

**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.....	17,063.3	
GROSS APPROPRIATION.....		\$ 2,054,215,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		1,277,200
ADJUSTED GROSS APPROPRIATION.....		\$ 2,052,938,000
Federal revenues:		
Total federal revenues.....		10,350,200
Special revenue funds:		
Total local revenues.....		430,300
Total private revenues.....		0
Total other state restricted revenues.....		63,894,700
State general fund/general purpose.....		\$ 1,978,262,800

Sec. 102. EXECUTIVE

Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	5.0	
Unclassified positions--16.0 FTE positions.....		\$ 1,067,900
Executive direction--5.0 FTE positions.....		1,033,700

1	Legislative corrections ombudsman.....	500,000
2	Criminal justice reform study.....	<u>50,000</u>
3	GROSS APPROPRIATION.....	\$ 2,651,600
4	Appropriated from:	
5	State general fund/general purpose.....	\$ 2,651,600
6	Sec. 103. PLANNING AND COMMUNITY SUPPORT	
7	Full-time equated classified positions.....	73.0
8	Planning, community development and research--33.0	
9	FTE positions	\$ 2,709,000
10	Mental health awareness training.....	100,000
11	Prisoner reintegration programs.....	33,173,700
12	Telephone fee and commission refunds.....	10,800,000
13	Community corrections administration--17.0 FTE	
14	positions	1,475,700
15	Substance abuse testing and treatment services--23.0	
16	FTE positions	20,938,100
17	Residential services.....	17,253,300
18	Community corrections comprehensive plans and services	13,633,000
19	Public education and training.....	50,000
20	Regional jail program.....	100
21	Felony drunk driver jail reduction and community	
22	treatment program	1,740,100
23	County jail reimbursement program.....	<u>12,272,100</u>
24	GROSS APPROPRIATION.....	\$ 114,145,100
25	Appropriated from:	
26	Federal revenues:	
27	DOJ-OJP, Byrne grants.....	729,600

1	DOJ-OJP, RSAT.....	142,800
2	DOJ, prisoner reintegration.....	1,035,000
3	Special revenue funds:	
4	Civil infraction fees.....	7,514,400
5	Telephone fees and commissions.....	10,800,000
6	State general fund/general purpose.....	\$ 93,923,300
7	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION	
8	Full-time equated classified positions.....	156.9
9	Operations support administration--55.0 FTE positions	\$ 4,117,500
10	New custody staff training.....	12,743,400
11	Compensatory buyout and union leave bank.....	100
12	Worker's compensation.....	15,629,000
13	Bureau of fiscal management--69.9 FTE positions.....	4,939,800
14	Office of legal services--22.0 FTE positions.....	1,895,100
15	Internal audit services.....	518,600
16	Internal affairs--10.0 FTE positions.....	802,400
17	Rent.....	1,629,000
18	Equipment and special maintenance.....	2,425,500
19	Administrative hearings officers.....	3,820,500
20	Judicial data warehouse user fees.....	50,000
21	Sheriffs' coordinating and training office.....	500,000
22	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
23	GROSS APPROPRIATION.....	\$ 53,121,900
24	Appropriated from:	
25	Interdepartmental grant revenues:	
26	IDG-MDSP, Michigan justice training fund.....	698,400
27	Special revenue funds:	

1	Local corrections officer training fund.....	500,000
2	Correctional industries revolving fund.....	108,300
3	State general fund/general purpose.....	\$ 51,815,200
4	Sec. 105. FIELD OPERATIONS ADMINISTRATION	
5	Full-time equated classified positions.....	1,867.9
6	Field operations--1,718.9 FTE positions.....	\$ 153,612,100
7	Parole board operations--58.0 FTE positions.....	4,270,300
8	Parole/probation services.....	2,867,300
9	Intensive probation pilot program.....	980,000
10	Community re-entry centers--51.0 FTE positions.....	15,212,200
11	Electronic monitoring center--40.0 FTE positions.....	<u>8,644,000</u>
12	GROSS APPROPRIATION.....	\$ 185,585,900
13	Appropriated from:	
14	Special revenue funds:	
15	Local - community tether program reimbursement.....	430,300
16	Re-entry center offender reimbursements.....	135,000
17	Parole and probation oversight fees.....	10,795,100
18	Parole and probation oversight fees set-aside.....	3,267,300
19	Public works user fees.....	249,400
20	Tether program, participant contributions.....	6,033,800
21	State general fund/general purpose.....	\$ 164,675,000
22	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION	
23	Full-time equated classified positions.....	1,399.7
24	Correctional facilities administration--42.0 FTE	
25	positions	\$ 6,855,800
26	Prison food service--494.0 FTE positions.....	85,903,600
27	Transportation--243.7 FTE positions.....	25,431,900

1	Central records--58.5 FTE positions	3,860,400
2	Inmate legal services	704,900
3	Loans to parolees	179,400
4	Housing inmates in federal institutions	793,900
5	Prison industries operations--219.0 FTE positions	19,973,900
6	Education services and federal education	
7	grants--10.0 FTE positions	5,720,500
8	Federal school lunch program	712,800
9	Leased beds and alternatives to leased beds	100
10	Inmate housing fund	100
11	MPRI education program--332.5 FTE positions	<u>36,673,900</u>
12	GROSS APPROPRIATION	\$ 186,811,200
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG-MDCH, forensic center food service	578,800
16	Federal revenues:	
17	DAG-FNS, national school lunch	712,800
18	DED-OESE, title I	521,900
19	DED-OSERS	101,300
20	DED-OVAE, adult education	1,893,000
21	DED, adult literacy grants	308,400
22	DED, vocational education equipment	277,400
23	DED, youthful offender/Specter grant	1,289,700
24	DOJ-BOP, federal prisoner reimbursement	211,000
25	DOJ-OJP, serious and violent offender reintegration	
26	initiative	1,010,300
27	DOJ, prison rape elimination act grant	1,004,300

1	SSA-SSI, incentive payment	124,100
2	Special revenue funds:	
3	Correctional industries revolving fund	19,973,900
4	State general fund/general purpose	\$ 158,804,300
5	Sec. 107. CONSENT DECREES	
6	Full-time equated classified positions.....	236.5
7	DOJ, psychiatric plan - MDCH mental health services ..	\$ 39,344,800
8	DOJ, psychiatric plan - MDOC staff and	
9	services--236.5 FTE positions.....	<u>17,969,800</u>
10	GROSS APPROPRIATION.....	\$ 57,314,600
11	Appropriated from:	
12	State general fund/general purpose	\$ 57,314,600
13	Sec. 108. HEALTH CARE	
14	Full-time equated classified positions.....	1,229.6
15	Health care administration--20.0 FTE positions	\$ 2,170,300
16	Hospital and specialty care services	80,274,900
17	Vaccination program.....	691,200
18	Northern region clinical complexes--276.4 FTE	
19	positions	38,823,900
20	Southeastern region clinical complexes--622.4 FTE	
21	positions	101,058,300
22	Southwestern region clinical complexes--310.8 FTE	
23	positions	<u>45,062,300</u>
24	GROSS APPROPRIATION.....	\$ 268,080,900
25	Appropriated from:	
26	Special revenue funds:	
27	Prisoner health care copayments	332,400

