

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1095

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2009; 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

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, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population	51,841	
Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	17,083.1	
GROSS APPROPRIATION.....		\$ 2,044,699,900
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		1,277,400
ADJUSTED GROSS APPROPRIATION.....		\$ 2,043,422,500
Federal revenues:		
Total federal revenues.....		10,351,300
Special revenue funds:		
Total local revenues.....		430,400
Total private revenues		0
Total other state restricted revenues.....		54,382,200
State general fund/general purpose.....		\$ 1,978,258,600
Sec. 102. EXECUTIVE		
Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	5.0	
Unclassified positions--16.0 FTE positions.....		\$ 1,373,500

1	Executive direction--5.0 FTE positions	<u>1,329,500</u>
2	GROSS APPROPRIATION.....	\$ 2,703,000
3	Appropriated from:	
4	State general fund/general purpose	\$ 2,703,000
5	Sec. 103. PLANNING AND COMMUNITY SUPPORT	
6	Full-time equated classified positions.....	72.0
7	Planning, community development, and research--	32.0
8	FTE positions	\$ 3,399,700
9	Mental health awareness training.....	100,100
10	Prisoner reintegration programs.....	33,173,600
11	Community corrections administration--	17.0 FTE
12	positions	1,898,000
13	Substance abuse testing and treatment services--	23.0
14	FTE positions	20,047,800
15	Residential services.....	16,925,500
16	Community corrections comprehensive plans and services	12,533,000
17	Public education and training.....	49,900
18	Regional jail program.....	200
19	Felony drunk driver jail reduction and community	
20	treatment program	1,740,000
21	County reentry program.....	9,204,100
22	County jail reimbursement program.....	<u>3,068,000</u>
23	GROSS APPROPRIATION.....	\$ 102,139,900
24	Appropriated from:	
25	Federal revenues:	
26	DOJ, office of justice programs, Byrne grants	729,700
27	DOJ, office of justice programs, RSAT.....	142,900

1	DOJ, prisoner reintegration.....	1,035,100
2	Special revenue funds:	
3	Civil infraction fees.....	7,514,500
4	State general fund/general purpose.....	\$ 92,717,700
5	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION	
6	Full-time equated classified positions..... 153.9	
7	Operations support administration--55.0 FTE positions	\$ 5,096,100
8	New custody staff training.....	13,358,500
9	Compensatory buyout and union leave bank.....	200
10	Worker's compensation.....	15,628,900
11	Bureau of fiscal management--66.9 FTE positions.....	5,967,600
12	Office of legal services--22.0 FTE positions.....	2,437,500
13	Internal audit services.....	667,000
14	Internal affairs--10.0 FTE positions.....	1,008,100
15	Rent.....	2,095,200
16	Equipment and special maintenance.....	2,425,400
17	Administrative hearings officers.....	3,820,400
18	Sheriffs' coordinating and training office.....	499,900
19	Prosecutorial and detainer expenses.....	<u>4,050,900</u>
20	GROSS APPROPRIATION.....	\$ 57,055,700
21	Appropriated from:	
22	Interdepartmental grant revenues:	
23	IDG-MDSP, Michigan justice training fund.....	698,500
24	Special revenue funds:	
25	Local corrections officer training fund.....	499,900
26	Correctional industries revolving fund.....	108,400
27	State general fund/general purpose.....	\$ 55,748,900

1	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
2	Full-time equated classified positions.....	1,951.9	
3	Field operations--1,802.9 FTE positions.....		\$ 153,456,500
4	Parole board operations--58.0 FTE positions.....		5,061,100
5	Parole/probation services.....		2,867,200
6	Community reentry centers--51.0 FTE positions.....		15,212,100
7	Electronic monitoring center--40.0 FTE positions.....		<u>8,643,900</u>
8	GROSS APPROPRIATION.....		\$ 185,240,800
9	Appropriated from:		
10	Special revenue funds:		
11	Local - community tether program reimbursement.....		430,400
12	Reentry center offender reimbursements.....		135,100
13	Parole and probation oversight fees.....		10,795,200
14	Parole and probation oversight fees set-aside.....		3,267,400
15	Public works user fees.....		249,500
16	Tether program participant contributions.....		6,033,900
17	State general fund/general purpose.....		\$ 164,329,300
18	Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION		
19	Full-time equated classified positions.....	1,408.7	
20	Correctional facilities administration--41.0 FTE		
21	positions		\$ 7,465,400
22	Prison food service--494.0 FTE positions.....		83,663,600
23	Transportation--243.7 FTE positions.....		25,431,800
24	Central records--58.5 FTE positions.....		4,965,200
25	Inmate legal services.....		704,800
26	Loans to parolees.....		179,300
27	Housing inmates in federal institutions.....		793,800

1	Prison industries operations--219.0 FTE positions	19,973,800
2	Education services and federal education grants--10.0	
3	FTE positions	5,720,400
4	Federal school lunch program.....	712,700
5	Leased beds and alternatives to leased beds	200
6	Inmate housing fund.....	200
7	MPRI education program--342.5 FTE positions	<u>36,673,800</u>
8	GROSS APPROPRIATION.....	\$ 186,285,000
9	Appropriated from:	
10	Interdepartmental grant revenues:	
11	IDG-MDCH, forensic center food service	578,900
12	Federal revenues:	
13	DAG-FNS, national school lunch.....	712,700
14	DED-OESE, title 1.....	522,000
15	DED-OVAE, adult education.....	1,893,100
16	DED, adult literacy grants.....	308,500
17	DED-OSERS.....	101,400
18	DED, vocational education equipment	277,500
19	DED, youthful offender/Specter grant	1,289,800
20	DOJ-BOP, federal prisoner reimbursement	211,100
21	DOJ-OJP, serious and violent offender reintegration	
22	initiative	1,010,400
23	DOJ, prison rape elimination act grant	1,004,400
24	SSA-SSI, incentive payment	124,200
25	Special revenue funds:	
26	Correctional industries revolving fund.....	19,973,800
27	State general fund/general purpose	\$ 158,277,200

1 **Sec. 107. CONSENT DECREES**

2	Full-time equated classified positions.....	339.5	
3	Hadix consent decree--109.2 FTE positions.....		\$ 11,429,700
4	DOJ psychiatric plan - MDCH mental health services...		39,344,700
5	DOJ psychiatric plan - MDOC staff and services--230.3		
6	FTE positions		<u>17,969,700</u>
7	GROSS APPROPRIATION.....		\$ 68,744,100
8	Appropriated from:		
9	State general fund/general purpose.....		\$ 68,744,100

10 **Sec. 108. HEALTH CARE**

11	Full-time equated classified positions.....	1,150.6	
12	Health care administration--20.0 FTE positions.....		\$ 2,791,400
13	Hospital and specialty care services.....		80,274,800
14	Vaccination program.....		691,100
15	Northern region clinical complexes--276.4 FTE		
16	positions		38,823,800
17	Southeastern region clinical complexes--543.4 FTE		
18	positions		91,996,300
19	Southwestern region clinical complexes--310.8 FTE		
20	positions		<u>45,062,200</u>
21	GROSS APPROPRIATION.....		\$ 259,639,600
22	Appropriated from:		
23	Special revenue funds:		
24	Prisoner health care copayments.....		332,300
25	State general fund/general purpose.....		\$ 259,307,300

26 **Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES**

27 Average population 15,855

1	Full-time equated classified positions.....	3,891.5	
2	Alger maximum correctional facility - Munising--	320.5	
3	FTE positions		\$ 31,113,100
4	Average population	849	
5	Baraga maximum correctional facility - Baraga--	384.6	
6	FTE positions		36,503,100
7	Average population	1,172	
8	Chippewa correctional facility - Kincheloe--	489.9 FTE	
9	positions		47,237,600
10	Average population	2,282	
11	Kinross correctional facility - Kincheloe--	548.3 FTE	
12	positions		54,643,600
13	Average population	2,999	
14	Marquette branch prison - Marquette--	356.5 FTE	
15	positions		37,116,200
16	Average population	1,201	
17	Newberry correctional facility - Newberry--	279.4 FTE	
18	positions		25,996,600
19	Average population	978	
20	Oaks correctional facility - Eastlake--	306.4 FTE	
21	positions		32,939,300
22	Average population	1,156	
23	Ojibway correctional facility - Marenisco--	259.4 FTE	
24	positions		23,933,700
25	Average population	1,378	
26	Pugsley correctional facility - Kingsley--	219.5 FTE	
27	positions		20,214,000

1	Average population	1,158	
2	Saginaw correctional facility - Freeland--320.6 FTE		
3	positions		30,933,600
4	Average population	1,480	
5	Standish maximum correctional facility - Standish--		
6	362.4 FTE positions		36,597,900
7	Average population	1,202	
8	Kincheloe area support and services--44.0 FTE		
9	positions		<u>2,987,700</u>
10	GROSS APPROPRIATION.....	\$	380,216,400
11	Appropriated from:		
12	Special revenue funds:		
13	Public works user fees.....		1,923,400
14	State general fund/general purpose.....	\$	378,293,000
15	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL		
16	FACILITIES		
17	Average population	16,637	
18	Full-time equated classified positions.....	4,211.6	
19	Cooper street correctional facility - Jackson--281.4		
20	FTE positions	\$	28,640,900
21	Average population	1,752	
22	G. Robert Cotton correctional facility - Jackson--		
23	410.9 FTE positions		38,506,100
24	Average population	1,854	
25	Charles E. Egeler correctional facility - Jackson--		
26	349.8 FTE positions		37,234,800
27	Average population	1,108	

