

HOUSE BILL No. 4348

EXECUTIVE BUDGET BILL

February 28, 2007, Introduced by Reps. Alma Smith and Leland and referred to the Committee on Appropriations.

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill,

the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population 52,890

Full-time equated unclassified positions..... 16.0

Full-time equated classified positions..... 18,186.2

GROSS APPROPRIATION..... \$ 2,001,681,200

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 1,264,600

ADJUSTED GROSS APPROPRIATION..... \$ 2,000,416,600

Federal revenues:

Total federal revenues..... 10,340,700

Special revenue funds:

Total local revenues..... 429,700

Total private revenues..... 0

Total other state restricted revenues..... 57,479,500

State general fund/general purpose..... \$ 1,932,166,700

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Full-time equated unclassified positions..... 16.0

Full-time equated classified positions..... 8.0

Unclassified positions--16.0 FTE positions..... \$ 1,373,500

Executive direction--8.0 FTE positions..... 1,790,000

1	GROSS APPROPRIATION.....	\$	3,163,500
2	Appropriated from:		
3	State general fund/general purpose.....	\$	3,163,500
4	Sec. 103. PLANNING AND COMMUNITY SUPPORT		
5	Full-time equated classified positions.....		56.0
6	Planning, community development, and research--		30.0
7	FTE positions	\$	2,801,700
8	Prisoner reintegration programs.....		33,173,700
9	Community corrections administration--		17.0 positions .
10	Substance abuse testing and treatment services--		9.0
11	FTE positions		20,042,800
12	Residential services.....		16,925,500
13	Community corrections comprehensive plans and services		12,533,000
14	Public education and training.....		50,000
15	Regional jail program.....		100
16	Felony drunk driver jail reduction and community		
17	treatment program		<u>2,097,400</u>
18	GROSS APPROPRIATION.....	\$	89,515,500
19	Appropriated from:		
20	Federal revenues:		
21	Federal revenues and reimbursements.....		1,988,500
22	Special revenue funds:		
23	State restricted revenues and reimbursements		4,420,900
24	State general fund/general purpose.....	\$	83,106,100
25	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
26	Full-time equated classified positions.....		259.1
27	Operations support administration--	\$	3.0 FTE positions .
			405,000

1	Bureau of human resources--159.2 FTE positions	15,881,900
2	Human resources optimization user charges	1,079,700
3	New custody staff training	15,033,000
4	Compensatory buyout and union leave bank	275,000
5	Workers' compensation	16,862,000
6	Bureau of fiscal management--60.9 FTE positions	5,287,900
7	Office of legal services--28.0 FTE positions	3,086,200
8	Internal affairs--8.0 FTE positions	814,100
9	Rent	2,095,200
10	Equipment and special maintenance	2,425,500
11	Administrative hearings officers	3,963,900
12	Sheriffs' coordinating and training office	500,000
13	Prosecutorial and detainer expenses	<u>4,051,000</u>
14	GROSS APPROPRIATION	\$ 71,760,400
15	Appropriated from:	
16	Federal revenues:	
17	IDG-MDSP, Michigan justice training fund	695,900
18	Special revenue funds:	
19	State restricted revenues and reimbursements	607,800
20	State general fund/general purpose	\$ 70,456,700
21	Sec. 105. FIELD OPERATIONS ADMINISTRATION	
22	Full-time equated classified positions	1,905.9
23	Field operations--1,788.9 FTE positions	\$ 151,218,500
24	Parole and probation special operations program	1,300,000
25	Parole board operations--33.0 FTE positions	2,883,200
26	Parole/probation services	2,867,300
27	Community re-entry centers--48.0 FTE positions	14,886,100