1	State general fund/general purpose	\$	267,748,500
2	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES		
3	Average population		15,855
4	Full-time equated classified positions.....		3,905.0
5	Alger maximum correctional facility -		
6	Munising--321.5 FTE positions.....	\$	31,232,500
7	Average population		849
8	Baraga maximum correctional facility - Baraga--387.1		
9	FTE positions		36,860,700
10	Average population		1,172
11	Chippewa correctional facility - Kincheloe--498.2		
12	FTE positions		46,570,400
13	Average population		2,282
14	Kinross correctional facility - Kincheloe--550.1 FTE		
15	positions		54,595,400
16	Average population		2,999
17	Marquette branch prison - Marquette--359.1 FTE		
18	positions		36,823,400
19	Average population		1,201
20	Newberry correctional facility - Newberry--280.4 FTE		
21	positions		26,086,800
22	Average population		978
23	Oaks correctional facility - Eastlake--301.5 FTE		
24	positions		30,502,600
25	Average population		1,156
26	Ojibway correctional facility - Marenisco--258.7 FTE		
27	positions		23,995,200

1	Average population	1,378	
2	Pugsley correctional facility - Kingsley--218.8 FTE		
3	positions		20,277,200
4	Average population	1,158	
5	Saginaw correctional facility - Freeland--322.2 FTE		
6	positions		31,075,200
7	Average population	1,480	
8	Standish maximum correctional facility -		
9	Standish--363.4 FTE positions.....		37,002,900
10	Average population	1,202	
11	Kincheloe area support and services -		
12	Kincheloe--44.0 FTE positions.....		<u>2,987,800</u>
13	GROSS APPROPRIATION.....	\$	378,010,100
14	Appropriated from:		
15	Special revenue funds:		
16	Public works user fees.....		1,356,700
17	State general fund/general purpose.....	\$	376,653,400
18	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES		
19	Average population	16,637	
20	Full-time equated classified positions.....	4,239.8	
21	Cooper Street correctional facility - Jackson--282.4		
22	FTE positions	\$	28,910,400
23	Average population	1,752	
24	G. Robert Cotton correctional facility -		
25	Jackson--415.1 FTE positions		38,837,800
26	Average population	1,854	
27	Charles E. Egeler correctional facility -		

1	Jackson--368.6 FTE positions	39,150,200
2	Average population	1,108
3	Gus Harrison correctional facility - Adrian--483.3	
4	FTE positions	47,121,600
5	Average population	2,342
6	Huron Valley correctional complex - Ypsilanti--683.4	
7	FTE positions	67,676,400
8	Average population	1,872
9	Macomb correctional facility - New Haven--288.9 FTE	
10	positions	27,268,500
11	Average population	1,228
12	Mound correctional facility - Detroit--279.0 FTE	
13	positions	26,106,400
14	Average population	1,051
15	Parnall correctional facility - Jackson--266.2 FTE	
16	positions	26,310,500
17	Average population	1,712
18	Ryan correctional facility - Detroit--319.0 FTE	
19	positions	28,621,700
20	Average population	1,059
21	Robert Scott correctional facility - Plymouth--341.9	
22	FTE positions	17,919,900
23	Average population	1,040
24	Thumb correctional facility - Lapeer--295.0 FTE	
25	positions	29,090,900
26	Average population	1,219
27	Special alternative incarceration program - Cassidy	

1	Lake--120.0 FTE positions	11,103,900
2	Average population 400	
3	Jackson area support and services - Jackson--97.0	
4	FTE positions	<u>17,481,400</u>
5	GROSS APPROPRIATION.....	\$ 405,599,600
6	Appropriated from:	
7	Federal revenues:	
8	DOJ, state criminal alien assistance program.....	988,600
9	Special revenue funds:	
10	Public works user fees.....	1,508,400
11	State general fund/general purpose.....	\$ 403,102,600
12	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
13	Average population 19,349	
14	Full-time equated classified positions..... 3,949.9	
15	Bellamy Creek correctional facility - Ionia--396.9	
16	FTE positions	\$ 36,800,900
17	Average population 1,850	
18	Earnest C. Brooks correctional facility -	
19	Muskegon--465.1 FTE positions.....	43,641,500
20	Average population 2,440	
21	Carson City correctional facility - Carson	
22	City--478.8 FTE positions	47,274,700
23	Average population 2,440	
24	Richard A. Handlon correctional facility -	
25	Ionia--229.6 FTE positions	22,048,700
26	Average population 1,320	
27	Ionia maximum correctional facility - Ionia--313.2	

1	FTE positions	29,545,600
2	Average population 707	
3	Lakeland correctional facility - Coldwater--587.9	
4	FTE positions	57,705,400
5	Average population 3,102	
6	Michigan reformatory - Ionia--419.5 FTE positions	39,605,900
7	Average population 2,538	
8	Muskegon correctional facility - Muskegon--218.8 FTE	
9	positions	23,275,100
10	Average population 1,326	
11	Pine River correctional facility - St. Louis--212.8	
12	FTE positions	20,213,300
13	Average population 1,200	
14	St. Louis correctional facility - St. Louis--531.3	
15	FTE positions	49,518,900
16	Average population 2,426	
17	Ionia area support and services - Jackson--96.0 FTE	
18	positions	<u>14,174,900</u>
19	GROSS APPROPRIATION.....	\$ 383,804,900
20	Appropriated from:	
21	Special revenue funds:	
22	Public works user fees.....	619,800
23	State general fund/general purpose.....	\$ 383,185,100
24	Sec. 112. INFORMATION TECHNOLOGY	
25	Information technology services and projects.....	<u>\$ 19,089,400</u>
26	GROSS APPROPRIATION.....	\$ 19,089,400
27	Appropriated from:	

1 Special revenue funds:

2	Correctional industries revolving fund.....	142,100
3	Parole and probation oversight fees set-aside.....	558,100
4	State general fund/general purpose.....	\$ 18,389,200

5 PART 2

6 PROVISIONS CONCERNING APPROPRIATIONS

7 GENERAL SECTIONS

8 Sec. 201. Pursuant to section 30 of article IX of the state
 9 constitution of 1963, total state spending from state resources
 10 under part 1 for fiscal year 2008-2009 is \$2,042,157,500.00 and
 11 state spending from state resources to be paid to local units of
 12 government for fiscal year 2008-2009 is \$94,232,500.00. The
 13 itemized statement below identifies appropriations from which
 14 spending to local units of government will occur:

15 DEPARTMENT OF CORRECTIONS

16	Field operations - assumption of county probation	
17	staff.....	\$ 47,677,800
18	Public service work projects.....	11,858,600
19	Community corrections comprehensive plans and services	13,633,000
20	Community corrections residential services.....	17,253,300
21	Community corrections public education and training..	50,000
22	Felony drunk driver jail reduction and community	
23	treatment program.....	1,740,100
24	Community reentry centers.....	2,019,600
25	Regional jail program.....	<u>100</u>

1 TOTAL..... \$ 94,232,500

2 Sec. 202. The appropriations authorized under this act are
3 subject to the management and budget act, 1984 PA 431, MCL 18.1101
4 to 18.1594.

5 Sec. 203. As used in this act:

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

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

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

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

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

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

15 (g) "Department" or "MDOC" means the Michigan department of
16 corrections.

