

SENATE 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

2

LINE-ITEM APPROPRIATIONS

House Bill No. 4348 as amended September 6, 2007

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

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population 0

Full-time equated unclassified positions..... 0

Full-time equated classified positions..... 0

GROSS APPROPRIATION..... \$ << (100) >>

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 0

ADJUSTED GROSS APPROPRIATION..... \$ 0

Federal revenues:

Total federal revenues..... 0

Special revenue funds:

Total local revenues..... 0

Total private revenues..... 0

Total other state restricted revenues..... 0

State general fund/general purpose..... \$ << (100)

Sec. 102. BUDGETARY SAVINGS

Budgetary savings..... \$ (100)

GROSS APPROPRIATION..... \$ (100)

Appropriated from:

State general fund/general purpose..... \$ (100) >>

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

House Bill No. 4348 as amended September 6, 2007

1 **GENERAL SECTIONS**

2 Sec. 201. Pursuant to section 30 of article IX of the state
3 constitution of 1963, total state spending from state resources
4 under part 1 for fiscal year 2007-2008 is <<(\$100.00)>> and state
5 spending
6 from state resources to be paid to local units of government for
7 fiscal year 2007-2008 is \$0.00. The itemized statement below
8 identifies appropriations from which spending to local units of
9 government will occur:

10 DEPARTMENT OF CORRECTIONS

11 TOTAL..... \$ <<(100)>>

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

15 Sec. 203. Funds appropriated in part 1 shall not be used by a
16 principal executive department, state agency, or authority to hire
17 a person to provide legal services that are the responsibility of
18 the attorney general.

19 Sec. 204. (1) The department shall report no later than April
20 1, 2008 on each specific policy change made to implement enacted
21 legislation to the senate and house appropriations subcommittees on
22 the department budget, the senate and house standing committees on
23 the department budget, the chairperson of the joint committee on
24 administrative rules, and the senate and house fiscal agencies and
25 policy offices.

26 (2) Funds appropriated in part 1 shall not be used to prepare
27 regulatory plans or promulgate rules that fail to reduce the
disproportionate economic impact on small businesses pursuant to

1 section 40 of the administrative procedures act of 1969, 1969 PA
2 306, MCL 24.240.

3 Sec. 205. From the funds appropriated in part 1, the
4 department shall maintain and make publicly accessible the files of
5 all felony offenders even after an offender is no longer under the
6 department's jurisdiction on the offender tracking information
7 system in the same manner as files of current offenders.

8 Sec. 206. (1) The department shall provide weekly electronic
9 mail reports to the senate and house appropriations subcommittees
10 on corrections, the senate and house fiscal agencies, and the state
11 budget director on prisoner, parolee, and probationer populations
12 by facility and prison capacities.

13 (2) The department shall provide monthly electronic mail
14 reports to the senate and house appropriations subcommittees on
15 corrections, the senate and house fiscal agencies, and the state
16 budget director on prison populations, community residential
17 program populations, parole populations, probation populations,
18 parole board activity, prison intake, and prisoner exits.

19 Sec. 207. (1) By November 1, 2007, the department shall report
20 to the senate and house appropriations subcommittees on
21 corrections, the senate and house fiscal agencies, and the state
22 budget director on computer database systems. The report shall
23 include the name of each database and what programs and data are
24 housed in the database and identify other systems with which it can
25 electronically communicate.

26 (2) It is the intent of the legislature that the quantity of
27 database systems in use by the department be optimal for efficient

1 data usage and communications. By January 1, 2008, the department
2 shall report to the senate and house appropriations subcommittees
3 on corrections, the senate and house fiscal agencies, and the state
4 budget director on a plan to implement secure, encrypted, Internet-
5 based database systems that can electronically communicate with
6 each other and with other law-enforcement-related databases by
7 September 30, 2008.

8 Sec. 208. By February 1, 2008, the department shall report to
9 the senate and house appropriations subcommittees on corrections,
10 the senate and house fiscal agencies, and the state budget director
11 on the status of the department's response to the office of the
12 auditor general's 2007 performance audit of the department.