1	Gus Harrison correctional facility - Adrian--464.7 FTE	
2	positions	45,373,700
3	Average population	2,342
4	Huron Valley correctional complex - Ypsilanti--680.6	
5	FTE positions	67,401,600
6	Average population	1,872
7	Macomb correctional facility - New Haven--288.1 FTE	
8	positions	27,138,600
9	Average population	1,228
10	Mound correctional facility - Detroit--277.5 FTE	
11	positions	25,980,200
12	Average population	1,051
13	Parnall correctional facility - Jackson--265.4 FTE	
14	positions	26,228,800
15	Average population	1,712
16	Ryan correctional facility - Detroit--317.3 FTE	
17	positions	28,482,700
18	Average population	1,059
19	Robert Scott correctional facility - Plymouth--346.5	
20	FTE positions	18,233,200
21	Average population	1,040
22	Thumb correctional facility - Lapeer--293.4 FTE	
23	positions	28,955,500
24	Average population	1,219
25	Special alternative incarceration program (Camp	
26	Cassidy Lake)--120.0 FTE positions.....	10,984,800
27	Average population	400

1	Jackson area support and services--116.0 FTE positions	<u>18,668,700</u>
2	GROSS APPROPRIATION.....	\$ 401,829,600
3	Appropriated from:	
4	Federal revenues:	
5	DOJ, state criminal alien assistance program.....	988,500
6	Special revenue funds:	
7	Public works user fees.....	1,920,800
8	State general fund/general purpose.....	\$ 398,920,300
9	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL	
10	FACILITIES	
11	Average population	19,349
12	Full-time equated classified positions.....	3,898.4
13	Bellamy Creek correctional facility - Ionia--393.4 FTE	
14	positions	\$ 36,514,700
15	Average population	1,850
16	Earnest C. Brooks correctional facility - Muskegon--	
17	465.7 FTE positions	45,237,700
18	Average population	2,440
19	Carson City correctional facility - Carson City--460.6	
20	FTE positions	45,544,500
21	Average population	2,440
22	Richard A. Handlon correctional facility - Ionia--	
23	228.9 FTE positions	21,973,200
24	Average population	1,320
25	Ionia maximum correctional facility - Ionia--311.1 FTE	
26	positions	29,387,300
27	Average population	707

1	Lakeland correctional facility - Coldwater--585.7 FTE	
2	positions	57,281,900
3	Average population	3,102
4	Michigan reformatory - Ionia--418.4 FTE positions	39,450,600
5	Average population	2,538
6	Muskegon correctional facility - Muskegon--219.2 FTE	
7	positions	23,277,200
8	Average population	1,326
9	Pine River correctional facility - St. Louis--213.4	
10	FTE positions	20,432,800
11	Average population	1,200
12	St. Louis correctional facility - St. Louis--519.0 FTE	
13	positions	49,375,000
14	Average population	2,426
15	Ionia area support and services--83.0 FTE positions ..	<u>13,281,600</u>
16	GROSS APPROPRIATION.....	\$ 381,756,500
17	Appropriated from:	
18	Special revenue funds:	
19	Public works user fees.....	927,600
20	State general fund/general purpose.....	\$ 380,828,900
21	Sec. 112. INFORMATION TECHNOLOGY	
22	Information technology services and projects	<u>\$ 19,089,300</u>
23	GROSS APPROPRIATION.....	\$ 19,089,300
24	Appropriated from:	
25	Special revenue funds:	
26	Correctional industries revolving fund.....	142,200
27	Parole and probation oversight fees set-aside.....	558,200

1 State general fund/general purpose \$ 18,388,900

2 PART 2

3 PROVISIONS CONCERNING APPROPRIATIONS

4 GENERAL SECTIONS

5 Sec. 201. Pursuant to section 30 of article IX of the state
6 constitution of 1963, total state spending from state resources
7 under part 1 for fiscal year 2008-2009 is \$2,032,640,800.00 and
8 state spending from state resources to be paid to local units of
9 government for fiscal year 2008-2009 is \$91,304,400.00. The
10 itemized statement below identifies appropriations from which
11 spending to local units of government will occur:

12 DEPARTMENT OF CORRECTIONS

13 Field operations - assumption of county probation
14 staff \$ 47,677,800
15 Public service work projects 10,358,600
16 Community corrections comprehensive plans and services 12,533,000
17 Community corrections residential services 16,925,500
18 Community corrections public education and training .. 50,000
19 Felony drunk driver jail reduction and community
20 treatment program 1,740,100
21 Community reentry centers 2,019,600
22 Regional jail program 100
23 TOTAL \$ 91,304,400

24 Sec. 202. The appropriations authorized under this act are
25 subject to the management and budget act, 1984 PA 431, MCL 18.1101

1 to 18.1594.

2 Sec. 203. As used in this act:

3 (a) "DAG" means the United States department of agriculture.

4 (b) "DAG-FNS" means the DAG food and nutrition service.

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

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

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

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

12 (g) "Department" or "MDOC" means the Michigan department of
13 corrections.

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

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

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

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

18 (l) "GED" means general educational development certificate.

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

20 (n) "HIV" means human immunodeficiency virus.

21 (o) "IDG" means interdepartmental grant.

22 (p) "IDT" means intradepartmental transfer.

23 (q) "MDCH" means the Michigan department of community health.

24 (r) "Medicaid benefit" means a benefit paid or payable under a
25 program for medical assistance under the social welfare act, 1939
26 PA 280, MCL 400.1 to 400.119b.

27 (s) "MDSP" means the Michigan department of state police.

1 (t) "MPRI" means the Michigan prisoner reentry initiative.

2 (u) "OCC" means the office of community corrections.

3 (v) "RSAT" means residential substance abuse treatment.

4 (w) "SSA" means the United States social security
5 administration.

6 (x) "SSA-SSI" means SSA supplemental security income.

7 Sec. 204. The civil service commission shall bill departments
8 and agencies at the end of the first fiscal quarter for the 1%
9 charge authorized by section 5 of article XI of the state
10 constitution of 1963. Payments shall be made for the total amount
11 of the billing by the end of the second fiscal quarter.

12 Sec. 205. (1) A hiring freeze is imposed on the state
13 classified civil service. State departments and agencies are
14 prohibited from hiring any new full-time state classified civil
15 service employees and prohibited from filling any vacant state
16 classified civil service positions. This hiring freeze does not
17 apply to internal transfers of classified employees from 1 position
18 to another within a department.

19 (2) The state budget director may grant exceptions to the
20 hiring freeze when the state budget director believes that this
21 hiring freeze will result in rendering a state department or agency
22 unable to deliver basic services, cause loss of revenue to the
23 state, result in the inability of the state to receive federal
24 funds, or necessitate additional expenditures that exceed any
25 savings from maintaining a vacancy. The state budget director shall
26 report quarterly to the chairpersons of the senate and house
27 standing committees on appropriations the number of exceptions to

1 the hiring freeze approved during the previous quarter and the
2 reasons to justify the exception.

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

6 Sec. 207. At least 120 days before beginning any effort to
7 privatize, the department shall submit a complete project plan to
8 the appropriate senate and house appropriations subcommittees and
9 the senate and house fiscal agencies. The plan shall include the
10 criteria under which the privatization initiative will be
11 evaluated. The evaluation shall be completed and submitted to the
12 appropriate senate and house appropriations subcommittees and the
13 senate and house fiscal agencies within 30 months.

14 Sec. 207a. (1) Before privatizing any services or activities
15 currently provided by state employees in the department, the
16 department shall submit to the senate and house appropriations
17 committees a preprivatization cost-benefit analysis. This analysis
18 shall utilize accurate, reliable, and objective data. Included in
19 this analysis shall be a comparative estimate of the costs that
20 will be incurred by this state over the life of the contract if 1
21 or both of the following occur:

22 (a) The service or activity continues to be provided by state
23 employees.

24 (b) The service or activity is privatized. The costs of
25 privatizing these services shall include the costs of all necessary
26 monitoring and oversight of the private entity by this state. These
27 private entities shall be adequately bonded, so as not to expose

1 the state to any potential future liability or legal causes of
2 action.

3 (2) The department shall not commence any efforts to privatize
4 the services or activities currently provided by state employees
5 under part 1 until the cost-benefit analysis prescribed by
6 subsection (1) has been sent to both the senate and house
7 appropriations committees 14 days prior to the efforts to privatize
8 and proves a cost savings of at least 5% of the costs of continuing
9 to use state employees in providing the services or activities.

10 (3) A private contractor with a contract with this state that
11 expends state or federal tax dollars shall have all records
12 pertinent to state contracts, including all records detailing
13 compliance with section 209, be subject to disclosure to the
14 department or the department of management and budget.

15 (4) State employees shall be given the opportunity to bid on
16 contracts that privatize services that are or were provided by
17 state employees. If the contract is awarded to any state employee,
18 he or she ceases being an employee of the state.

19 Sec. 208. The department shall use the Internet to fulfill the
20 reporting requirements of this act. This requirement may include
21 transmission of reports via electronic mail to the recipients
22 identified for each reporting requirement or it may include
23 placement of reports on an Internet or Intranet site. There shall
24 be at least 1 separate and distinct electronic file for each
25 section that includes a reporting requirement.

26 Sec. 209. Funds appropriated in part 1 shall not be used for
27 the purchase of foreign goods or services, or both, if

1 competitively priced and comparable quality American goods or
2 services, or both, are available. Preference shall be given to
3 goods or services, or both, manufactured or provided by Michigan
4 businesses if they are competitively priced and of comparable
5 quality. In addition, preference shall be given to goods or
6 services, or both, that are manufactured or provided by Michigan
7 businesses owned and operated by veterans if they are competitively
8 priced and of comparable quality.

9 Sec. 210. (1) Pursuant to the provisions of civil service
10 rules and regulations and applicable collective bargaining
11 agreements, individuals seeking employment with the department
12 shall submit to a controlled substance test. The test shall be
13 administered by the department.

14 (2) Individuals seeking employment with the department who
15 refuse to take a controlled substance test or who test positive for
16 the illicit use of a controlled substance on such a test shall be
17 denied employment.

18 Sec. 211. The department may charge fees and collect revenues
19 in excess of appropriations in part 1 not to exceed the cost of
20 offender services and programming, employee meals, parolee loans,
21 academic/vocational services, custody escorts, compassionate
22 visits, union steward activities, public work programs, and
23 services provided to units of government. The revenues and fees
24 collected are appropriated for all expenses associated with these
25 services and activities.