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

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

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

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

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

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

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

24 (o) "IDG" means interdepartmental grant.

25 (p) "IDT" means intradepartmental transfer.

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

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

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

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

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

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

6 (w) "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. 208. The department shall use the Internet to fulfill the
7 reporting requirements of this act. This requirement may include
8 transmission of reports via electronic mail to the recipients
9 identified for each reporting requirement or it may include
10 placement of reports on an Internet or Intranet site. There shall
11 be at least 1 separate and distinct electronic file for each
12 section that includes a reporting requirement.

13 Sec. 209. Funds appropriated in part 1 shall not be used for
14 the purchase of foreign goods or services, or both, if
15 competitively priced and comparable quality American goods or
16 services, or both, are available. Preference shall be given to
17 goods or services, or both, manufactured or provided by Michigan
18 businesses if they are competitively priced and of comparable
19 quality. In addition, preference shall be given to goods or
20 services, or both, that are manufactured or provided by Michigan
21 businesses owned and operated by veterans if they are competitively
22 priced and of comparable quality.

23 Sec. 210. (1) Pursuant to the provisions of civil service
24 rules and regulations and applicable collective bargaining
25 agreements, individuals seeking employment with the department
26 shall submit to a controlled substance test. The test shall be
27 administered by the department.

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

5 Sec. 211. The department may charge fees and collect revenues
6 in excess of appropriations in part 1 not to exceed the cost of
7 offender services and programming, employee meals, parolee loans,
8 academic/vocational services, custody escorts, compassionate
9 visits, union steward activities, public work programs, and
10 services provided to units of government. The revenues and fees
11 collected are appropriated for all expenses associated with these
12 services and activities.

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

16 Sec. 213. By February 15, 2009, the department shall provide
17 the members of the senate and house appropriations subcommittees on
18 corrections, the senate and house fiscal agencies, and the state
19 budget director with a report detailing nongeneral fund/general
20 purpose sources of revenue, including, but not limited to, federal
21 revenues, state restricted revenues, local and private revenues,
22 offender reimbursements and other payments, revolving funds, and 1-
23 time sources of revenue, whether or not such revenues were
24 appropriated. The report shall include statements detailing for
25 each account the total amount of revenue received during fiscal
26 year 2007-2008, the amount by which the revenue exceeded any
27 applicable appropriated fund source, the amount spent during fiscal

1 year 2007-2008, the account balance at the close of fiscal year
2 2007-2008, and the projected revenues and expenditures for fiscal
3 year 2008-2009.

4 Sec. 214. From the funds appropriated in part 1 for
5 information technology, the department shall pay user fees to the
6 department of information technology for technology-related
7 services and projects. These user fees shall be subject to
8 provisions of an interagency agreement between the departments and
9 agencies and the department of information technology.

10 Sec. 215. Amounts appropriated in part 1 for information
11 technology may be designated as work projects and carried forward
12 to support department of corrections technology projects under the
13 direction of the department of information technology. Funds
14 designated in this manner are not available for expenditure until
15 approved as work projects under section 451a of the management and
16 budget act, 1984 PA 431, MCL 18.1451a.

17 Sec. 216. (1) Due to the current budgetary problems in this
18 state, out-of-state travel for the fiscal year ending September 30,
19 2009 shall be limited to situations in which 1 or more of the
20 following conditions apply:

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

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

26 (c) The travel is necessary to produce budgetary savings or to
27 increase state revenues, or both, including protecting existing

1 federal funds or securing additional federal funds.

2 (d) The travel is necessary to comply with federal
3 requirements.

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

6 (f) The travel is financed entirely by federal or nonstate
7 funds.

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

14 (3) Not later than January 1 of each year, each department
15 shall prepare a travel report listing all travel by classified and
16 unclassified employees outside this state in the immediately
17 preceding fiscal year that was funded in whole or in part with
18 funds appropriated in the department's budget. The report shall be
19 submitted to the chairs and members of the senate and house
20 standing committees on appropriations, the fiscal agencies, and the
21 state budget director. The report shall include the following
22 information:

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

25 (b) The destination of each travel occurrence.

26 (c) The dates of each travel occurrence.

27 (d) A brief statement of the reason for each travel

1 occurrence.

2 (e) The transportation and related costs of each travel
3 occurrence, including the proportion funded with state general
4 fund/general purpose revenues, the proportion funded with state
5 restricted revenues, the proportion funded with federal revenues,
6 and the proportion funded with other revenues.

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

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

15 Sec. 218. It is the intent of the legislature that no
16 expenditures for employee dry cleaning allowances be made or
17 obligations to pay employee dry cleaning allowances be incurred for
18 dry cleaning allowances in excess of the amounts authorized under
19 collective bargaining contracts in effect from January 1, 2002 to
20 December 31, 2004.

21 Sec. 219. (1) The contract for prisoner telephone services
22 shall not include fees or commissions that are more than the fees
23 for calls placed from outside of correctional facilities, excluding
24 any fees necessary to meet special equipment costs. If a contract
25 for prisoner telephone services includes fees greater than this
26 amount, then the department shall refund these fees and commissions
27 to the persons who paid them.

1 (2) The funds appropriated in part 1 for telephone fee and
2 commission refunds shall be used to refund persons who paid
3 telephone rates or surcharges that were higher than fees permitted
4 under subsection (1). Any telephone fee and commission revenue
5 collected in excess of the amount allowed in subsection (1) shall
6 be used for the sole purpose of providing telephone fee and
7 commission refunds.

8 Sec. 221. (1) The department shall report no later than April
9 1, 2009 on each specific policy change made to implement a public
10 act affecting the department that took effect during the previous
11 calendar year to the senate and house appropriations subcommittees
12 on corrections, the joint committee on administrative rules, and
13 the senate and house fiscal agencies.

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

21 (3) As used in this section:

22 (a) "Rule" means that term as defined under section 7 of the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

24 (b) "Small business" means that term as defined under section
25 7a of the administrative procedures act of 1969, 1969 PA 306, MCL
26 24.207a.

27 Sec. 222. Funds appropriated in part 1 shall not be used by a

1 principal executive department, state agency, or authority to hire
2 a person to provide legal services that are the responsibility of
3 the attorney general. This prohibition does not apply to legal
4 services for bonding activities and for those activities that the
5 attorney general authorizes.

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

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

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

24 (4) In addition to the funds appropriated in part 1, there is
25 appropriated an amount not to exceed \$2,000,000.00 for private
26 contingency funds. These funds are not available for expenditure
27 until they have been transferred to another line item in this act

1 under section 393(2) of the management and budget act, 1984 PA 431,
2 MCL 18.1393.

3 Sec. 224. The department shall not approve the travel of more
4 than 1 departmental employee to a specific professional development
5 conference or training seminar that is located outside of this
6 state. The only exception to this travel restriction involves a
7 professional development conference or training seminar that is
8 funded by a federal or private funding source and requires more
9 than 1 person from a department to attend.