13 Sec. 209. From the funds appropriated in part 1 for prisoner
14 reintegration programs, \$100.00 is provided for the purpose of
15 funding a reentry reemployment resource center pilot project for
16 county jail inmates.

17 Sec. 210. It is the intent of the legislature that MPRI
18 programs become standard operating procedure in the department by
19 the end of the fiscal year. Budgets for subsequent fiscal years
20 shall not include specific funding for MPRI programs.

21 Sec. 211. The department shall report by February 1, 2008 to
22 the members of the senate and house appropriations subcommittees on
23 corrections, the senate and house fiscal agencies, and the state
24 budget director on parole and probation special operations program
25 participants from October 1, 2005 to September 30, 2007.

26 Sec. 212. (1) It is the intent of the legislature that the
27 department ensure that each prisoner makes all reasonable efforts

1 to obtain the documents necessary to obtain an operator's license
2 or state identification card prior to a prisoner's discharge on the
3 maximum sentence or parole hearing. The process for prisoners to
4 acquire this documentation shall be part of the department's
5 operating procedure by the end of the fiscal year.

6 (2) The department shall cooperate with the department of
7 community health to develop a process by which prisoners can obtain
8 their birth certificates. By April 1, 2008, the department shall
9 report to the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, and the state
11 budget director on the process developed under this section.

12 Sec. 213. The department shall cooperate with the department
13 of community health in providing information for and developing the
14 report required under House Bill No. 4344. The report shall, by
15 April 1, 2008, provide the following data concerning mental health
16 and substance abuse services during fiscal year 2006-2007:

17 (a) The number of prisoners receiving substance abuse
18 services, including a description and breakdown of the type of
19 substance abuse services provided to prisoners, by major offense
20 type.

21 (b) The number of prisoners with a primary diagnosis of mental
22 illness and the number of those prisoners receiving mental health
23 services, including a description and breakdown, encompassing, at a
24 minimum, the categories of inpatient, residential, and outpatient
25 care, of the type of mental health services provided to those
26 prisoners, by major offense type.

27 (c) The number of prisoners with a primary diagnosis of mental

1 illness and receiving substance abuse services, including a
2 description and breakdown, encompassing, at a minimum, the
3 categories of inpatient, residential, and outpatient care, and the
4 type of treatment provided to those prisoners, by major offense
5 type.

6 (d) Data indicating if prisoners receiving mental health
7 services for a primary diagnosis of mental illness were previously
8 hospitalized in a state psychiatric hospital for persons with
9 mental illness, by major offense type.

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

14 (f) The cost of pharmaceuticals for prisoners with a primary
15 diagnosis of mental illness itemized by type and manufacturer.

16 (g) Quarterly and fiscal year-to-date expenditures itemized by
17 vendor, status of payments from contractors to vendors, and
18 projected year-end expenditures from accounts for substance abuse
19 treatment and mental health care.

20 (h) The number of prisoners that have had their primary
21 diagnosis of mental illness changed while in prison by a mental
22 health clinician from an earlier diagnosis received in prison or
23 while hospitalized in a state psychiatric hospital for persons with
24 mental illness, itemized by current and previous diagnosis.

25 (i) The number of prisoners with a primary diagnosis of mental
26 illness that previously had received substance abuse services,
27 including a description and breakdown, encompassing, at a minimum,

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

3 Sec. 214. The department shall incorporate pharmacy benefit
4 services in the bureau of health care services by including them in
5 managed care contracts or providing for them in fee-for-service
6 programs. By April 1, 2008, the department shall report to the
7 senate and house appropriations subcommittees on corrections, the
8 senate and house fiscal agencies, and the state budget director on
9 specific initiatives and savings under this section.

10 Sec. 215. (1) The department shall report monthly to the
11 senate and house appropriations subcommittees on corrections, the
12 senate and house fiscal agencies, and the state budget director on
13 prisoner health care utilization. The report shall include the
14 number of inpatient hospital days, outpatient visits, and emergency
15 room visits in the previous month and since October 1, 2007, by
16 facility.