26 Sec. 212. Preference should be given to purchasing produce
27 from Michigan growers and processors when their produce is

1 competitively priced and of comparable quality.

2 Sec. 213. By February 15, 2009, the department shall provide
3 the members of the senate and house appropriations subcommittees on
4 corrections, the senate and house fiscal agencies, and the state
5 budget director with a report detailing nongeneral fund/general
6 purpose sources of revenue, including, but not limited to, federal
7 revenues, state restricted revenues, local and private revenues,
8 offender reimbursements and other payments, revolving funds, and 1-
9 time sources of revenue, whether or not such revenues were
10 appropriated. The report shall include statements detailing for
11 each account the total amount of revenue received during fiscal
12 year 2007-2008, the amount by which the revenue exceeded any
13 applicable appropriated fund source, the amount spent during fiscal
14 year 2007-2008, the account balance at the close of fiscal year
15 2007-2008, and the projected revenues and expenditures for fiscal
16 year 2008-2009.

17 Sec. 214. From the funds appropriated in part 1 for
18 information technology, the department shall pay user fees to the
19 department of information technology for technology-related
20 services and projects. These user fees shall be subject to
21 provisions of an interagency agreement between the departments and
22 agencies and the department of information technology.

23 Sec. 215. Amounts appropriated in part 1 for information
24 technology may be designated as work projects and carried forward
25 to support department of corrections technology projects under the
26 direction of the department of information technology. Funds
27 designated in this manner are not available for expenditure until

1 approved as work projects under section 451a of the management and
2 budget act, 1984 PA 431, MCL 18.1451a.

3 Sec. 216. (1) Due to the current budgetary problems in this
4 state, out-of-state travel for the fiscal year ending September 30,
5 2009 shall be limited to situations in which 1 or more of the
6 following conditions apply:

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

9 (b) The travel is necessary to protect the health or safety of
10 Michigan citizens or visitors or to assist other states in similar
11 circumstances.

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

15 (d) The travel is necessary to comply with federal
16 requirements.

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

19 (f) The travel is financed entirely by federal or nonstate
20 funds.

21 (2) If out-of-state travel is necessary but does not meet 1 or
22 more of the conditions listed in subsection (1), the state budget
23 director may grant an exception to allow the travel. Any exceptions
24 granted by the state budget director shall be reported on a monthly
25 basis to the senate and house standing committees on
26 appropriations.

27 (3) Not later than January 1 of each year, each department

1 shall prepare a travel report listing all travel by classified and
2 unclassified employees outside this state in the immediately
3 preceding fiscal year that was funded in whole or in part with
4 funds appropriated in the department's budget. The report shall be
5 submitted to the chairs and members of the senate and house
6 standing committees on appropriations, the fiscal agencies, and the
7 state budget director. The report shall include the following
8 information:

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

11 (b) The destination of each travel occurrence.

12 (c) The dates of each travel occurrence.

13 (d) A brief statement of the reason for each travel
14 occurrence.

15 (e) The transportation and related costs of each travel
16 occurrence, including the proportion funded with state general
17 fund/general purpose revenues, the proportion funded with state
18 restricted revenues, the proportion funded with federal revenues,
19 and the proportion funded with other revenues.

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

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

1 Sec. 218. It is the intent of the legislature that no
2 expenditures for employee dry cleaning allowances be made or
3 obligations to pay employee dry cleaning allowances be incurred for
4 dry cleaning allowances in excess of the amounts authorized under
5 collective bargaining contracts in effect from January 1, 2002 to
6 December 31, 2004.

7 Sec. 219. Any contract for prisoner telephone services entered
8 into after the effective date of this act shall include a condition
9 that fee schedules for prisoner telephone calls, including rates
10 and any surcharges other than those necessary to meet special
11 equipment costs, be the same as fee schedules for calls placed from
12 outside of correctional facilities.

13 Sec. 221. (1) The department shall report no later than April
14 1, 2009 on each specific policy change made to implement a public
15 act affecting the department that took effect during the previous
16 calendar year to the senate and house appropriations subcommittees
17 on corrections, the joint committee on administrative rules, and
18 the senate and house fiscal agencies.

19 (2) Funds appropriated in part 1 shall not be used to adopt a
20 rule that will apply to a small business and that will have a
21 disproportionate economic impact on small businesses because of the
22 size of those businesses if the department fails to reduce the
23 disproportionate economic impact of the rule on small businesses as
24 provided under section 40 of the administrative procedures act of
25 1969, 1969 PA 306, MCL 24.240.

26 (3) As used in this section:

27 (a) "Rule" means that term as defined under section 7 of the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

2 (b) "Small business" means that term as defined under section
3 7a of the administrative procedures act of 1969, 1969 PA 306, MCL
4 24.207a.

5 Sec. 222. Funds appropriated in part 1 shall not be used by a
6 principal executive department, state agency, or authority to hire
7 a person to provide legal services that are the responsibility of
8 the attorney general. This prohibition does not apply to legal
9 services for bonding activities and for those activities that the
10 attorney general authorizes.

11 Sec. 223. (1) In addition to the funds appropriated in part 1,
12 there is appropriated an amount not to exceed \$10,000,000.00 for
13 federal contingency funds. These funds are not available for
14 expenditure until they have been transferred to another line item
15 in this act under section 393(2) of the management and budget act,
16 1984 PA 431, MCL 18.1393.

17 (2) In addition to the funds appropriated in part 1, there is
18 appropriated an amount not to exceed \$5,000,000.00 for state
19 restricted contingency funds. These funds are not available for
20 expenditure until they have been transferred to another line item
21 in this act under section 393(2) of the management and budget act,
22 1984 PA 431, MCL 18.1393.

23 (3) In addition to the funds appropriated in part 1, there is
24 appropriated an amount not to exceed \$2,000,000.00 for local
25 contingency funds. These funds are not available for expenditure
26 until they have been transferred to another line item in this act
27 under section 393(2) of the management and budget act, 1984 PA 431,

1 MCL 18.1393.

2 (4) In addition to the funds appropriated in part 1, there is
3 appropriated an amount not to exceed \$2,000,000.00 for private
4 contingency funds. These funds are not available for expenditure
5 until they have been transferred to another line item in this act
6 under section 393(2) of the management and budget act, 1984 PA 431,
7 MCL 18.1393.

8 Sec. 224. By April 1, 2009, the department shall provide a
9 litigation report to the senate and house appropriations
10 subcommittees on corrections, the senate and house fiscal agencies,
11 and the state budget director. The report shall identify all
12 lawsuits adjudicated through the trial court phase in which the
13 department or an employee acting on behalf of the department was a
14 defendant and in which trial court proceedings resulted in a
15 decision of \$1,000,000.00 or more against the department.

16 Sec. 225. (1) The department shall make every effort to place
17 employees displaced by any reductions in force within other
18 positions in the department.

19 (2) It is the intent of the legislature that employees
20 displaced by any reductions in force who are not placed within
21 other positions in the department be given priority in state
22 programs for job retraining or education, such as the no worker
23 left behind program.

24 Sec. 226. If changes to sentencing and parole statutes
25 sufficient to eliminate the need for at least 1,680 prison beds by
26 the end of fiscal year 2008-2009 are not enacted by January 1,
27 2009, there is appropriated to the inmate housing fund

1 \$25,369,600.00 for the purposes of adding 560 additional beds in
2 open-bay housing units, opening a 240-bed housing unit at Macomb
3 correctional facility, and keeping Scott correctional facility open
4 through the end of the fiscal year.

5 Sec. 227. (1) The department shall convene a special
6 alternative to incarceration workgroup that includes as its members
7 representatives from the department, the prosecuting attorneys
8 association of Michigan, the Michigan judges association, and the
9 third party evaluator selected for the evaluation of the program.

10 The workgroup shall be convened for the purpose of developing
11 recommendations for both of the following:

12 (a) A redesign of the special alternative to incarceration
13 program that takes into account the results of any studies of
14 process and impact of the special alternative to incarceration as
15 well as national evidence-based practices for such programs.

16 (b) Additional process and impact studies for the special
17 alternative to incarceration program as redesigned according to
18 statutory and appropriations act requirements.

19 (2) The recommendations shall be provided to the senate and
20 house appropriations subcommittees on corrections and the senate
21 and house judiciary committees by May 1, 2009.

22 (3) It is the intent of the legislature to review and act on
23 the special alternative to incarceration workgroup's
24 recommendations by September 1, 2009.

25 Sec. 228. (1) Due to the importance of departmental employees
26 in maintaining safe, secure, and efficient operations of the
27 facilities, implementation of any reductions to the number of

1 storekeepers or bidding out of prison store operations shall be
2 suspended until a workgroup is convened to identify operational
3 changes other than personnel reductions that result in full-year
4 savings of at least \$1,205,400.00 to state general/general purpose
5 appropriations that would otherwise be needed for prison store
6 operations.

7 (2) The workgroup shall be convened by the department no later
8 than October 10, 2008, and at a minimum shall include
9 representatives of the department, storekeepers, and the chairs of
10 the senate and house appropriations subcommittees on corrections.

11 (3) By October 31, 2008, the members of the workgroup shall
12 report to the senate and house appropriations subcommittees on
13 corrections, the senate and house fiscal agencies, and the state
14 budget director its recommendations for achieving the savings
15 specified in subsection (1). It is the intent of the legislature to
16 act upon workgroup recommendations that may require legislative
17 action to realize the savings.

18 Sec. 229. (1) Due to the importance of departmental employees
19 in maintaining safe, secure, and efficient operations of the
20 facilities, implementation of regionalization of business offices
21 shall be suspended until a workgroup is convened to identify
22 operational changes other than personnel reductions that result in
23 full-year savings of at least \$4,995,300.00 to state general
24 fund/general purpose appropriations that would otherwise be needed
25 for business office operations.

26 (2) The workgroup shall be convened by the department no later
27 than October 10, 2008, and at a minimum shall include

1 representatives of the department, business office personnel who
2 would be affected by the proposed regionalization, and the chairs
3 of the senate and house appropriations subcommittees on
4 corrections.