1	Electronic monitoring center--36.0 FTE positions	5,757,800
2	Alternatives to prison jail program.....	1,619,600
3	Alternatives to prison treatment program.....	<u>400,000</u>
4	GROSS APPROPRIATION.....	\$ 180,932,500
5	Appropriated from:	
6	Special revenue funds:	
7	Local-community tether program reimbursement	429,700
8	State restricted revenues and reimbursements	22,937,000
9	State general fund/general purpose	\$ 157,565,800
10	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION	
11	Full-time equated classified positions.....	926.5
12	Correctional facilities administration--259.0 FTE	
13	positions	\$ 27,716,100
14	Central records--63.0 FTE positions	5,295,800
15	Inmate legal services	314,900
16	Loans to parolees	294,400
17	Housing inmates in federal institutions	793,900
18	Prison industries operations--219.0 FTE positions	20,097,000
19	Education services and federal education grants--10.0	
20	FTE positions	5,718,900
21	Federal school lunch program	712,800
22	Leased beds and alternatives to leased beds	100
23	Inmate housing fund	100
24	MPRI education program--375.5 FTE positions	<u>39,226,800</u>
25	GROSS APPROPRIATION.....	\$ 100,170,800
26	Appropriated from:	
27	Federal revenues:	

1	Federal revenues and reimbursements		7,448,000
2	Special revenue funds:		
3	State restricted revenues and reimbursements		20,097,000
4	State general fund/general purpose	\$	72,625,800
5	Sec. 107. CONSENT DECREES		
6	Full-time equated classified positions.....	471.3	
7	Hadix consent decree--138.0 FTE positions	\$	12,102,000
8	DOJ consent decree--106.8 FTE positions		10,031,300
9	DOJ psychiatric plan - MDCH mental health services ...		38,748,900
10	DOJ psychiatric plan - MDOC staff services--226.5		
11	FTE positions		<u>17,986,500</u>
12	GROSS APPROPRIATION	\$	78,868,700
13	Appropriated from:		
14	State general fund/general purpose	\$	78,868,700
15	Sec. 108. HEALTH CARE		
16	Full-time equated classified positions.....	1,042.1	
17	Health care administration--13.0 FTE positions	\$	2,098,600
18	Hospital and specialty care services		60,703,300
19	Vaccination program		691,200
20	Northern region clinical complex--270.9 FTE positions		35,449,100
21	Southeastern region clinical complex--455.4 FTE		
22	positions		69,365,300
23	Southwestern region clinical complex--302.8 FTE		
24	positions		<u>40,843,000</u>
25	GROSS APPROPRIATION	\$	209,150,500
26	Appropriated from:		
27	Special revenues funds:		

1	State restricted revenues and reimbursements	331,400
2	State general fund/general purpose	208,819,100
3	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
4	Average population	16,039
5	Full-time equated classified positions.....	4,247.1
6	Alger maximum correctional facility -	
7	Munising--344.1 FTE positions.....	\$ 33,960,800
8	Average population	849
9	Baraga maximum correctional facility - Baraga--416.6	
10	FTE positions	40,260,300
11	Average population	1,172
12	Chippewa correctional facility - Kincheloe--563.7	
13	FTE positions	54,607,900
14	Average population	2,282
15	Kinross correctional facility - Kincheloe--586.7 FTE	
16	positions	60,030,500
17	Average population	2,919
18	Marquette branch prison - Marquette--386.7 FTE	
19	positions	40,329,200
20	Average population	1,201
21	Newberry correctional facility - Newberry--346.0 FTE	
22	positions	32,919,900
23	Average population	1,242
24	Oaks correctional facility - Eastlake--335.6 FTE	
25	positions	35,911,000
26	Average population	1,156
27	Ojibway correctional facility - Marenisco--284.3 FTE	

1	positions	27,044,000
2	Average population 1,378	
3	Pugsley correctional facility - Kingsley--243.4 FTE	
4	positions	22,876,800
5	Average population 1,158	
6	Saginaw correctional facility - Freeland--345.0 FTE	
7	positions	34,021,800
8	Average population 1,480	
9	Standish maximum correctional facility -	
10	Standish--395.0 FTE positions.....	<u>40,178,000</u>
11	Average population 1,202	
12	GROSS APPROPRIATION.....	\$ 422,140,200
13	Appropriated from:	
14	Special revenue funds:	
15	State restricted revenues and reimbursements	2,805,400
16	State general fund/general purpose.....	\$ 419,334,800
17	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
18	Average population 17,979	
19	Full-time equated classified positions..... 4,963.2	
20	Cooper Street correctional facility - Jackson--268.4	
21	FTE positions	\$ 27,794,600
22	Average population 1,440	
23	G. Robert Cotton correctional facility -	
24	Jackson--435.3 FTE positions	42,316,900
25	Average population 1,854	
26	Charles E. Egeler correctional facility -	
27	Jackson--496.4 FTE positions	51,329,300