17 (2) The department shall report monthly to the senate and
18 house appropriations subcommittees on corrections, the senate and
19 house fiscal agencies, and the state budget director on prisoners
20 receiving off-site inpatient medical care who would have received
21 care in a state correctional facility if beds were available. The
22 report shall include the number of prisoners receiving off-site
23 inpatient medical care and average length of stay in an off-site
24 facility during the period they would have received care in a state
25 correctional facility if beds were available, by month and
26 correctional facilities administration region.

27 Sec. 216. (1) From the funds appropriated in part 1, the

1 department shall require a Hepatitis C antibody test and an HIV
2 test to each prisoner at the health screening at admissions and
3 prior to release to the community by parole, transfer to community
4 residential placement, or discharge on the maximum sentence. An
5 explanation of the results of the tests shall be provided
6 confidentially to the prisoner, and if appropriate based on the
7 test results, the prisoner shall also be provided a recommendation
8 to seek follow-up medical attention.

9 (2) By March 1, 2008, the department shall report to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house appropriations subcommittees on community health,
12 the senate and house fiscal agencies, and the state budget director
13 on the number of offenders testing positive for HIV, Hepatitis C
14 antibody, or both at prison admission and parole, transfer to
15 community residential placement, or discharge on the maximum
16 sentence. The department shall keep records of those offenders
17 testing positive for HIV, Hepatitis C antibody, or both at prison
18 admission, parole, transfer to community residential placement, and
19 discharge on the maximum sentence. These records shall clearly
20 state the date each test was performed.

21 (3) As a condition of expenditure of the funds appropriated in
22 part 1, the department shall keep records of the following:

23 (a) The number of offenders testing positive for the Hepatitis
24 C antibody who do not receive treatment, by reason for not
25 participating.

26 (b) The number of offenders achieving a sustained viral
27 response from Hepatitis C treatment.

1 (c) Cost and duration of treatment by offender.

2 Sec. 217. The department, in conjunction with efforts to
3 implement the MPRI, shall cooperate with the department of
4 community health to share data and information as they relate to
5 prisoners being released who are HIV positive or positive for the
6 Hepatitis C antibody, or both. By April 1, 2008, the department
7 shall report to the senate and house appropriations subcommittees
8 on corrections, the senate and house fiscal agencies, and the state
9 budget director on all of the following:

10 (a) The progress and results of its work with the department
11 of community health.

12 (b) The potential outcomes from its work with the department
13 of community health.

14 (c) Programs and the location of programs implemented as a
15 result of the work under this section.

16 (d) The programs' potential impact on the budget of this
17 state.

18 (e) The number of prisoners released to the community by
19 parole, discharge on the maximum sentence, or transfer to community
20 residential placement who are HIV positive, positive for the
21 Hepatitis C antibody, or both.

22 (f) The number of offenders successfully referred to the local
23 public health department, by county, and number of parolees
24 participating in treatment for Hepatitis C, HIV, or both after 6
25 months in the community, by county.

26 Sec. 218. By November 1, 2007, the department shall provide to
27 the senate and house appropriations subcommittees on corrections,

1 the senate and house fiscal agencies, and the state budget director
2 a copy of the bureau of health care services quality assurance
3 report. The report shall include recommendations for quality
4 improvements and a plan to implement those recommendations.

5 Sec. 219. (1) By October 1, 2007, the department shall
6 implement a pilot program to prohibit smoking areas, cigarettes,
7 tobacco products, and smoking materials at correctional facilities.
8 The pilot program may include any number of facilities if 1 of each
9 of the following facilities is included:

10 (a) A level I facility or facility that includes not less than
11 1 level I housing unit.

12 (b) A level II facility or facility that includes not less
13 than 1 level II housing unit.

14 (c) A level IV facility or facility that includes not less
15 than 1 level IV housing unit.

16 (d) A level V facility or facility that includes not less than
17 1 level V housing unit.