10 **EXECUTIVE**

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

20 Sec. 302. A report on the mental health study required under
21 section 302 of 2007 PA 124, together with any recommendations
22 contained in the study and response from the department, shall be
23 provided to the members of the senate and house appropriations
24 subcommittees on corrections and community health, the senate and
25 house fiscal agencies, MDCH, and the state budget director no later
26 than 30 days after the receipt of the completed study. The report

1 also shall include a plan by the department to implement those
2 recommendations with which it agrees and an explanation of any
3 disagreements with recommendations.

4 Sec. 303. It is the intent of the legislature that the
5 quantity of database systems in use by the department be optimal
6 for efficient data usage and communications. The department shall
7 report quarterly to the senate and house appropriations
8 subcommittees on corrections, the senate and house fiscal agencies,
9 and the state budget director on the status of the plan to
10 implement secure, encrypted, Internet-based database systems that
11 can electronically communicate with each other and with other law-
12 enforcement-related databases by September 30, 2009. The department
13 shall provide the reports not more than 15 days after the end of
14 each quarter.

15 **PLANNING AND COMMUNITY SUPPORT**

16 Sec. 401. The department shall submit 3-year and 5-year prison
17 population projection updates by February 1, 2009 to the senate and
18 house appropriations subcommittees on corrections, the senate and
19 house fiscal agencies, and the state budget director. The report
20 shall include explanations of the methodology and assumptions used
21 in developing the projection updates.

22 Sec. 402. It is the intent of the legislature that the funds
23 appropriated in part 1 for prisoner reintegration programs be
24 expended for the purpose of reducing victimization by reducing
25 offender recidivism through the following prisoner reintegration
26 programming:

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

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

5 (c) The provision of housing assistance.

6 (d) Referral to mental health services.

7 (e) Referral to substance abuse services.

8 (f) Referral to public health services.

9 (g) Referral to education.

10 (h) Referral to any other services necessary for successful
11 reintegration.

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

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

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

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

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

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

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

4 (2) The department shall provide monthly reports to the senate
5 and house appropriations subcommittees on corrections, the senate
6 and house fiscal agencies, and the state budget director on the
7 status and recidivism levels of offenders who participated in the
8 MPRI and have been released. The data should be broken out by the
9 controlling sentence for the following 4 offender types: drug,
10 nonassaultive, assaultive, and sex.

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

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

21 (5) The MPRI shall include programming on understanding
22 conditions of parole, and each offender's transition accountability
23 plan shall include a plan for following conditions of parole. The
24 department shall ensure that each offender understands his or her
25 conditions of parole prior to release from prison.

26 (6) The department shall provide monthly reports to the senate
27 and house appropriations subcommittees on corrections, the senate

1 and house fiscal agencies, and the state budget director on
2 parolees who participated in the MPRI and have tested positive for
3 substance abuse in the previous month and since October 1, 2008.
4 The report shall include any sanctions imposed by the department in
5 response to the positive substance abuse test.

6 (7) The department shall provide monthly reports to the senate
7 and house appropriations subcommittees on corrections, the senate
8 and house fiscal agencies, and the state budget director on
9 parolees who participated in the MPRI and have a diagnosis of
10 mental illness or received mental health treatment while in prison.
11 The report shall include the number of offenders successfully
12 referred to the local community mental health agency, by county,
13 and number of parolees participating in treatment for mental
14 illness, by county.

15 (8) The department shall ensure that each prisoner develops a
16 transition accountability plan at intake in order to successfully
17 reenter the community after release from prison.

18 Sec. 404. (1) The department shall screen and assess each
19 prisoner for alcohol and other drug involvement to determine the
20 need for further treatment. The assessment process shall be
21 designed to identify the severity of alcohol and other drug
22 addiction and determine the treatment plan, if appropriate.

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

1 Sec. 405. (1) In expending residential substance abuse
2 treatment services funds appropriated under this act, the
3 department shall ensure to the maximum extent possible that
4 residential substance abuse treatment services are available
5 statewide.

6 (2) 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 the allocation, distribution, and expenditure of all funds
10 appropriated by the substance abuse testing and treatment line item
11 during fiscal year 2007-2008 and projected for fiscal year 2008-
12 2009. The report shall include, but not be limited to, an
13 explanation of an anticipated year-end balance, the number of
14 participants in substance abuse programs, and the number of
15 offenders on waiting lists for residential substance abuse
16 programs. Information required under this subsection shall, where
17 possible, be separated by MDOC administrative region and by
18 offender type, including, but not limited to, a distinction between
19 prisoners, parolees, and probationers.

20 (3) By April 1, 2009, the department shall report to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 substance abuse testing and treatment program objectives, outcome
24 measures, and results, including program impact on offender
25 behavior and recidivism.

26 Sec. 406. (1) By December 1, 2008, the department shall develop
27 uniform minimum standards for MPRI sites and the expenditure of

1 MPRI funds, including funds appropriated for prisoner reintegration
2 programs. At a minimum, the standards shall address all of the
3 following:

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

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

6 (c) The acceptable range or ranges for per-participant
7 expenditures.

8 (d) Procedures for referral and follow up by the department on
9 the status of referrals to substance abuse treatment, health care,
10 and mental health treatment.

11 (e) Any other standards determined by the department to be
12 consistent with good management practices and optimum program
13 results.

14 (2) By March 1, 2009, the department shall report to the senate
15 and house appropriations subcommittees on corrections, the senate
16 and house fiscal agencies, and the state budget director on the
17 standards required by subsection (1). The report shall include
18 information explaining how each standard was determined and how it
19 is being implemented. The department shall implement these
20 standards after review by the senate and house appropriations
21 subcommittees on corrections.

22 Sec. 407. (1) By March 1, 2009, the department shall report to
23 the senate and house subcommittees on corrections, the senate and
24 house fiscal agencies, and the state budget director on offenders
25 who have served their maximum sentence and been released from
26 prison in the last 5 years. The report shall include the following
27 information:

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

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

7 (c) The educational history of those offenders, including how
8 many had a GED or high school diploma prior to incarceration in
9 prison, how many received a GED while in prison, and how many
10 received a vocational certificate while in prison.

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

16 (2) The department shall provide monthly reports to the senate
17 and house subcommittees on corrections, the senate and house fiscal
18 agencies, and the state budget director on offenders who have
19 served their maximum sentence and been released from prison in the
20 previous month. The reports shall include the following
21 information:

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

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

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

3 Sec. 408. As a condition of expending funds appropriated for
4 planning, community development and research, and prisoner
5 reintegration programs under part 1, the department shall by
6 January 31, 2009 provide a plan to reduce recidivism rates among
7 prisoners released from correctional facilities to the members of
8 the senate and house appropriations committees, the senate and
9 house fiscal agencies, and the state budget director. The plan
10 shall include detailed information on 3-year recidivism rates in
11 this state for the most recent 5-year period, a detailed comparison
12 of those rates to rates in other states and a national average, and
13 details on how the department plans to improve recidivism rates.
14 The plan also shall include details on how the department proposes
15 to measure the success of the plan.

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

27 (a) "Alternative to incarceration in a state facility or jail"

1 means a program that involves offenders who receive a sentencing
2 disposition that appears to be in place of incarceration in a state
3 correctional facility or jail based on historical local sentencing
4 patterns or that amounts to a reduction in the length of sentence
5 in a jail.

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

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

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

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

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

27 (i) A felon or misdemeanor who receives a sentencing

1 disposition that appears to be in place of incarceration in a state
2 correctional facility or jail, according to historical local
3 sentencing patterns.