5 (3) By October 31, 2008, the members of the workgroup shall
6 report to the senate and house appropriations subcommittees on
7 corrections, the senate and house fiscal agencies, and the state
8 budget director its recommendations for achieving the savings
9 specified in subsection (1). It is the intent of the legislature to
10 act upon workgroup recommendations that may require legislative
11 action to realize the savings.

12 Sec. 230. (1) From the funds appropriated in part 1, the
13 department shall contract with a state university for a study based
14 on a representative random sample of county jail inmates. To the
15 extent that such information would not conflict with state law on
16 confidentiality for inmates included in the study, at a minimum,
17 the study shall be sufficient to provide all of the information
18 required by subsection (2). The methodological basis for the study
19 shall include all of the following:

20 (a) Diagnostic clinical interviews with all of the inmates in
21 the study.

22 (b) Reviews of the criminal history records of all of the
23 inmates in the study.

24 (c) Reviews of the medical and mental health records of all of
25 the inmates in the study, as available.

26 (2) By June 30, 2009, the department shall report to the
27 senate and house appropriations subcommittees on corrections, the

1 senate and house appropriations subcommittees on community health,
2 the senate and house fiscal agencies, and the state budget director
3 on the results and findings of the study, including, at a minimum,
4 information on all of the following, to the extent that such
5 information would not conflict with state law on confidentiality
6 for the inmates included in the study:

7 (a) Study methodology, including information on the sample
8 size and counties sampled.

9 (b) The proportion of county jail inmates with a primary
10 diagnosis of mental illness, the proportion of inmates with a
11 primary diagnosis of addiction disorder, and the proportion of
12 inmates with a dual diagnosis of mental illness and addiction
13 disorder.

14 (c) For each category of inmates listed in subdivision (b),
15 all of the following information:

16 (i) The proportion considered to currently require treatment
17 and the percentage in need of treatment who are currently receiving
18 it. Information on inmates currently receiving treatment shall
19 identify whether the inmates are receiving inpatient, residential,
20 or outpatient treatment. Treatment information on inmates with a
21 dual diagnosis shall identify whether inmates are receiving mental
22 health inpatient, mental health residential, mental health
23 outpatient, substance abuse residential, or substance abuse
24 outpatient treatment.

25 (ii) Data indicating how many inmates previously had been
26 hospitalized in a state psychiatric hospital for persons with
27 mental illness.

1 (iii) Data indicating whether and with what frequency inmates
2 previously had been incarcerated in a jail or committed to the
3 department of corrections.

4 (iv) Data indicating whether inmates previously had received
5 services managed by a community mental health program or substance
6 abuse coordinating agency.

7 **EXECUTIVE**

8 Sec. 301. For 3 years after a felony offender is released from
9 the department's jurisdiction, the department shall maintain the
10 offender's file on the offender tracking information system and
11 make it publicly accessible in the same manner as the file of the
12 current offender. However, the department shall immediately remove
13 the offender's file from the offender tracking information system
14 upon determination that the offender was wrongfully convicted and
15 the offender's file is not otherwise required to be maintained on
16 the offender tracking information system.

17 Sec. 302. A report on the mental health study required under
18 section 302 of 2007 PA 124, together with any recommendations
19 contained in the study and response from the department, shall be
20 provided to the members of the senate and house appropriations
21 subcommittees on corrections and community health, the senate and
22 house fiscal agencies, MDCH, and the state budget director no later
23 than 30 days after the receipt of the completed study. The report
24 shall include all of the information specified in section 302(2)(a)
25 to (j) of 2007 PA 124. The report also shall include a plan by the
26 department to implement those recommendations with which it agrees

1 and an explanation of any disagreements with recommendations. It is
2 the intent of the legislature to review the department's
3 implementation plan and, in coordination with the department, to
4 identify funds with which to implement the plan, as appropriate.

5 Sec. 303. It is the intent of the legislature that the
6 quantity of database systems in use by the department be optimal
7 for efficient data usage and communications. By January 1, 2009,
8 the department shall report to the senate and house appropriations
9 subcommittees on corrections, the senate and house fiscal agencies,
10 and the state budget director on the status of the plan to
11 implement secure, encrypted, Internet-based database systems that
12 can electronically communicate with each other and with other law-
13 enforcement-related databases by September 30, 2009.

14 Sec. 304. The director of the department shall develop a staff
15 savings initiative program to invite employees to submit
16 suggestions for saving costs for the department and shall recommend
17 that 10% of any savings realized from those savings be reallocated
18 to the unit, office, or program where that employee works.

19 **PLANNING AND COMMUNITY SUPPORT**

20 Sec. 401. The department shall submit 3-year and 5-year prison
21 population projection updates by February 1, 2009 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. It is the intent of the legislature that the funds

1 appropriated in part 1 for prisoner reintegration programs be
2 expended for the purpose of reducing victimization by reducing
3 offender recidivism through the following prisoner reintegration
4 programming:

5 (a) The provision of employment and job training.

6 (b) The provision of assistance in acquiring the documents
7 necessary to obtain a state identification card or operator's
8 license.

9 (c) The provision of housing assistance.

10 (d) Referral to mental health services.

11 (e) Referral to substance abuse services.

12 (f) Referral to public health services.

13 (g) Referral to education.

14 (h) Referral to any other services necessary for successful
15 reintegration.

16 Sec. 403. (1) By April 1, 2009, the department shall provide a
17 report on prisoner reintegration programs to the members of the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director. At
20 a minimum, the report shall include all of the following
21 information:

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

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

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

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

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

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

8 (2) The department shall provide quarterly reports on January
9 1, 2009, April 1, 2009, July 1, 2009, and September 30, 2009 to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house fiscal agencies, and the state budget director on
12 the status and recidivism levels of offenders who participated in
13 the MPRI and have been released. The data should be broken out by
14 the controlling sentence for the following 4 offender types: drug,
15 nonassaultive, assaultive, and sex.

16 (3) By September 30, 2009, the department shall report to the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director a
19 comparison of the overall recidivism rates and length of time prior
20 to prison return of offenders who participated in the MPRI with
21 those of offenders who did not. The report should disaggregate the
22 information by each site in order to compare the practices and
23 success rates of each site.

24 (4) The department shall include prisoners nearing their
25 maximum sentence in the prison phases of the MPRI.

26 (5) The MPRI shall include programming on understanding
27 conditions of parole, and each offender's transition accountability

1 plan shall include a plan for following conditions of parole. The
2 department shall ensure that each offender understands his or her
3 conditions of parole prior to release from prison.

4 (6) The department shall provide biannual reports to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house fiscal agencies, and the state budget director on
7 parolees who participated in the MPRI and have tested positive for
8 substance abuse in the previous 6 months. The report shall include
9 any sanctions imposed by the department in response to the positive
10 substance abuse test. Notwithstanding the reporting deadlines
11 established in this subsection, the department shall monitor trends
12 in substance abuse test results and any sanctions imposed for MPRI
13 parolee participants and immediately notify the senate and house
14 subcommittees on appropriations, the senate and house fiscal
15 agencies, and the state budget director of any significant changes
16 to those trends.

17 (7) The department shall provide biannual reports to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director on
20 parolees who participated in the MPRI and have a diagnosis of
21 mental illness or received mental health treatment while in prison.
22 The report shall include the number of offenders successfully
23 referred to the local community mental health agency, by county,
24 and number of parolees participating in treatment for mental
25 illness, by county.

26 (8) The department shall ensure that each prisoner develops a
27 transition accountability plan at intake in order to successfully

1 reenter the community after release from prison. Each prisoner's
2 transition accountability plan shall be reviewed at least once each
3 year to assure adequate progress.

4 Sec. 404. (1) The department shall screen and assess each
5 prisoner for alcohol and other drug involvement to determine the
6 need for further treatment. The assessment process shall be
7 designed to identify the severity of alcohol and other drug
8 addiction and determine the treatment plan, if appropriate.

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

14 Sec. 405. (1) In expending residential substance abuse
15 treatment services funds appropriated under this act, the
16 department shall ensure to the maximum extent possible that
17 residential substance abuse treatment services are available
18 statewide.

19 (2) By April 1, 2009, the department shall report to the
20 senate and house appropriations subcommittees on corrections, the
21 senate and house fiscal agencies, and the state budget director on
22 the allocation, distribution, and expenditure of all funds
23 appropriated by the substance abuse testing and treatment line item
24 during fiscal year 2007-2008 and projected for fiscal year 2008-
25 2009. The report shall include, but not be limited to, an
26 explanation of an anticipated year-end balance, the number of
27 participants in substance abuse programs, and the number of

1 offenders on waiting lists for residential substance abuse
2 programs. Information required under this subsection shall, where
3 possible, be separated by MDOC administrative region and by
4 offender type, including, but not limited to, a distinction between
5 prisoners, parolees, and probationers.

6 (3) By April 1, 2009, 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 substance abuse testing and treatment program objectives, outcome
10 measures, and results, including program impact on offender
11 behavior and recidivism.

12 Sec. 405a. It is the intent of the legislature that the
13 department work cooperatively with MDCH and substance abuse
14 coordinating agencies in referring offenders as appropriate to
15 intensive substance abuse services, including residential services,
16 as provided by section 484 of Enrolled Senate Bill No. 1094 of the
17 2007-2008 legislative session.

18 Sec. 406. (1) By March 1, 2009, the department shall report to
19 the senate and house appropriations subcommittees on corrections,
20 the senate and house fiscal agencies, and the state budget director
21 on the standards developed under 2007 PA 124, including all of the
22 following:

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

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

25 (c) The acceptable range or ranges for per-participant
26 expenditures.

27 (d) Procedures for referral and follow-up by the department on

1 the status of referrals to substance abuse treatment, health care,
2 and mental health treatment.

3 (e) Any other standards developed by the department, consistent
4 with good management practices and optimum program results.

5 (2) The report required under subsection (1) shall include
6 information explaining how each standard is being implemented.