1	Average population	1,591
2	Gus Harrison correctional facility - Adrian--502.5	
3	FTE positions	49,948,000
4	Average population	2,262
5	Huron Valley correctional complex - Ypsilanti--692.8	
6	FTE positions	67,484,700
7	Average population	1,658
8	Macomb correctional facility - New Haven--360.5 FTE	
9	positions	34,173,900
10	Average population	1,468
11	Mound correctional facility - Detroit--285.8 FTE	
12	positions	26,977,900
13	Average population	1,051
14	Parnall correctional facility - Jackson--282.6 FTE	
15	positions	28,489,000
16	Average population	1,536
17	Ryan correctional facility - Detroit--314.8 FTE	
18	positions	29,871,500
19	Average population	1,059
20	Robert Scott correctional facility - Plymouth--371.7	
21	FTE positions	34,513,000
22	Average population	960
23	Southern Michigan correctional facility -	
24	Jackson--423.8 FTE positions	39,463,700
25	Average population	1,481
26	Thumb correctional facility - Lapeer--320.6 FTE	
27	positions	31,748,500

1	Average population	1,219	
2	Special alternative incarceration program - Cassidy		
3	Lake--126.0 FTE positions		11,959,900
4	Average population	400	
5	Jackson area support and services - Jackson--82.0		
6	FTE positions		<u>15,591,600</u>
7	GROSS APPROPRIATION.....	\$	491,662,500
8	Appropriated from:		
9	Interdepartmental grant revenues:		
10	IDG-MDCH, forensic center food service.....		568,700
11	Federal revenues:		
12	Federal revenues and reimbursements.....		904,200
13	Special revenue funds:		
14	State restricted revenues and reimbursements.....		3,098,800
15	State general fund/general purpose.....	\$	487,090,800
16	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
17	Average population	18,872	
18	Full-time equated classified positions.....	4,307.0	
19	Bellamy Creek correctional facility - Ionia--470.5		
20	FTE positions	\$	48,152,700
21	Average population	1,850	
22	Earnest C. Brooks correctional facility -		
23	Muskegon--496.7 FTE positions.....		49,654,000
24	Average population	2,360	
25	Carson City correctional facility - Carson		
26	City--514.2 FTE positions		51,478,300
27	Average population	2,360	

1	Richard A. Handlon correctional facility -	
2	Ionia--255.2 FTE positions	26,051,800
3	Average population	1,320
4	Ionia maximum correctional facility - Ionia--334.8	
5	FTE positions	32,238,000
6	Average population	707
7	Lakeland correctional facility - Coldwater--671.9	
8	FTE positions	66,903,800
9	Average population	3,152
10	Muskegon correctional facility - Muskegon--246.4 FTE	
11	positions	26,235,100
12	Average population	1,326
13	Pine River correctional facility - St. Louis--221.6	
14	FTE positions	21,615,900
15	Average population	1,120
16	Riverside correctional facility - Ionia--501.8 FTE	
17	positions	49,670,100
18	Average population	2,331
19	St. Louis correctional facility - St. Louis--593.9	
20	FTE positions	<u>56,677,000</u>
21	Average population	2,346
22	GROSS APPROPRIATION.....	\$ 428,676,700
23	Appropriated from:	
24	Special revenue funds:	
25	State restricted revenues and reimbursements	2,483,100
26	State general fund/general purpose	\$ 426,193,600
27	Sec. 112. INFORMATION TECHNOLOGY	