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

8 Sec. 410. (1) The funds included in part 1 for community
9 corrections comprehensive plans and services are to encourage the
10 development through technical assistance grants, implementation,
11 and operation of community corrections programs that serve as an
12 alternative to incarceration in a state facility or jail. The
13 comprehensive corrections plans shall include an explanation of how
14 the public safety will be maintained, the goals for the local
15 jurisdiction, offender target populations intended to be affected,
16 offender eligibility criteria for purposes outlined in the plan,
17 and how the plans will meet the following objectives, consistent
18 with section 8(4) of the community corrections act, 1988 PA 511,
19 MCL 791.408:

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

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

1 (c) Open jail beds through the increase of pretrial release
2 options.

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

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

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

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

17 Sec. 411. The comprehensive corrections plans shall also
18 include, where appropriate, descriptive information on the full
19 range of sanctions and services that are available and utilized
20 within the local jurisdiction and an explanation of how jail beds,
21 residential services, the special alternative incarceration
22 program, probation detention centers, the electronic monitoring
23 program for probationers, and treatment and rehabilitative services
24 will be utilized to support the objectives and priorities of the
25 comprehensive corrections plans and the purposes and priorities of
26 section 8(4) of the community corrections act, 1988 PA 511, MCL
27 791.408. The plans shall also include, where appropriate,

1 provisions that detail how the local communities plan to respond to
2 sentencing guidelines found in chapter XVII of the code of criminal
3 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the
4 county jail reimbursement program under section 414. The state
5 community corrections board shall encourage local community
6 corrections advisory boards to include in their comprehensive
7 corrections plans strategies to collaborate with local alcohol and
8 drug treatment agencies of the MDCH for the provision of alcohol
9 and drug screening, assessment, case management planning, and
10 delivery of treatment to alcohol- and drug-involved offenders,
11 including, but not limited to, probation and parole violators who
12 are at risk of revocation.

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

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

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

1 (c) Status of the community corrections information system and
2 the jail population information system.

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

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

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

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

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

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

21 Sec. 414. (1) The department shall administer a county jail
22 reimbursement program from the funds appropriated in part 1 for the
23 purpose of reimbursing counties for housing in jails felons who
24 otherwise would have been sentenced to prison.

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

1 and 1 of the following 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 1-year 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 new legislative sentencing
17 guidelines. The study shall analyze sentencing patterns of
18 jurisdictions as well as future patterns in order to determine and
19 quantify the population impact on prisons and jails of the new
20 guidelines as well as to identify and define felon or crime
21 characteristics or sentencing guidelines scores that indicate a
22 felon is a prison diversion. The department shall conduct a local
23 and statewide study for this purpose and provide periodic reports
24 regarding the status and findings of the study to the house and
25 senate appropriations subcommittees on corrections, the house and
26 senate fiscal agencies, and the state budget director.

27 (5) The department, the state budget office, the Michigan

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

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

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

19 Sec. 415. (1) As a condition of receipt of the funds
20 appropriated in part 1 for community corrections plans and services
21 and residential services, the department shall only award those
22 funds requested under a properly prepared and approved
23 comprehensive corrections plan submitted under section 8 of the
24 community corrections act, 1988 PA 511, MCL 791.408, or directly
25 applied for under section 10 of the community corrections act, 1988
26 PA 511, MCL 791.410.

27 (2) The department shall only halt funding for an entity

1 funded under section 8 of the community corrections act, 1988 PA
2 511, MCL 791.408, in instances of substantial noncompliance during
3 the period covered by the plan.

4 Sec. 416. (1) Funds included in part 1 for the felony drunk
5 driver jail reduction and community treatment program are
6 appropriated for and may be expended for any of the following
7 purposes:

8 (a) To increase availability of treatment options to reduce
9 drunk driving and drunk driving-related deaths by addressing the
10 alcohol addiction of felony drunk drivers who otherwise likely
11 would be sentenced to jail or a combination of jail and other
12 sanctions.

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

21 (c) To provide a policy and funding framework to make
22 additional jail space available for housing convicted felons whose
23 recommended minimum sentence ranges under sentencing guidelines
24 established under chapter XVII of the code of criminal procedure,
25 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
26 less and who likely otherwise would be sentenced to prison, with
27 the aim of enabling counties to meet or exceed amounts received

1 through the county jail reimbursement program during fiscal year
2 2002-2003 and reducing the numbers of felons sentenced to prison.

3 (2) Expenditure of funds included in part 1 for the felony
4 drunk driver jail reduction and community treatment program shall
5 be by grant awards consistent with standards developed by a
6 committee of the state community corrections advisory board. The
7 chairperson of the committee shall be the board member representing
8 county sheriffs. Remaining members of the committee shall be
9 appointed by the chairperson of the board.

10 (3) In developing annual standards, the committee shall
11 consult with interested agencies and associations. Standards
12 developed by the committee shall include application criteria,
13 performance objectives and measures, funding allocations, and
14 allowable uses of the funds, consistent with the purposes specified
15 in this section.

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

22 (5) The standards developed by the committee shall assign each
23 county a maximum funding allocation based on the amount the county
24 received under the county jail reimbursement program in fiscal year
25 2001-2002 for housing felony drunk drivers whose recommended
26 minimum sentence ranges under the sentencing guidelines described
27 in subsection (1)(c) had upper limits of 18 months or less.

1 (6) Awards of funding under this section shall be provided
2 consistent with the local comprehensive corrections plans developed
3 under the community corrections act, 1988 PA 511, MCL 791.401 to
4 791.414. Funds awarded under this section may be used in
5 conjunction with funds awarded under grant programs established
6 under that act. Due to the need for felony drunk drivers to be
7 transitioned from county jails to community treatment services, it
8 is the intent of the legislature that local units of government
9 utilize funds received under this section to support county sheriff
10 departments.

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

17 Sec. 417. (1) By April 1, 2009, the department shall report to
18 the members of the senate and house appropriations subcommittees on
19 corrections, the senate and house fiscal agencies, and the state
20 budget director on each of the following programs from the previous
21 fiscal year:

22 (a) The county jail reimbursement program.

23 (b) The felony drunk driver jail reduction and community
24 treatment program.

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

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

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

4 (a) Program objectives and outcome measures.

5 (b) Expenditures by location.

6 (c) The impact on jail utilization.

7 (d) The impact on prison admissions.

8 (e) Other information relevant to an evaluation of the
9 program.

10 Sec. 418. (1) The department shall ensure that each prisoner
11 make all reasonable efforts to obtain the documents necessary to
12 obtain a state operator's license or state identification card
13 prior to a prisoner's discharge or parole hearing. The process for
14 prisoners to acquire this documentation shall be part of the
15 department's operating procedure.

16 (2) The department shall cooperate with MDCH to maintain a
17 process by which prisoners can obtain their birth certificates. By
18 April 1, 2009, the department shall report to the senate and house
19 appropriations subcommittees on corrections, the senate and house
20 fiscal agencies, and the state budget director on the process
21 developed under this section.

22 Sec. 419. (1) The department shall provide weekly electronic
23 mail reports to the senate and house appropriations subcommittees
24 on corrections, the senate and house fiscal agencies, and the state
25 budget director on prisoner, parolee, and probationer populations
26 by facility, and prison capacities.