7 Sec. 407. By March 1, 2009, the department shall report to the
8 senate and house subcommittees on corrections, the senate and house
9 fiscal agencies, and the state budget director on offenders who
10 have served their maximum sentence and been released from prison in
11 the last 5 years. The report shall include the following
12 information:

13 (a) The number of offenders discharged on the maximum,
14 disaggregated by major offense type: assaultive, nonassaultive,
15 drug, and sex.

16 (b) The number of offenders committed to the department each
17 year who had been discharged on the maximum sentence, disaggregated
18 by year of discharge and major offense type of assaultive,
19 nonassaultive, drug, and sex. For each subgroup of offender listed
20 in this subdivision, the report shall indicate the numbers of
21 offenders who received each of the following while in prison:
22 substance abuse treatment, mental health treatment, assaultive or
23 sex offender programming, a GED, or a vocational certificate.

24 (c) Each offender's adjudication history based on their
25 presentence investigation report.

26 Sec. 408. As a condition of expending funds appropriated for
27 planning, community development and research, and prisoner

1 reintegration programs under part 1, the department shall by
2 January 31, 2009 provide a plan to reduce recidivism rates among
3 prisoners released from correctional facilities to the members of
4 the senate and house appropriations committees, the senate and
5 house fiscal agencies, and the state budget director. The plan
6 shall include detailed information on 3-year recidivism rates in
7 this state for the most recent 5-year period, a detailed comparison
8 of those rates to rates in other states and a national average, and
9 details on how the department plans to improve recidivism rates.
10 The plan also shall include details on how the department proposes
11 to measure the success of the plan. It is the intent of the
12 legislature to maintain sufficient funding with which to implement
13 the plan.

14 Sec. 409. The office of community corrections shall provide
15 and coordinate the delivery and implementation of services in
16 communities to facilitate successful offender reintegration into
17 the community. Programs and services to be offered shall include,
18 but are not limited to, technical assistance for comprehensive
19 corrections plan development, new program start-up funding, program
20 funding for those programs delivering services for eligible
21 offenders in geographic areas identified by the office of community
22 corrections as having a shortage of available services, technical
23 assistance, referral services for education, employment services,
24 and substance abuse and family counseling. As used in this act:

25 (a) "Alternative to incarceration in a state facility or jail"
26 means a program that involves offenders who receive a sentencing
27 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. 410. (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. 411. 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
20 program, 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 414. The state
3 community corrections board shall encourage local community
4 corrections advisory boards to include in their comprehensive
5 corrections plans strategies to collaborate with local alcohol and
6 drug treatment agencies of the MDCH for the provision of alcohol
7 and drug screening, assessment, case management planning, and
8 delivery of treatment to alcohol- and drug-involved offenders,
9 including, but not limited to, probation and parole violators who
10 are at risk of revocation.

11 Sec. 412. (1) As part of the March biannual report specified
12 in section 12(2) of the community corrections act, 1988 PA 511, MCL
13 791.412, that requires an analysis of the impact of that act on
14 prison admissions and jail utilization, the department shall submit
15 to the senate and house appropriations subcommittees on
16 corrections, the senate and house fiscal agencies, and the state
17 budget director the following information for each county and
18 counties consolidated for comprehensive corrections plans:

19 (a) Approved technical assistance grants and comprehensive
20 corrections plans including each program and level of funding, the
21 utilization level of each program, and profile information of
22 enrolled offenders.

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

26 (c) Status of the community corrections information system and
27 the jail population information system.

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

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

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

10 Sec. 413. (1) The department shall identify and coordinate
11 information regarding the availability of and the demand for
12 community corrections programs, jail-based community corrections
13 programs, and basic state-required jail data.

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

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

19 Sec. 414. (1) Funds appropriated in part 1 for the county jail
20 reimbursement program are appropriated for the period from October
21 1, 2008 to December 31, 2008 for the purpose of reimbursing
22 counties for housing in jails felons who otherwise would have been
23 sentenced to prison.

24 (2) The county jail reimbursement program shall reimburse
25 counties for housing and custody of convicted felons between
26 October 1, 2008 and December 31, 2008 if the conviction was for a
27 crime committed on or after January 1, 1999 and 1 of the following

1 applies:

2 (a) The felon's sentencing guidelines recommended range upper
3 limit is more than 18 months, the felon's sentencing guidelines
4 recommended range lower limit is 12 months or less, the felon's
5 prior record variable score is 35 or more points, and the felon's
6 sentence is not for commission of a crime in crime class G or crime
7 class H under chapter XVII of the code of criminal procedure, 1927
8 PA 175, MCL 777.1 to 777.69.

9 (b) The felon's minimum sentencing guidelines range minimum is
10 more than 12 months.

11 (3) State reimbursement under this section for prisoner
12 housing and custody expenses per diverted offender shall be \$43.50
13 per diem for up to a 90-day total.

14 (4) From the funds appropriated in part 1 for the county jail
15 reimbursement program, the department shall conduct an ongoing
16 study to determine the impact of the sentencing guidelines under
17 chapter XVII of the code of criminal procedure, 1927 PA 175, MCL
18 777.1 to 777.69. The study shall analyze sentencing patterns of
19 jurisdictions as well as future patterns in order to determine and
20 quantify the population impact on prisons and jails of the new
21 guidelines as well as to identify and define felon or crime
22 characteristics or sentencing guidelines scores that indicate a
23 felon is a prison diversion. The department shall conduct a local
24 and statewide study for this purpose and provide periodic reports
25 regarding the status and findings of the study to the house and
26 senate appropriations subcommittees on corrections, the house and
27 senate fiscal agencies, and the state budget director.

Senate Bill No. 1095 (H-1) as amended June 5, 2008

1 (5) The department, the state budget office, the Michigan
2 association of counties, and the Michigan sheriffs' association
3 shall review the periodic findings of the study required in
4 subsection (4) and, if appropriate, recommend modification of the
5 criteria for reimbursement contained in subsection (2) at meetings
6 convened by the chairs of the house and senate appropriations
7 subcommittees on corrections.

8 (6) The department shall reimburse counties for offenders in
9 jail based upon the reimbursement eligibility criteria in place on
10 the date the offender was originally sentenced for the reimbursable
11 offense.

12 (7) County jail reimbursement program expenditures shall not
13 exceed the amount appropriated in part 1 for the county jail
14 reimbursement program. Payments to counties under the county jail
15 reimbursement program shall be made in the order in which properly
16 documented requests for reimbursements are received. A request
17 shall be considered to be properly documented if it meets MDOC
18 requirements for documentation. The department shall by October 15,
19 2008 distribute the documentation requirements to all counties.

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2 Sec. 414a. (1) Subject to the requirements of this section,
3 beginning January 1, 2009, \$9,204,100.00 is appropriated for the
4 county reentry program. Funding for the county reentry program is
5 appropriated for per diem payments to counties, contingent upon
6 enactment of reimbursement criteria and rates following convening
7 of a legislative workgroup including, at a minimum, the chairs of
8 the house and senate appropriations subcommittees on corrections,
9 and representatives of all of the following:

10 (a) Counties.

11 (b) County sheriffs.

12 (c) The department of corrections.

13 (d) Local courts.

14 (2) Reimbursement criteria shall do all of the following:

15 (a) Identify 1 or more categories of felony offenders who
16 otherwise likely would be sentenced to prison.

17 (b) Be sufficiently narrowly drawn to bar reimbursement for
18 categories of offenders who generally would not be sentenced to
19 prison, given actual sentencing patterns.

20 (c) Describe a sufficient number of felony offenders to enable
21 counties to target and divert from prison enough offenders to
22 ensure a prison bed space impact of at least 2,200 prison beds
23 annually.

24 (3) If reimbursement criteria and rates meeting the
25 requirements of this section are not enacted by law with an
26 effective date of not later than January 1, 2009, the funding
27 appropriated in part 1 for the county reentry program shall be used

1 for programs that divert to local sanctions felony offenders who
2 otherwise likely would be sentenced to prison, as determined by the
3 department. Contracts or grants awarded under this subsection shall
4 be awarded consistently with funding mechanisms under the Michigan
5 prisoner reentry initiative or the community corrections act, 1988
6 PA 511, MCL 791.401 to 791.414.

7 Sec. 415. (1) As a condition of receipt of the funds
8 appropriated in part 1 for community corrections plans and services
9 and residential services, the department shall only award those
10 funds requested under a properly prepared and approved
11 comprehensive corrections plan submitted under section 8 of the
12 community corrections act, 1988 PA 511, MCL 791.408, or directly
13 applied for under section 10 of the community corrections act, 1988
14 PA 511, MCL 791.410.

15 (2) The department shall only halt funding for an entity
16 funded under section 8 of the community corrections act, 1988 PA
17 511, MCL 791.408, in instances of substantial noncompliance during
18 the period covered by the plan.

19 Sec. 416. (1) Funds included in part 1 for the felony drunk
20 driver jail reduction and community treatment program are
21 appropriated for and may be expended for any of the following
22 purposes:

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

1 (b) To divert from jail sentences or to reduce the length of
2 jail sentences for felony drunk drivers who otherwise would have
3 been sentenced to jail and whose recommended minimum sentence
4 ranges under sentencing guidelines established under chapter XVII
5 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
6 777.69, have upper limits of 18 months or less, through funding
7 programs that may be used in lieu of incarceration and that
8 increase the likelihood of rehabilitation.

9 (c) To provide a policy and funding framework to make
10 additional jail space available for housing convicted felons whose
11 recommended minimum sentence ranges under sentencing guidelines
12 established under chapter XVII of the code of criminal procedure,
13 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
14 less and who likely otherwise would be sentenced to prison, with
15 the aim of enabling counties to meet or exceed amounts received
16 through the county jail reimbursement program during fiscal year
17 2002-2003 and reducing the numbers of felons sentenced to prison.

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

25 (3) In developing annual standards, the committee shall
26 consult with interested agencies and associations. Standards
27 developed by the committee shall include application criteria,

1 performance objectives and measures, funding allocations, and
2 allowable uses of the funds, consistent with the purposes specified
3 in this section.