18 (e) A facility that includes not less than 1 administrative
19 segregation unit.

20 (2) The department shall report to the senate and house
21 appropriations subcommittees on corrections, the senate and house
22 fiscal agencies, and the state budget director on the results of
23 the pilot program implemented under subsection (1) no later than
24 September 30, 2008. The report shall include all of the following
25 information:

26 (a) The budgetary impact of the program at the pilot
27 facilities and the expected budgetary impact if the program were to

1 be implemented statewide.

2 (b) The pilot program's effect on the safety and security of
3 the institution.

4 (c) Details on the department's efforts to provide smoking
5 cessation programs for prisoners and staff.

6 Sec. 220. The department shall only provide for prisoner
7 transportation from the funds appropriated in part 1 for prisoner
8 transportation.

9 Sec. 221. The department shall only provide for prisoner food
10 service from the funds appropriated in part 1 for prisoner food
11 service.

12 Sec. 222. The department shall only provide for public works
13 projects from the funds appropriated in part 1 for public works
14 projects. Public works projects shall be continued at the level as
15 enacted in 2006 PA 331.

16 Sec. 223. The department shall only provide for nonholiday
17 overtime pay from the funds appropriated in part 1 for nonholiday
18 overtime pay.

19 Sec. 224. Included in the appropriations in part 1 are savings
20 to be achieved through eliminating funding for vacant positions.

21 Sec. 225. From the funds appropriated in part 1 for northern
22 region, southeastern region, and southwestern region correctional
23 facilities, the department shall allocate \$100.00 for the purchase
24 of stab-proof vests.

25 Sec. 226. The department shall implement evidence-based
26 programs that change offenders' values, beliefs, and attitudes
27 toward victims and the community.

1 Sec. 227. (1) The department shall administer a county jail
2 reimbursement program from the funds appropriated in part 1 for the
3 purpose of reimbursing counties for housing in jails felons who
4 otherwise would have been sentenced to prison.

5 (2) The county jail reimbursement program shall reimburse
6 counties \$43.50 per diem up to a 1-year total for housing and
7 custody of convicted felons if the conviction was for a crime
8 committed on or after January 1, 1999, the felon's sentencing
9 guidelines recommended range upper limit is more than 18 months,
10 the felon's sentencing guidelines recommended range lower limit is
11 12 months or less, the felon's prior record variable score is 25 or
12 more points and the felon's sentence is not for commission of a
13 crime in crime class G or crime class H under chapter XVII of the
14 code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

15 (3) The county jail reimbursement program shall reimburse
16 counties \$15,921.00 per offender for housing and custody of
17 convicted felons if the conviction was for a crime committed on or
18 after January 1, 1999 and the felon's minimum sentencing guidelines
19 range minimum is more than 12 months.

20 Sec. 228. From the general fund/general purpose appropriated
21 in part 1 for the county jail reimbursement program, the department
22 shall reimburse drug treatment courts \$8,000.00 per offender for
23 handling cases involving offenders who would likely be sentenced to
24 imprisonment in a state correctional facility, based on historical
25 local sentencing patterns and crime characteristics.

26 Sec. 229. The department, in conjunction with the department
27 of management and budget, shall solicit competitive bids for

1 prisoner transportation services.

2 Sec. 230. The department, in conjunction with the department
3 of management and budget, shall solicit competitive bids for
4 prisoner food services.

5 Sec. 231. From the funds appropriated in part 1, the
6 department shall implement continuous improvement efficiency
7 mechanisms in the programs administered by the department. The
8 continuous improvement efficiency mechanisms shall identify changes
9 made in programs to increase efficiency and reduce expenditures in
10 the programs. On March 31, 2008 and September 30, 2008, the
11 department shall report to the state budget director, the senate
12 and house appropriations subcommittees, and the senate and house
13 fiscal agencies on the progress made toward increased efficiencies
14 in departmental programs. At a minimum, each report shall include
15 information on the program review process, the type of improvement
16 mechanisms implemented, and actual and projected expenditure
17 savings as a result of the increased program efficiencies.