27 (2) The department shall provide monthly electronic mail

1 reports to the senate and house appropriations subcommittees on
2 corrections, the senate and house fiscal agencies, and the state
3 budget director. By November 1, 2008, the department shall provide
4 monthly reports for March 2006 through September 2007. The reports
5 shall include information on end-of-month prisoner populations in
6 county jails, the net operating capacity according to the most
7 recent certification report, identified by date, and end-of-month
8 data, year-to-date data, and comparisons to the prior year for the
9 following:

10 (a) Community residential program populations, separated by
11 centers and electronic monitoring.

12 (b) Parole populations.

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

15 (d) Prison and camp populations, with separate identification
16 of the number in special alternative incarceration and the number
17 of lifers.

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

20 (f) Prisoner exits, identifying transfers to community
21 placement, paroles from prisons and camps, paroles from community
22 placement, total movements to parole, prison intake, prisoner
23 deaths, prisoners discharging on the maximum sentence, and other
24 prisoner exits.

25 (g) Prison intake and returns, including probation violators,
26 new court commitments, violators with new sentences, escaper new
27 sentences, total prison intake, returns from court with additional

1 sentences, community placement returns, technical parole violator
2 returns, and total returns to prison and camp.

3 Sec. 420. The department shall report to the senate and house
4 appropriations subcommittees on corrections, the senate and house
5 judiciary committees, the senate and house fiscal agencies, and the
6 state budget director on the status of the department's response to
7 the fiscal year 2007-2008 performance audits by the office of the
8 auditor general on the department's staffing, health care services,
9 food service and prisoner transportation, mental health care
10 services, and pharmaceuticals. The department shall provide the
11 reports within 30 days after each audit's official release date.

12 Sec. 421. Of the funds appropriated in part 1, \$100,000.00 is
13 appropriated for the purpose of providing an interdepartmental
14 grant to the Michigan state police for the purpose of providing
15 grants for training teams of law enforcement officers and mental
16 health treatment providers. The teams shall be trained in effective
17 and safe ways of assisting people with mental illness during law
18 enforcement contacts and directing people with mental illness to
19 treatment programs. It is the intent of the legislature that mental
20 health awareness training be incorporated into continuing education
21 for all law enforcement officers in the state.

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

25 Sec. 423. (1) The department shall design and implement a
26 pilot project that has as its goal the reduction of criminal
27 behavior and of returns to prison of female technical parole

1 violators. The pilot project shall be of a design that is based on
2 evidence-based practices proven in other jurisdictions to reduce
3 criminal behavior.

4 (2) By May 1, 2009, the department shall report to the senate
5 and house appropriations subcommittees on corrections, the senate
6 and house fiscal agencies, and the state budget director on the
7 extent to which the program described in subsection (1) has been
8 successful, as evidenced by a reduction in the number of female
9 technical parole violator returns to prison compared to prior year
10 returns, and the extent to which any of the parolees enrolled in
11 the pilot project have either been convicted of new offenses or
12 have new pending charges upon return compared to paroles with
13 similar characteristics.

14 Sec. 424. (1) Offenders entering prison who are enrolled in
15 Medicaid shall have their Medicaid benefits suspended while in
16 prison. The department shall assist prisoners who may be eligible
17 for Medicaid benefits after release from prison with the Medicaid
18 enrollment process 6 months before the prisoners' release from
19 prison.

20 (2) The department, in consultation with MDCH, shall prepare a
21 cost-benefit analysis on the impact of suspending rather than
22 terminating the Medicaid status of a recipient with serious mental
23 illness or serious emotional disturbance who becomes incarcerated
24 in a state correctional facility. The department shall provide a
25 written copy of the analysis and recommendations to the senate and
26 house appropriations subcommittees on corrections, the senate and
27 house appropriations subcommittees on community health, the senate

1 and house fiscal agencies, the governor, and the state budget
2 director not later than April 1, 2009.

3 **OPERATIONS AND SUPPORT ADMINISTRATION**

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

10 Sec. 502. Funds included in part 1 for the sheriffs'
11 coordinating and training office are appropriated for and may be
12 expended to defray costs of continuing education, certification,
13 recertification, decertification, and training of local corrections
14 officers, the personnel and administrative costs of the sheriffs'
15 coordinating and training office, the local corrections officers
16 advisory board, and the sheriffs' coordinating and training council
17 under the local corrections officers training act, 2003 PA 125, MCL
18 791.531 to 791.546.

19 Sec. 504. Of the funds appropriated in part 1, \$50,000.00 is
20 appropriated to provide an interdepartmental grant to the judiciary
21 for use of the judicial data warehouse by department employees.

22 Sec. 505. The department shall train all custody staff in
23 effective and safe ways of handling prisoners with mental illness
24 and referring prisoners to mental health treatment programs. Mental
25 health awareness training shall be incorporated into the training
26 of new custody staff.

1 **FIELD OPERATIONS ADMINISTRATION**

2 Sec. 601. From the funds appropriated in part 1, the
3 department shall conduct a statewide caseload audit of field
4 agents. The audit shall address public protection issues and assess
5 the ability of the field agents to complete their professional
6 duties. The results of the audit shall be submitted to the senate
7 and house appropriations subcommittees on corrections and the
8 senate and house fiscal agencies, and the state budget office by
9 February 15, 2009.

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

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

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

26 Sec. 603. (1) All prisoners, probationers, and parolees

1 involved with the electronic tether program shall reimburse the
2 department for costs associated with their participation in the
3 program. The department may require community service work
4 reimbursement as a means of payment for those able-bodied
5 individuals unable to pay for the costs of the equipment.

6 (2) Program participant contributions and local community
7 tether program reimbursement for the electronic tether program
8 appropriated in part 1 are related to program expenditures and may
9 be used to offset expenditures for this purpose.

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

21 (4) For a fee determined by the department, the department
22 shall provide counties with the tether equipment, replacement
23 parts, administrative oversight of the equipment's operation,
24 notification of violators, and periodic reports regarding county
25 program participants. Counties are responsible for tether equipment
26 installation and service. For an additional fee as determined by
27 the department, the department shall provide staff to install and

1 service the equipment. Counties are responsible for the
2 coordination and apprehension of program violators.

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

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

11 Sec. 605. (1) Of the funds appropriated in part 1, \$980,000.00
12 is appropriated to provide an interdepartmental grant to the
13 judiciary. The funds shall be utilized by the state court
14 administrative office to administer a pilot program targeting
15 nondangerous offenders who are at significant risk of committing
16 additional crimes. The pilot program shall include assessment,
17 treatment, and accountability, with the goal of reducing
18 expenditures for long-term incarceration.

19 (2) The department shall participate in the pilot program
20 described in subsection (1). The circuit judge assigned to each
21 pilot project site shall select 1 or more circuit court probation
22 officers to supervise the caseload of the circuit court project.
23 Although the probation officer shall remain an employee of the
24 department, he or she shall report directly to the circuit judge.

25 (3) The Michigan judicial institute shall provide appropriate
26 training for all personnel involved in the pilot program described
27 in this section.