1	Information technology services and projects	\$	<u>17,639,900</u>
2	GROSS APPROPRIATION.....	\$	17,639,900
3	Appropriated from:		
4	Special revenue funds:		
5	State restricted revenues and reimbursements		698,000
6	State general fund/general purpose	\$	16,941,900
7	Sec. 113. SENTENCING REFORM		
8	Sentencing reform policy savings	\$	(122,000,000)
9	Truth in sentencing savings		(100)
10	Field operations reinvestment		19,914,000
11	Community and local reinvestment		10,086,000
12	County jail reimbursement program		<u>100</u>
13	GROSS APPROPRIATION.....	\$	(92,000,000)
14	Appropriated from:		
15	Special revenue funds:		
16	State restricted revenues and reimbursements		100
17	State general fund/general purpose	\$	(92,000,100)

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

21 Sec. 201. (1) Pursuant to section 30 of article IX of the
 22 state constitution of 1963, total state spending from state
 23 resources under part 1 for fiscal year 2007-2008 is
 24 \$1,989,646,200.00 and state spending from state resources to be
 25 paid to local units of government for fiscal year 2007-2008 is

\$92,940,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation

staff	\$	47,487,800
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Public service work projects.....		11,826,600
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Community corrections comprehensive plans and services		12,533,000
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Community corrections residential services.....		16,925,500
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Community corrections public education and training..		50,000
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Felony drunk driver jail reduction and community treatment program		2,097,400
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Alternatives to prison jail program.....		1,619,600
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Alternatives to prison treatment program.....		400,000
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Regional jail program.....		<u>100</u>
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TOTAL.....	\$	92,940,000
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Sec. 202. The appropriations authorized under this bill are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this bill:

(a) "Department" or "MDOC" means the Michigan department of corrections.

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

(c) "FTE" means full-time equated.

(d) "G.E.D." means general education diploma.

(e) "GPS" means global positioning system.

(f) "IDG" means interdepartmental grant.

1 (g) "IDT" means intradepartmental transfer.

2 (h) "MDCH" means the Michigan department of community health.

3 (i) "MDSP" means the Michigan department of state police.

4 (j) "MPRI" means the Michigan prisoner reentry initiative.

5 (k) "OCC" means the office of community corrections.

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

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

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

1 quarter and the reasons to justify the exception.

2 Sec. 208. The department shall use the Internet to fulfill the
3 reporting requirements of this bill. This requirement may include
4 transmission of reports via electronic mail to the recipients
5 identified for each reporting requirement, or it may include
6 placement of reports on an Internet or Intranet site.

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

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

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

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

1 services provided to units of government. The revenues and fees
2 collected are appropriated for all expenses associated with these
3 services and activities.

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. Such user fees shall be subject to
8 provisions of an interagency agreement between the department and
9 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 technology projects under the direction of the
13 department of information technology. Funds designated in this
14 manner are not available for expenditure until approved as work
15 projects under section 451a of the management and budget act, 1984
16 PA 431, MCL 18.1451a.

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

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

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

25 (c) The travel is necessary to produce budgetary savings or to
26 increase state revenues, including protecting existing federal
27 funds or securing additional federal funds.

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

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

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

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

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

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

24 (b) The destination of each travel occurrence.

25 (c) The dates of each travel occurrence.

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

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

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

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

14 Sec. 218. (1) In addition to the funds appropriated in part 1,
15 there is appropriated an amount not to exceed \$10,000,000.00 for
16 federal contingency funds. These funds are not available for
17 expenditure until they have been transferred to another line item
18 in this bill under section 393(2) of the department of management
19 and budget act, 1984 PA 431, MCL 18.1393.

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

26 (3) In addition to the funds appropriated in part 1, there is
27 appropriated an amount not to exceed \$2,000,000.00 for local

1 contingency funds. These funds are not available for expenditure
2 until they have been transferred to another line item in this bill
3 under section 393(2) of the department of management and budget
4 act, 1984 PA 431, MCL 18.1393.

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

11 **EXECUTIVE**

12 Sec. 401. The department shall submit 3-year and 5-year prison
13 population projection updates concurrent with the submission of the
14 Executive recommended budget to the senate and house appropriations
15 subcommittees on corrections, the senate and house fiscal agencies,
16 and the state budget director. The report shall include
17 explanations of the methodology and assumptions used in developing
18 the projection updates.