4 (4) Allowable uses of the funds shall include reimbursing
5 counties for transportation, treatment costs, and housing felony
6 drunk drivers during a period of assessment for treatment and case
7 planning. Reimbursements for housing during the assessment process
8 shall be at the rate of \$43.50 per day per offender, up to a
9 maximum of 5 days per offender.

10 (5) The standards developed by the committee shall assign each
11 county a maximum funding allocation based on the amount the county
12 received under the county jail reimbursement program in fiscal year
13 2001-2002 for housing felony drunk drivers whose recommended
14 minimum sentence ranges under the sentencing guidelines described
15 in subsection (1)(c) had upper limits of 18 months or less.

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

26 (7) As used in this section, "felony drunk driver" means a
27 felon convicted of operating a motor vehicle under the influence of

1 intoxicating liquor or a controlled substance, or both, third or
2 subsequent offense, under section 625(9)(c) of the Michigan vehicle
3 code, 1949 PA 300, MCL 257.625, or its predecessor statute,
4 punishable as a felony.

5 Sec. 417. (1) By April 1, 2009, the department shall report to
6 the members of the senate and house appropriations subcommittees on
7 corrections, the senate and house fiscal agencies, and the state
8 budget director on each of the following programs from the previous
9 fiscal year:

10 (a) The county jail reimbursement program.

11 (b) The felony drunk driver jail reduction and community
12 treatment program.

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

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

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

19 (a) Program objectives and outcome measures.

20 (b) Expenditures by location.

21 (c) The impact on jail utilization.

22 (d) The impact on prison admissions.

23 (e) Other information relevant to an evaluation of the
24 program.

25 Sec. 418. (1) The department shall ensure that each prisoner
26 make all reasonable efforts to obtain the documents necessary to
27 obtain a state operator's license or state identification card

1 prior to a prisoner's discharge or parole hearing. The process for
2 prisoners to acquire this documentation shall be part of the
3 department's operating procedure.

4 (2) The department shall cooperate with MDCH to maintain a
5 process by which prisoners can obtain their birth certificates. By
6 April 1, 2009, the department shall report to the senate and house
7 appropriations subcommittees on corrections, the senate and house
8 fiscal agencies, and the state budget director on the process
9 developed under this section.

10 Sec. 419. (1) The department shall provide weekly electronic
11 mail reports to the senate and house appropriations subcommittees
12 on corrections, the senate and house fiscal agencies, and the state
13 budget director on prisoner, parolee, and probationer populations
14 by facility, and prison capacities.

15 (2) The department shall provide monthly electronic mail
16 reports to the senate and house appropriations subcommittees on
17 corrections, the senate and house fiscal agencies, and the state
18 budget director. The reports shall include information on end-of-
19 month prisoner populations in county jails, the net operating
20 capacity according to the most recent certification report,
21 identified by date, and end-of-month data, year-to-date data, and
22 comparisons to the prior year for the following:

23 (a) Community residential program populations, separated by
24 centers and electronic monitoring.

25 (b) Parole populations.

26 (c) Probation populations, with identification of the number
27 in special alternative incarceration.

1 (d) Prison and camp populations, with separate identification
2 of the number in special alternative incarceration and the number
3 of lifers.

4 (e) Parole board activity, including the numbers and
5 percentages of parole grants and parole denials.

6 (f) Prisoner exits, identifying transfers to community
7 placement, paroles from prisons and camps, paroles from community
8 placement, total movements to parole, prison intake, prisoner
9 deaths, prisoners discharging on the maximum sentence, and other
10 prisoner exits.

11 (g) Prison intake and returns, including probation violators,
12 new court commitments, violators with new sentences, escaper new
13 sentences, total prison intake, returns from court with additional
14 sentences, community placement returns, technical parole violator
15 returns, and total returns to prison and camp.

16 Sec. 420. The department shall report to the senate and house
17 appropriations subcommittees on corrections, the senate and house
18 judiciary committees, the senate and house fiscal agencies, and the
19 state budget director on the status of the department's response to
20 the fiscal year 2007-2008 performance audits by the office of the
21 auditor general on the department's staffing, health care services,
22 food service and prisoner transportation, mental health care
23 services, and pharmaceuticals. The department shall provide the
24 reports within 30 days after each audit's official release date.

25 Sec. 421. (1) Of the funds appropriated in part 1, \$100,100.00
26 is appropriated for the purpose of providing an interdepartmental
27 grant to the Michigan state police for the purpose of providing

1 grants for training teams of law enforcement officers and mental
2 health treatment providers. The teams shall be trained in effective
3 and safe ways of assisting people with mental illness during law
4 enforcement contacts and directing people with mental illness to
5 treatment programs. It is the intent of the legislature that mental
6 health awareness training be incorporated into continuing education
7 for all law enforcement officers in the state.

8 (2) By April 1, 2008, the department of state police 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 implementation of this section. The report
12 shall include information on the training program, the numbers of
13 teams trained under this section in the prior fiscal year, and on
14 the numbers of people with mental illness who were directed to
15 treatment programs by teams receiving training in the prior fiscal
16 year.

17 Sec. 422. It is the intent of the legislature that MPRI
18 programs become standard operating procedure in the department by
19 the end of fiscal year 2008-2009.

20 Sec. 423. (1) The department shall design and implement a
21 pilot project that has as its goal the reduction of criminal
22 behavior and of returns to prison of female technical parole
23 violators. The pilot project shall be of a design that is based on
24 evidence-based practices proven in other jurisdictions to reduce
25 criminal behavior.

26 (2) By May 1, 2009, the department shall report to the senate
27 and house appropriations subcommittees on corrections, the senate

1 and house fiscal agencies, and the state budget director on the
2 extent to which the program described in subsection (1) has been
3 successful, as evidenced by a reduction in the number of female
4 technical parole violator returns to prison compared to prior year
5 returns, and the extent to which any of the parolees enrolled in
6 the pilot project have either been convicted of new offenses or
7 have new pending charges upon return compared to paroles with
8 similar characteristics.

9 Sec. 425. It is the intent of the legislature that the
10 department work cooperatively with MDCH in convening a workgroup to
11 examine and evaluate jail diversion programs by community mental
12 health service providers, the Michigan prisoner reentry initiative,
13 and mental health court programs as provided by section 485 of
14 Senate Bill No. 1094 of the 2007-2008 legislative session.

15 OPERATIONS AND SUPPORT ADMINISTRATION

16 Sec. 501. From the funds appropriated in part 1 for
17 prosecutorial and detainer expenses, the department shall reimburse
18 counties for housing and custody of parole violators and offenders
19 being returned by the department from community placement who are
20 available for return to institutional status and for prisoners who
21 volunteer for placement in a county jail.

22 Sec. 502. Funds included in part 1 for the sheriffs'
23 coordinating and training office are appropriated for and may be
24 expended to defray costs of continuing education, certification,
25 recertification, decertification, and training of local corrections
26 officers, the personnel and administrative costs of the sheriffs'

1 coordinating and training office, the local corrections officers
2 advisory board, and the sheriffs' coordinating and training council
3 under the local corrections officers training act, 2003 PA 125, MCL
4 791.531 to 791.546.

5 Sec. 503. Funds appropriated in part 1 for administrative
6 hearings officers are appropriated as an interdepartmental grant to
7 the department of labor and economic growth for the purpose of
8 funding administrative hearings officers for adjudication of
9 grievances pertaining to the department of corrections. The
10 department shall not expend appropriations from part 1 to satisfy
11 charges from the department of labor and economic growth for
12 administrative hearings officers in excess of the amount expressly
13 appropriated by this act for the administrative hearings officers
14 unless funding is transferred into this line under section 393(2)
15 of the management and budget act, 1984 PA 431, MCL 18.1393.

16 Sec. 505. The department shall train all custody staff in
17 effective and safe ways of handling prisoners with mental illness
18 and referring prisoners to mental health treatment programs. Mental
19 health awareness training shall be incorporated into the training
20 of new custody staff.

21 **FIELD OPERATIONS ADMINISTRATION**

22 Sec. 601. From the funds appropriated in part 1, the
23 department shall conduct a statewide caseload audit of field
24 agents. The audit shall address public protection issues and assess
25 the ability of the field agents to complete their professional
26 duties. The results of the audit shall be submitted to the senate

1 and house appropriations subcommittees on corrections and the
2 senate and house fiscal agencies, and the state budget office by
3 February 15, 2009.

4 Sec. 602. (1) Of the amount appropriated in part 1 for field
5 operations, a sufficient amount shall be allocated for the
6 community service work program and shall be used for salaries and
7 wages and fringe benefit costs of community service coordinators
8 employed by the department to supervise offenders participating in
9 work crew assignments. Funds shall also be used to cover motor
10 transport division rates on state vehicles used to transport
11 offenders to community service work project sites.

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

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

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

26 (2) Program participant contributions and local community
27 tether program reimbursement for the electronic tether program

1 appropriated in part 1 are related to program expenditures and may
2 be used to offset expenditures for this purpose.

3 (3) Included in the appropriation in part 1 is adequate
4 funding to implement the community tether program to be
5 administered by the department. The community tether program is
6 intended to provide sentencing judges and county sheriffs in
7 coordination with local community corrections advisory boards
8 access to the state's electronic tether program to reduce prison
9 admissions and improve local jail utilization. The department shall
10 determine the appropriate distribution of the tether units
11 throughout the state based upon locally developed comprehensive
12 corrections plans under the community corrections act, 1988 PA 511,
13 MCL 791.401 to 791.414.

14 (4) For a fee determined by the department, the department
15 shall provide counties with the tether equipment, replacement
16 parts, administrative oversight of the equipment's operation,
17 notification of violators, and periodic reports regarding county
18 program participants. Counties are responsible for tether equipment
19 installation and service. For an additional fee as determined by
20 the department, the department shall provide staff to install and
21 service the equipment. Counties are responsible for the
22 coordination and apprehension of program violators.

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

26 Sec. 604. Community-placement prisoners and parolees shall
27 reimburse the department for the total costs of the program. As an

1 alternative method of payment, the department may develop a
2 community service work schedule for those individuals unable to
3 meet reimbursement requirements established by the department.

