 provided by special alternative incarceration participants and  
7 prisoners.

8       (2) It is the intent of the legislature that upon any increase  
9 in fees charged for the use of prisoner labor, prisoner pay be  
10 increased proportionately.

11       Sec. 1007. (1) By April 1, 2008, the department shall report  
12 to the senate and house appropriations subcommittees on  
13 corrections, the senate and house fiscal agencies, and the state  
14 budget director on academic/vocational programs for the most  
15 recently completed appropriation year. The report shall provide  
16 information relevant to an assessment of the department's academic  
17 and vocational programs, including, but not limited to, the  
18 following:

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

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

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

27       (d) An identification of program outcomes for each academic

1 and vocational program.

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

4 (2) By April 1, 2008, the department shall report to the  
5 senate and house appropriations subcommittees on corrections, the  
6 senate and house fiscal agencies, and the state budget director on  
7 the status of the department's response to the August 2005  
8 performance audit of the prisoner education program by the office  
9 of the auditor general. The report shall include the department's  
10 status of compliance with each of the following findings:

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

13 (b) Finding 2: prisoner education files.

14 (c) Finding 3: performance indicators.

15 (d) Finding 4: pre-release programs.

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

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

18 (g) Finding 7: maximization of federal funding.

19 Sec. 1008. (1) By February 1, 2008, the department shall  
20 report to the senate and house appropriations subcommittees on  
21 corrections, the senate and house fiscal agencies, and the state  
22 budget director, the percent of offenders included in the prison  
23 population intake for fiscal years 2005-2006 and 2006-2007 who have  
24 a high school diploma or a general educational development (GED)  
25 certificate.

26 (2) By February 1, 2008, the department shall provide the  
27 senate and house appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director  
2 with statistical reports on the efficacy of both department-  
3 provided prison general education and vocational education programs  
4 in reducing offender recidivism rates. At a minimum, the report  
5 should compare the recidivism rates of the following groups of  
6 offenders:

7 (a) Offenders who completed a GED while in prison and  
8 participated in the MPRI.

9 (b) Offenders who completed a GED while in prison but did not  
10 participate in the MPRI.

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

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

15 Sec. 1009. As a condition of expending funds appropriated for  
16 academic/vocational programs under part 1, the department shall by  
17 January 31, 2008 provide a plan to increase certification rates  
18 among prisoners enrolled in general educational development (GED)  
19 programs at correctional facilities to the members of the senate  
20 and house appropriations committees, the senate and house fiscal  
21 agencies, and the state budget director. The plan shall include  
22 detailed information on certification rates for the most recent 5-  
23 year period, a comparison with prisoner certification rates in  
24 other states and a national average, and details on how the  
25 department plans to improve certification rates.

26 Sec. 1010. The department shall allow the Michigan Braille  
27 transcribing fund program to operate at its current location. The

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1 donation of the building by the Michigan Braille transcribing fund  
2 at the G. Robert Cotton correctional facility in Jackson is  
3 acknowledged and appreciated. The department shall continue to  
4 encourage the Michigan Braille transcribing fund to produce high-  
5 quality materials for use by the visually impaired.

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

10       (2) By February 1, 2008, the department shall report to the  
11 senate and house appropriations subcommittees on corrections, the  
12 senate and house fiscal agencies, and the state budget director the  
13 number of critical incidents occurring each month by type and the  
14 number and severity of assaults occurring each month at each  
15 facility during calendar year 2007.

16       SENTENCING REFORM

17       Sec. 1101. [(1) By October 1, 2007, the department shall submit  
18 to the senate and house of representatives appropriations subcommittees  
19 on corrections, the senate and house fiscal agencies, and the state  
20 budget director a detailed plan to achieve the savings necessary to  
21 satisfy the negative appropriations in part 1.

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(2) The negative appropriations [

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] in part 1 shall be

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satisfied by the approval of transfers by the legislature under

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section 393(2) of the management and budget act, 1984 PA 431, MCL

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18.1393.

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Sec. 1102. (1) Funds appropriated in part 1 for field

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operations reinvestment are appropriated for the purpose of

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providing supervision by field operations of parolees and

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probationers.

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(2) By October 1, 2007, the department shall provide the

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senate and house of representatives appropriations subcommittees on

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corrections, the senate and house fiscal agencies, and the state

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budget director with a plan that details how the department will



1 expend the funds. Any changes to the plan shall be communicated in  
2 writing prior to implementation.

3 (3) The department shall provide the senate and house of  
4 representatives appropriations subcommittees on corrections, the  
5 senate and house fiscal agencies, and the state budget director  
6 with quarterly reports itemizing expenditures of field operations  
7 reinvestment appropriations. Each report shall include quarterly  
8 and fiscal year-to-date information on expenditures by purpose,  
9 amount, and location. Each report shall be provided by the  
10 fifteenth of the month following the end of the quarter of the  
11 fiscal year.