19 Sec. 402. The department shall prepare by April 1, 2008
20 individual reports for the community re-entry program, the
21 electronic tether program, and the special alternative to
22 incarceration program. The reports shall be submitted to the house
23 and senate appropriations subcommittees on corrections, the house
24 and senate fiscal agencies, and the state budget director. Each
25 program's report shall include information on all of the following:

26 (a) Monthly new participants.

1 (b) Monthly participant unsuccessful terminations, including
2 cause.

3 (c) Number of successful terminations.

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

5 (e) Average length of placement.

6 (f) Return to prison statistics.

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

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

11 (i) Comparison with prior year statistics.

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

14 Sec. 404. (1) The department shall review and revise as
15 necessary policy proposals that provide alternatives to prison for
16 offenders being sentenced to prison as a result of technical
17 probation violations and technical parole violations. To the extent
18 the department has insufficient policies or resources to affect the
19 continued increase in prison commitments among these offender
20 populations, the department shall explore other policy options to
21 allow for program alternatives, including department or OCC-funded
22 programs, local level programs, and programs available through
23 private agencies that may be used as prison alternatives for these
24 offenders.

25 (2) To the extent policies or programs described in subsection
26 (1) are used, developed, or contracted for, the department may
27 request that funds appropriated in part 1 be transferred under

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

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

11 (4) By May 1, 2008, the department shall report to the senate
12 and house appropriations subcommittees on corrections, the senate
13 and house fiscal agencies, and the state budget director on the
14 number of all parolees returned to prison and probationers
15 sentenced to prison for either a technical violation or new
16 sentence from October 1, 2007 through March 30, 2008. After May 1,
17 2008, the department shall provide monthly reports. The reports
18 shall include the following information each for probationers,
19 parolees after their first parole, and parolees who have been
20 paroled more than once:

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

25 (b) The numbers of parole and probation violators returned to
26 or sent to prison for a technical violation and the type of
27 violation, including, but not limited to, zero gun tolerance and

1 substance abuse violations.

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

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

8 Sec. 405. Funds included in part 1 for the sheriffs'
9 coordinating and training office are appropriated for and may be
10 expended to defray costs of continuing education, certification,
11 recertification, decertification, and training of local corrections
12 officers, the personnel and administrative costs of the sheriffs'
13 coordinating and training office, the local corrections officers
14 advisory board, and the sheriffs' coordinating and training council
15 under the local corrections officers training act, 2003 PA 125, MCL
16 791.531 to 791.546.

17 Sec. 406. (1) By April 1, 2008, the department shall provide a
18 report on prisoner reintegration programs to the members of the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director. At
21 a minimum, the report shall include all of the following
22 information:

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

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

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

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

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

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

9 (2) The department shall provide quarterly reports on January
10 1, 2008, April 1, 2008, July 1, 2008, and September 30, 2008 to the
11 senate and house appropriations subcommittees on corrections, the
12 senate and house fiscal agencies, and the state budget director on
13 the status and recidivism levels of offenders who participated in
14 the MPRI and have been released. The data should be broken out by
15 the following 4 offender types: drug, nonassaultive, assaultive,
16 and sex.

17 (3) By September 30, 2008, the department shall report to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director a
20 comparison of the overall recidivism rates and length of time prior
21 to prison return of offenders who participated in the MPRI with
22 those of offenders who did not. The report should disaggregate the
23 information by each pilot site in order to compare the practices
24 and success rates of each pilot.

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

27

1 **ADMINISTRATION AND PROGRAMS**

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

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

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

18 Sec. 503. (1) In expending residential substance abuse
19 treatment services funds appropriated under this bill, the
20 department shall ensure to the maximum extent possible that
21 residential substance abuse treatment services are available
22 statewide.