Senate Bill No. 1095 as amended March 26, 2008

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

<<Sec. 607. The department shall ensure that all parole or
probation agent supervisors and parole or probation agent managers are
assigned a caseload.>>

7 Sec. 608. By April 1, 2009, the department shall report to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director on
10 the use of GPS electronic monitoring. At a minimum, the report
11 shall include all of the following:

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

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

22 (c) Monthly data on the number of offenders on active GPS
23 tether, passive GPS tether, radio frequency tether, and any other
24 type of tether.

25 Sec. 609. By April 1, 2009, the department shall report to the
26 senate and house appropriations subcommittees on corrections, the
27 senate and house fiscal agencies, and the state budget director on

1 the use of kiosk reporting stations. At a minimum, the report shall
2 include all of the following:

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

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

7 (c) Information on pilot program outcome measures.

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

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

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

24 (b) Monthly participant unsuccessful terminations, including
25 cause.

26 (c) Number of successful terminations.

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

1 (e) Average length of placement.

2 (f) Return to prison statistics.

3 (g) Description of each program location or locations,
4 capacity, and staffing.

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

7 (i) Comparison with prior year statistics.

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

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

21 (2) To the extent policies or programs described in subsection
22 (1) are used, developed, or contracted for, the department may
23 request that funds appropriated in part 1 be transferred under
24 section 393(2) of the management and budget act, 1984 PA 431, MCL
25 18.1393, for their operation.

26 (3) The department shall continue to utilize parole violator
27 processing guidelines that require parole agents to utilize all

1 available appropriate community-based, nonincarcerative postrelease
2 sanctions and services when appropriate. The department shall
3 periodically evaluate such guidelines for modification, in response
4 to emerging information from the pilot projects for substance abuse
5 treatment provided under this act and applicable provisions of
6 prior budget acts for the department.

7 (4) The department shall provide monthly reports to the senate
8 and house appropriations subcommittees on corrections, the senate
9 and house fiscal agencies, and the state budget director on the
10 number of all parolees returned to prison and probationers
11 sentenced to prison for either a technical violation or new
12 sentence during the preceding calendar month. The reports shall
13 include the following information each for probationers, parolees
14 after their first parole, and parolees who have been paroled more
15 than once:

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

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

27 (c) The educational history of those offenders, including how

1 many had a GED or high school diploma prior to incarceration in
2 prison, how many received a GED while in prison, and how many
3 received a vocational certificate while in prison.

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

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

9 CONSENT DECREES

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

16 HEALTH CARE

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

21 Sec. 802. (1) As a condition of expenditure of the funds
22 appropriated in part 1, the department shall provide the senate and
23 house of representatives appropriations subcommittees on
24 corrections, the senate and house fiscal agencies, and the state
25 budget director with all of the following:

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

9 (b) Not more than 1 week after receiving the final findings
10 and recommendations of the national commission on correctional
11 health care, a report with regard to the following:

12 (i) Bureau of health care services organizational structure,
13 administration, and management.

14 (ii) Timeliness, appropriateness, and quality of the following
15 services:

16 (A) Clinical services provided through the department,
17 including nursing, dental, and clinical support services.

18 (B) Clinical psychological services provided through the
19 department, including intake processing, assaultive offender
20 program, and sex offender treatment program.

21 (C) Mental health services to treat the seriously mentally ill
22 provided through the department of community health, including
23 inpatient care, rehabilitative treatment, residential treatment,
24 crisis stabilization, and outpatient mental health treatment.

25 (D) Primary on-site medical services, on-site inpatient
26 medical services, specialty services, and utilization review
27 procedures provided by the state's health care contractors.

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

6 Sec. 804. (1) The department shall report quarterly to the
7 senate and house appropriations subcommittees on corrections, the
8 senate and house fiscal agencies, and the state budget director on
9 prisoner health care utilization. The report shall include the
10 number of inpatient hospital days, outpatient visits, and emergency
11 room visits in the previous quarter and since October 1, 2007, by
12 facility.

13 (2) By April 1, 2009, the department shall report to the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house fiscal agencies, and the state budget director on
16 prisoners receiving off-site inpatient medical care that would have
17 received care in a state correctional facility if beds were
18 available. The report shall include the number of prisoners
19 receiving off-site inpatient medical care and average length of
20 stay in an off-site facility during the period they would have
21 received care in a state correctional facility if beds were
22 available, by month and correctional facilities administration
23 region.

24 Sec. 805. The bureau of health care services shall develop
25 information on Hepatitis C and HIV prevention and the risks
26 associated with exposure to Hepatitis C and HIV. The health care
27 providers shall disseminate this information verbally and in

1 writing to each prisoner at the health screening and full health
2 appraisal conducted at admissions, at the annual health care
3 screening 30 days before or after a prisoner's birthday, and prior
4 to release to the community by parole, transfer to community
5 residential placement, or discharge on the maximum sentence.

6 Sec. 806. (1) From the funds appropriated in part 1, the
7 department shall require a Hepatitis C antibody test and an HIV
8 test for each prisoner prior to release to the community by parole,
9 transfer to community residential placement, or discharge on the
10 maximum sentence. The department shall require an HIV test and a
11 Hepatitis C risk factor screening for each prisoner at the health
12 screening at admissions. If Hepatitis C risk factors are
13 identified, the department shall offer the prisoner a Hepatitis C
14 antibody test. An explanation of results of the tests shall be
15 provided confidentially to the prisoner, and if appropriate based
16 on the test results, the prisoner shall also be provided a
17 recommendation to seek follow-up medical attention.

18 (2) By March 1, 2009, the department shall report to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house appropriations subcommittees on community health,
21 the senate and house fiscal agencies, and the state budget director
22 on the number of offenders tested and the number of offenders
23 testing positive for HIV, the Hepatitis C antibody, or both at
24 prison admission and parole, transfer to community residential
25 placement, or discharge on the maximum sentence. The department
26 shall keep records of those offenders testing positive for HIV, the
27 Hepatitis C antibody, or both at prison admission, parole, transfer

1 to community residential placement, and discharge. These records
2 shall clearly state the date each test was performed.

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

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

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

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

11 Sec. 807. The department shall ensure that all medications for
12 a prisoner be transported with that prisoner when the prisoner is
13 transferred from 1 correctional facility to another. Prisoners
14 being released shall be provided with a supply of medication to
15 allow for continuity of care in the community.

16 Sec. 808. There are sufficient funds and FTEs appropriated in
17 part 1 to provide a full complement of nurses for clinical
18 complexes working regular pay hours, and it is the intent of the
19 legislature that sufficient nurses be hired or retained to limit
20 the use of overtime other-than-holiday pay.

21 Sec. 809. The department, in conjunction with efforts to
22 implement the MPRI, shall cooperate with the MDCH to share data and
23 information as they relate to prisoners being released who are HIV
24 positive or positive for the Hepatitis C antibody. By April 1,
25 2009, the department shall report to the senate and house
26 appropriations subcommittees on corrections, the senate and house
27 fiscal agencies, and the state budget director on all of the

1 following:

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

4 (b) The programs' potential impact on the state budget.

5 (c) The number of prisoners released to the community by
6 parole, discharge on the maximum sentence, or transfer to community
7 residential placement who are HIV positive, positive for the
8 Hepatitis C antibody, or both.