4 Sec. 606. It is the intent of the legislature that the
5 department shall ensure that parolees and probationers may timely
6 contact their parole or probation agents and maintain procedures
7 that preclude any necessity for an offender to have access to an
8 agent's home telephone number or other personal information
9 pertaining to the agent.

10 Sec. 608. By April 1, 2009, 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 use of GPS electronic monitoring. At a minimum, the report
14 shall include all of the following:

15 (a) Details on the failure rate of parolees for whom GPS
16 tether is utilized, including the number and rate of parolee
17 technical violations, including specifying failures due to
18 committing a new crime that is uncharged but leads to parole
19 termination, and the number and rate of parolee violators with new
20 sentences.

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

25 (c) Monthly data on the number of offenders on active GPS
26 tether, passive GPS tether, radio frequency tether, and any other
27 type of tether.

1 Sec. 609. By April 1, 2009, 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 use of kiosk reporting stations. At a minimum, the report shall
5 include all of the following:

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

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

10 (c) Information on pilot program outcome measures.

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

14 Sec. 611. The department shall prepare by April 1, 2009
15 individual reports for the community re-entry program, the
16 electronic tether program, and the special alternative to
17 incarceration program. The reports shall be submitted to the house
18 and senate appropriations subcommittees on corrections, the house
19 and senate fiscal agencies, and the state budget director. Each
20 program's report shall include information on all of the following:

21 (a) Monthly new participants by type of offender. Community
22 re-entry program participants shall be categorized by reason for
23 placement. For technical rule violators, the report shall sort
24 offenders by length of time since release from prison, by the most
25 recent violation, and by the number of violations occurring since
26 release from prison.

27 (b) Monthly participant unsuccessful terminations, including

1 cause.

2 (c) Number of successful terminations.

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

4 (e) Average length of placement.

5 (f) Return to prison statistics.

6 (g) Description of each program location or locations,
7 capacity, and staffing.

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

10 (i) Comparison with prior year statistics.

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

13 Sec. 612. (1) The department shall review and revise as
14 necessary policy proposals that provide alternatives to prison for
15 offenders being sentenced to prison as a result of technical
16 probation violations and technical parole violations. To the extent
17 the department has insufficient policies or resources to affect the
18 continued increase in prison commitments among these offender
19 populations, the department shall explore other policy options to
20 allow for program alternatives, including department or OCC-funded
21 programs, local level programs, and programs available through
22 private agencies that may be used as prison alternatives for these
23 offenders.

24 (2) To the extent policies or programs described in subsection
25 (1) are used, developed, or contracted for, the department may
26 request that funds appropriated in part 1 be transferred under
27 section 393(2) of the management and budget act, 1984 PA 431, MCL

1 18.1393, for their operation.

2 (3) The department shall continue to utilize parole violator
3 processing guidelines that require parole agents to utilize all
4 available appropriate community-based, nonincarcerative postrelease
5 sanctions and services when appropriate. The department shall
6 periodically evaluate such guidelines for modification, in response
7 to emerging information from the pilot projects for substance abuse
8 treatment provided under this act and applicable provisions of
9 prior budget acts for the department.

10 (4) The department shall provide quarterly reports 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 number of all parolees returned to prison and probationers
14 sentenced to prison for either a technical violation or new
15 sentence during the preceding calendar quarter. The reports shall
16 include the following information each for probationers, parolees
17 after their first parole, and parolees who have been paroled more
18 than once:

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

23 (b) The numbers of parole and probation violators returned to
24 or sent to prison for a technical violation and the type of
25 violation, including, but not limited to, zero gun tolerance and
26 substance abuse violations. For parole technical rule violators,
27 the report shall list violations by type, by length of time since

1 release from prison, by the most recent violation, and by the
2 number of violations occurring since release from prison.

3 (c) The educational history of those offenders, including how
4 many had a GED or high school diploma prior to incarceration in
5 prison, how many received a GED while in prison, and how many
6 received a vocational certificate while in prison.

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

9 (e) The unduplicated number of offenders who participated in
10 substance abuse treatment programs, mental health treatment
11 programs, or both, while in prison, itemized by diagnosis.

12 CONSENT DECREES

13 Sec. 701. Funding appropriated in part 1 for consent decree
14 line items is appropriated into separate control accounts created
15 for each line item. Funding in each control account shall be
16 distributed as necessary into separate accounts created for the
17 purpose of separately identifying costs and expenditures associated
18 with each consent decree.

19 HEALTH CARE

20 Sec. 801. The department shall not expend funds appropriated
21 under part 1 for any surgery, procedure, or treatment to provide or
22 maintain a prisoner's sex change unless it is determined medically
23 necessary by the chief medical officer of the department.

24 Sec. 802. (1) As a condition of expenditure of the funds
25 appropriated in part 1, the department shall provide the senate and

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1 house of representatives appropriations subcommittees on
2 corrections, the senate and house fiscal agencies, and the state
3 budget director with all of the following:

4 (a) Quarterly reports on physical and mental health care
5 detailing the average number of days between a prisoner's diagnosis
6 and commencement of treatment for that diagnosis, quarterly and
7 fiscal year-to-date expenditures itemized by vendor, allocations,
8 status of payments from contractors to vendors, and projected year-
9 end expenditures from accounts for prisoner health care, mental
10 health care, pharmaceutical services, and durable medical
11 equipment.

12 (b) Regular updates on progress on requests for proposals and
13 requests for information pertaining to prisoner health care and
14 mental health care, until the applicable contract is approved.

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

[(3) Funds appropriated in part 1 of this act shall not be expended
on a contract for prisoner health care if only 1 competitive bid was
received in response to the request for proposals for that contract. It
is the intent of the legislature that if only 1 competitive bid is
received in response to the request for proposals, the bid process shall
not proceed and a new request for proposals shall be issued.]

20 Sec. 804. (1) The department shall report quarterly to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 prisoner health care utilization. The report shall include the
24 number of inpatient hospital days, outpatient visits, and emergency
25 room visits in the previous quarter.

26 (2) By April 1, 2009, the department shall report to the
27 senate and house appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director on
2 prisoners receiving off-site inpatient medical care that would have
3 received care in a state correctional facility if beds were
4 available. The report shall include the number of prisoners
5 receiving off-site inpatient medical care and average length of
6 stay in an off-site facility during the period they would have
7 received care in a state correctional facility if beds were
8 available, by month and correctional facilities administration
9 region.

10 Sec. 805. The bureau of health care services shall develop
11 information on Hepatitis C and HIV prevention and the risks
12 associated with exposure to Hepatitis C and HIV. The health care
13 providers shall disseminate this information verbally and in
14 writing to each prisoner at the health screening and full health
15 appraisal conducted at admissions, at the annual health care
16 screening 30 days before or after a prisoner's birthday, and prior
17 to release to the community by parole, transfer to community
18 residential placement, or discharge on the maximum sentence.

19 Sec. 806. (1) From the funds appropriated in part 1, the
20 department shall require a Hepatitis C antibody test and an HIV
21 test for each prisoner prior to release to the community by parole,
22 transfer to community residential placement, or discharge on the
23 maximum sentence. The department shall require an HIV test and a
24 Hepatitis C risk factor screening for each prisoner at the health
25 screening at admissions. If Hepatitis C risk factors are
26 identified, the department shall offer the prisoner a Hepatitis C
27 antibody test. An explanation of results of the tests shall be

1 provided confidentially to the prisoner, and if appropriate based
2 on the test results, the prisoner shall also be provided a
3 recommendation to seek follow-up medical attention.

4 (2) By March 1, 2009, the department shall report to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house appropriations subcommittees on community health,
7 the senate and house fiscal agencies, and the state budget director
8 on the number of offenders tested and the number of offenders
9 testing positive for HIV, the Hepatitis C antibody, or both at
10 prison admission and parole, transfer to community residential
11 placement, or discharge on the maximum sentence. The department
12 shall keep records of those offenders testing positive for HIV, the
13 Hepatitis C antibody, or both at prison admission, parole, transfer
14 to community residential placement, and discharge. These records
15 shall clearly state the date each test was performed.

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

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

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

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

24 Sec. 807. The department shall ensure that all medications for
25 a prisoner be transported with that prisoner when the prisoner is
26 transferred from 1 correctional facility to another. Prisoners
27 being released shall be provided with a supply of medication to

1 allow for continuity of care in the community.

2 Sec. 808. 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. 809. 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 who are HIV
10 positive or positive for the Hepatitis C antibody. By April 1,
11 2009, the department shall report to the senate and house
12 appropriations subcommittees on corrections, the senate and house
13 fiscal agencies, and the state budget director on all of the
14 following:

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

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

21 (c) The number of offenders successfully referred to the local
22 public health department, by county.

23 Sec. 811. The department shall provide to the senate and house
24 appropriations subcommittees on corrections, the senate and house
25 fiscal agencies, and the state budget director a report on the
26 bureau of health care services quality assurance program by
27 September 30, 2009. The report shall include recommendations for

1 quality improvements and a plan to implement those recommendations.

2 Sec 812. (1) It is the intent of the legislature that the
3 department continue to provide the department of human services
4 with a monthly list of prisoners newly committed to the department
5 of corrections. The department and the department of human services
6 shall enter into an interagency agreement under which the
7 department of human services provides the department of corrections
8 with monthly lists of newly committed prisoners who are eligible
9 for Medicaid benefits. The department shall assist prisoners who
10 may be eligible for Medicaid benefits after release from prison
11 with the Medicaid enrollment process prior to release from prison.

12 (2) The department shall provide the senate and house
13 appropriations subcommittees on corrections, the senate and house
14 fiscal agencies, and the state budget director with regular updates
15 on the utilization of Medicaid benefits for prisoners.

16 **CORRECTIONAL FACILITIES ADMINISTRATION**

17 Sec. 901. By September 30, 2009, the department shall provide
18 to the senate and house appropriations subcommittees on
19 corrections, the senate and house fiscal agencies, and the state
20 budget director a report on the impact of converting all facilities
21 to tobacco-free status. At a minimum, the report shall include
22 details on the department's efforts to provide tobacco cessation
23 programs for prisoners and staff, and the impact on institutional
24 safety and security of making all facilities tobacco-free.