9 (d) The number of offenders successfully referred to the local
10 public health department, by county, and the number of parolees
11 participating in treatment for Hepatitis C, HIV, or both after 6
12 months in the community, by county.

13 Sec. 811. The department shall provide to the senate and house
14 appropriations subcommittees on corrections, the senate and house
15 fiscal agencies, and the state budget director a copy of the bureau
16 of health care services quality assurance report not more than 1
17 week after its completion, but not later than September 30, 2009.
18 The report shall include recommendations for quality improvements
19 and a plan to implement those recommendations.

20 **CORRECTIONAL FACILITIES ADMINISTRATION**

21 Sec. 901. The department shall make all department facilities
22 and camps tobacco-free no later than March 1, 2009.

23 Sec. 902. From the funds appropriated in part 1, the
24 department shall allocate sufficient funds to develop a pilot
25 children's visitation program. The pilot program shall teach
26 parenting skills and arrange for day visitation at these facilities

1 for parents and their children, except for the families of
2 prisoners convicted of a crime involving criminal sexual conduct in
3 which the victim was less than 18 years of age or involving child
4 abuse.

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

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

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

26 (2) Quarterly reports on all expenditures from the inmate
27 housing fund shall be submitted by the department to the state

Senate Bill No. 1095 as amended March 26, 2008

1 budget director, the senate and house appropriations subcommittees
2 on corrections, and the senate and house fiscal agencies.

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

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

11 (3) It is the intent of the legislature that public works fee
12 schedules be revised to halve the rates in effect on September 30,
13 2008.

<<(4) The department shall maintain a list of the number of
prisoners available for public works crews at each department facility,
and the number of prisoners necessary to fulfill current public works
contracts at each department facility. The department shall place the
list on a publicly accessible Internet site and update the list weekly.>>

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

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

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

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

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

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

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

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

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

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

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

24 (2) By February 1, 2009, the department shall provide the
25 senate and house appropriations subcommittees on corrections, the
26 senate and house fiscal agencies, and the state budget director
27 with statistical reports on the efficacy of both department-

1 provided prison general education and vocational education programs
2 in reducing offender recidivism rates. At a minimum, the report
3 should compare the recidivism rates of the following groups of
4 offenders:

5 (a) Offenders who completed a GED while in prison and
6 participated in the MPRI.

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

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

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

13 Sec. 909. As a condition of expending funds appropriated for
14 academic/vocational programs under part 1, the department shall by
15 January 31, 2009 provide a plan to increase certification rates
16 among prisoners enrolled in GED programs at correctional facilities
17 to the members of the senate and house appropriations committees,
18 the senate and house fiscal agencies, and the state budget
19 director. The plan shall include detailed information on
20 certification rates for the most recent 5-year period, a comparison
21 with prisoner certification rates in other states and a national
22 average, and details on how the department plans to improve
23 certification rates.

24 Sec. 910. The department shall allow the Michigan Braille
25 transcribing fund program to operate at its current location. The
26 donation of the building by the Michigan Braille transcribing fund
27 at the G. Robert Cotton correctional facility in Jackson is

1 acknowledged and appreciated. The department shall continue to
2 encourage the Michigan Braille transcribing fund to produce high-
3 quality materials for use by the visually impaired.

4 Sec. 911. (1) From the appropriations in part 1, the
5 department shall ensure that all prisoner activities shall include
6 the presence of a sufficient number of correctional officers needed
7 to maintain the safety and security of the institution.

8 (2) By February 1, 2009, the department shall report to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director the
11 number of critical incidents occurring each month by type and the
12 number and severity of assaults occurring each month at each
13 facility during calendar year 2008.

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

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

1 appealable in court.

2 Sec. 914. Funds appropriated in part 1 for transportation are
3 appropriated for costs incurred by the department in transporting
4 offenders. It is the intent of the legislature that costs of
5 offender transportation be met through expenditure of the line item
6 for transportation, and that any costs in excess of the amount
7 expressly appropriated for transportation be met solely through
8 transfers into that line item under section 393(2) of the
9 management and budget act, 1984 PA 431, MCL 18.1393.

10 Sec. 915. Funds appropriated in part 1 for prison food service
11 are appropriated for costs incurred by the department in providing
12 food to prisoners, to department employees as provided by
13 collective bargaining agreements, and to governmental agencies as
14 provided by interagency agreements and contracts. It is the intent
15 of the legislature that costs of prison food service be met through
16 expenditure of the line item for prison food service, and that any
17 costs in excess of the amount expressly appropriated for prison
18 food service be met solely through transfers into that line item
19 under section 393(2) of the management and budget act, 1984 PA 431,
20 MCL 18.1393.

21 Sec. 916. From the funds appropriated in part 1, the
22 department shall allocate \$100,000.00 for the acquisition of stab-
23 proof vests, contingent on entering into a contract for the
24 construction or manufacture of stab-proof vests.

25 Sec. 917. From the funds appropriated in part 1, the
26 department shall allocate \$100,000.00 for evidence-based pilot
27 programs that change offenders' behaviors, values, beliefs, and

1 attitudes toward victims and the community.

2 Sec. 918. Following receipt of an auditor general performance
3 audit on offender transportation, the department, in conjunction
4 with the department of management and budget, shall issue a request
5 for information on the possible bidding of all offender
6 transportation services. State employees shall be given the
7 opportunity to respond to a request for information on offender
8 transportation services. Any response to the request for
9 information shall include an explanation of how savings of at least
10 5% over existing costs of offender transportation would be
11 realized.

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

21 Sec. 920. The department shall make every effort to operate a
22 garden or horticultural operation at each correctional facility,
23 where practical, in order to provide food for correctional
24 facilities and not-for-profit organizations.

25 Sec. 922. It is the intent of the legislature that all
26 prisoners work 40 hours per week in the correctional facility, as
27 part of a public works crew or in private enterprise, or

participate in vocational or training programs. Prisoners may be enrolled in GED or education programs in combination with employment. Prisoners not employed shall be enrolled in GED or other educational programs for not less than 20 hours per week. This section does not apply to prisoners classified in level V or administrative segregation.

Sec. 924. The department shall evaluate all prisoners at intake for substance abuse disorders, developmental disorders, and serious mental illness. <<

>>shall not be confined in administrative segregation<<
due to behavior that is symptomatic of serious mental illness>>.

(a) "Administrative segregation" means confinement for

Senate Bill No. 1095 as amended March 26, 2008

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.

7 Sec. 925. By March 1, 2009, the department shall report to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director on
10 the number of prisoners in administrative segregation <<between October
1, 2003 and September 30, 2008>>, and the
11 number of prisoners in administrative segregation <<between October 1,
2003 and September 30, 2008>> who at any time
12 during the current or prior prison term were diagnosed with serious
13 mental illness <<or have a developmental disorder>> and the number of
days each of the prisoners with
14 serious mental illness <<or a developmental disorder>> have been confined
to administrative
15 segregation. As used in this section:

16 (a) "Administrative segregation" means confinement for
17 maintenance of order or discipline to a cell or room apart from
18 accommodations provided for inmates who are participating in
19 programs of the facility.

20 (b) "Serious mental illness" means that term as defined in
21 section 100d(3) of the mental health code, 1974 PA 328, MCL
22 330.1100d.