25 Sec. 902. From the funds appropriated in part 1, the
26 department shall allocate sufficient funds to develop a pilot

1 children's visitation program. The pilot program shall teach
2 parenting skills and arrange for day visitation at these facilities
3 for parents and their children, except for the families of
4 prisoners convicted of a crime involving criminal sexual conduct in
5 which the victim was less than 18 years of age or involving child
6 abuse.

7 Sec. 903. Except as otherwise provided in this section, the
8 department shall prohibit prisoners' access to or use of the
9 Internet or any similar system. Under adequate supervision and with
10 security precautions that ensure appropriate computer use by
11 prisoners, the department may allow a prisoner access to or use of
12 the Internet for the purposes of educational programming,
13 employment training, job searches, or other Internet-based programs
14 and services consistent with programming objectives, efficient
15 operations, and the safety and security of the institution.

16 Sec. 904. Any department employee who, in the course of his or
17 her job, is determined by a physician to have had a potential
18 exposure to the Hepatitis B virus, shall receive a Hepatitis B
19 vaccination upon request.

20 Sec. 905. (1) The inmate housing fund shall be used for the
21 custody, treatment, clinical, and administrative costs associated
22 with the housing of prisoners other than those specifically
23 budgeted for elsewhere in this act. Funding in the inmate housing
24 fund is appropriated into a separate control account. Funding in
25 the control account shall be distributed as necessary into separate
26 accounts created to separately identify costs for specific
27 purposes.

1 (2) Quarterly reports on all expenditures from the inmate
2 housing fund shall be submitted by the department to the state
3 budget director, the senate and house appropriations subcommittees
4 on corrections, and the senate and house fiscal agencies.

5 Sec. 906. (1) The department shall establish a uniform rate to
6 be paid by public and private agencies that benefit from public
7 work services provided by special alternative incarceration
8 participants and prisoners.

9 (2) It is the intent of the legislature that to the degree
10 consistent with public safety and the safety and security of the
11 institutions, public works projects be continued at the level
12 provided in 2006 PA 331.

13 (3) It is the intent of the legislature that public works fees
14 be maintained at the rates in effect on January 1, 2008.

15 Sec. 907. The department shall report quarterly to the senate
16 and house appropriations subcommittees on corrections, the senate
17 and house fiscal agencies, and the state budget director on
18 academic/vocational programs. The report shall provide information
19 relevant to an assessment of the department's academic and
20 vocational programs, including, but not limited to, the following:

21 (a) The number of instructors and the number of instructor
22 vacancies, by program and facility.

23 (b) The number of prisoners enrolled in each program, the
24 number of prisoners completing each program, the number of
25 prisoners who fail each program, the number of prisoners who do not
26 complete each program and the reason for not completing the
27 program, the number of prisoners transferred to another facility

1 while enrolled in a program and the reason for transfer, the number
2 of prisoners enrolled who are repeating the program by reason, and
3 the number of prisoners on waiting lists for each program, all
4 itemized by facility.

5 (c) The steps the department has undertaken to improve
6 programs, track records, accommodate transfers and prisoners with
7 health care needs, and reduce waiting lists.

8 (d) The number of prisoners not paroled at their earliest
9 release date due to lack of a GED, and the reason the prisoners do
10 not have their GED.

11 (e) The number of prisoners paroled without a GED.

12 (f) An explanation of the value and purpose of each program,
13 e.g., to improve employability, reduce recidivism, reduce prisoner
14 idleness, or some combination of these and other factors.

15 (g) An identification of program outcomes for each academic
16 and vocational program.

17 (h) An explanation of the department's plans for academic and
18 vocational programs.

19 Sec. 908. By February 1, 2009, the department shall report to
20 the senate and house appropriations subcommittees on corrections,
21 the senate and house fiscal agencies, and the state budget
22 director, the percent of offenders included in the prison
23 population intake for fiscal years 2006-2007 and 2007-2008 who have
24 a high school diploma or a GED.

25 Sec. 910. The department shall allow the Michigan Braille
26 transcribing fund program to operate at its current location. The
27 donation of the building by the Michigan Braille transcribing fund

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

5 Sec. 911. By February 1, 2009, the department shall report to
6 the senate and house appropriations subcommittees on corrections,
7 the senate and house fiscal agencies, and the state budget director
8 the number of critical incidents occurring each month by type and
9 the number and severity of assaults occurring each month at each
10 facility during calendar year 2008.

11 Sec. 912. The department shall report to the senate and house
12 appropriations subcommittees on corrections, the senate and house
13 fiscal agencies, and the state budget director by April 1, 2009 on
14 the ratio of correctional officers to prisoners for each
15 correctional institution, the ratio of shift command staff to line
16 custody staff, and the ratio of noncustody institutional staff to
17 prisoners for each correctional institution.

18 Sec. 913. The department shall develop and maintain a
19 statewide waiting list for offenders referred for assessment for
20 the assaultive offender program for parole eligibility and, if
21 possible, shall transfer prisoners into facilities where assaultive
22 offender programs are available in order to facilitate timely
23 participation and completion prior to parole eligibility hearings.
24 Nothing in this section should be deemed to make parole denial
25 appealable in court.

26 Sec. 918. Following receipt of an auditor general performance
27 audit on offender transportation, the department, in conjunction

1 with the department of management and budget, shall issue a request
2 for information on the possible bidding of all offender
3 transportation services. State employees shall be given the
4 opportunity to respond to a request for information on offender
5 transportation services. Any response to the request for
6 information shall include an explanation of how savings of at least
7 5% over existing costs of offender transportation would be
8 realized.

9 Sec. 919. Following receipt of an auditor general performance
10 audit on prison food service, the department, in conjunction with
11 the department of management and budget, shall issue a request for
12 information on the possible bidding of all prison food service.
13 State employees shall be given the opportunity to respond to a
14 request for information on prison food service. Any response to the
15 request for information shall include an explanation of how savings
16 of at least 5% over existing costs of prison food service would be
17 realized.

18 Sec. 923. The department shall cooperate with the department
19 of education to evaluate the feasibility of local school districts
20 providing education programming to targeted prisoners under the age
21 of 20 who have not received a high school diploma. By June 1, 2009,
22 the department shall report to the senate and house appropriations
23 subcommittees on corrections, the senate and house fiscal agencies,
24 and the state budget director on any plans or evaluations developed
25 under this section.

26 Sec. 924. The department shall evaluate all prisoners at
27 intake for substance abuse disorders, developmental disorders, and

1 serious mental illness. Prisoners with serious mental illness shall
2 not be confined in administrative segregation due to behavior that
3 is symptomatic of serious mental illness. Under the supervision of
4 a mental health professional, a prisoner with serious mental
5 illness may be secluded in a therapeutic environment for the safety
6 of the prisoner or others. A prisoner in seclusion shall be
7 evaluated every 12 hours by a mental health professional in order
8 to remain in seclusion. As used in this section:

9 (a) "Administrative segregation" means confinement for
10 maintenance of order or discipline to a cell or room apart from
11 accommodations provided for inmates who are participating in
12 programs of the facility.

13 (b) "Serious mental illness" means that term as defined in
14 section 100d(3) of the mental health code, 1974 PA 328, MCL
15 330.1100d.

16 Sec. 925. By March 1, 2009, the department shall report to the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director on
19 the number of prisoners in administrative segregation between
20 October 1, 2003 and September 30, 2008, and the number of prisoners
21 in administrative segregation between October 1, 2003 and September
22 30, 2008 who at any time during the current or prior prison term
23 were diagnosed with serious mental illness or have a developmental
24 disorder and the number of days each of the prisoners with serious
25 mental illness or a developmental disorder have been confined to
26 administrative segregation. As used in this section:

27 (a) "Administrative segregation" means confinement for

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1 maintenance of order or discipline to a cell or room apart from
 2 accommodations provided for inmates who are participating in
 3 programs of the facility.

4 (b) "Serious mental illness" means that term as defined in
 5 section 100d(3) of the mental health code, 1974 PA 328, MCL
 6 330.1100d.

[Sec. 926. (1) Except as otherwise provided by this section, the department shall impose a 20% surcharge on all items purchased by prisoners in state facilities. The 20% surcharge shall be separate from and in addition to any other surcharge or mark-up imposed on goods purchased by prisoners before the effective date of this section; the department may continue to mark up items as necessary to meet costs, fulfill the assumptions of part 1 regarding resident store revenue, and support prisoner benefit funds at the same level that existed prior to the effective date of this section.

(2) The following items shall be exempt from the 20% surcharge imposed under subsection (1):

- (a) Mandatory health care products.
- (b) Over-the-counter personal care products.
- (c) Hygiene products.
- (d) Stationery.
- (e) Cosmetics.

(3) If the department enters into a contract or an interagency agreement for prison store operations, the department shall ensure that the contract or interagency agreement provides for prison store revenues sufficient to make available the amount of additional revenue that otherwise would have been generated under subsections (1) and (2).

(4) The department shall distribute the total of the revenues generated or made available under this section quarterly as provided by this subsection. Forty-five percent of the funds generated under this section shall be retained by the department to defray costs of prison store operations. Fifty-five percent of the funds generated under this section shall be remitted to the state treasurer for deposit in the trooper recruit school fund created under section 819b of the Michigan vehicle code, 1949 PA 300, MCL 257.819. Funds generated under this section and designated for the trooper recruit school fund may be appropriated only for training new state police trooper recruits and may not be appropriated for any other purpose.

(5) The department shall increase the maximum amount, if any, of money or scrip that prisoners are allowed to spend, in accordance with this section.

Sec. 927. It is the intent of the legislature that the department of corrections and the department of human services examine the potential of entering into an intergovernmental agreement to place up to 140 children in the west wing of the Woodland center and in the Sequoyah center on the campus of the W.J. Maxey training school. The facilities shall be used to house children currently committed to the department of corrections.]