23 (2) By April 1, 2008, the department shall report to the
24 senate and house appropriations subcommittees on corrections, the
25 senate and house fiscal agencies, and the state budget director on
26 the allocation, distribution, and expenditure of all funds
27 appropriated by the substance abuse testing and treatment line item

1 during fiscal year 2006-2007 and projected for fiscal year 2007-
2 2008. The report shall include, but not be limited to, an
3 explanation of an anticipated year-end balance, the number of
4 participants in substance abuse programs, and the number of
5 offenders on waiting lists for residential substance abuse
6 programs. Information required under this subsection shall, where
7 possible, be separated by MDOC administrative region and by
8 offender type, including, but not limited to, a distinction between
9 prisoners, parolees, and probationers.

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

16 Sec. 505. The department shall cooperate with the department
17 of community health in providing information for and developing the
18 report required under section 425 of Enrolled Senate Bill No. 1083
19 of the 93rd Legislature. The report shall, by April 1, 2008,
20 provide the following data concerning mental health and substance
21 abuse services during fiscal year 2006-2007:

22 (a) The number of prisoners receiving substance abuse
23 services, including a description and breakdown of the type of
24 substance abuse services provided to prisoners.

25 (b) The number of prisoners with a primary diagnosis of mental
26 illness and the number of those prisoners receiving mental health
27 services, including a description and breakdown, encompassing, at a

1 minimum, the categories of inpatient, residential, and outpatient
2 care, of the type of mental health services provided to those
3 prisoners.

4 (c) The number of prisoners with a primary diagnosis of mental
5 illness and receiving substance abuse services, including a
6 description and breakdown, encompassing, at a minimum, the
7 categories of inpatient, residential, and outpatient care, of the
8 type of treatment provided to those prisoners.

9 (d) Data indicating if prisoners receiving mental health
10 services for a primary diagnosis of mental illness were previously
11 hospitalized in a state psychiatric hospital for persons with
12 mental illness.

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

17 **FIELD OPERATIONS ADMINISTRATION**

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

26 Sec. 602. (1) Of the amount appropriated in part 1 for field

1 operations, a sufficient amount shall be allocated for the
2 community service work program and shall be used for salaries and
3 wages and fringe benefit costs of community service coordinators
4 employed by the department to supervise offenders participating in
5 work crew assignments. Funds shall also be used to cover motor
6 transport division rates on state vehicles used to transport
7 offenders to community service work project sites.

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

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

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

22 (2) Program participant contributions and local community
23 tether program reimbursement for the electronic tether program
24 appropriated in part 1 are related to program expenditures and may
25 be used to offset expenditures for this purpose.

26 (3) Included in the appropriation in part 1 is adequate
27 funding to implement the community tether program to be

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

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

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

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

27 Sec. 607. (1) Funds appropriated in part 1 for the parole and

1 probation special operations program are appropriated for the
2 purpose of collaborative efforts to reduce crime, particularly
3 violent and gun-related crime, including, but not limited to,
4 federal, state, and local community prosecution of crimes and
5 funding law enforcement officer escorts for field agents making
6 unscheduled visits to verify offenders' whereabouts and activities
7 in selected precincts in cities with a population of more than
8 750,000 according to the most recent United States decennial
9 census. As used in this section, "unscheduled visits" means visits
10 to locations other than governmental offices between the hours of 5
11 p.m. and 8 a.m. and made without appointment with the supervised
12 offender.

13 (2) From the funds appropriated in part 1 for the parole and
14 probation special operations program, the department shall allocate
15 \$500,000.00 to the department of attorney general for personnel and
16 operational costs associated with the parole and probation special
17 operations program.

18 (3) The department shall cooperate with federal, state, and
19 local law enforcement agencies either located in or with
20 jurisdiction in cities with a population of more than 750,000
21 according to the most recent United States decennial census in
22 assigning field agents to reduce crime, particularly violent and
23 gun-related crime, and to conduct unscheduled visits in selected
24 police precincts in cities with a population of more than 750,000
25 according to the most recent United States decennial census.

26 (4) The department shall evaluate or assist other agencies in
27 the evaluations of the impact of local collaborative efforts to

1 reduce crime, particularly violent and gun-related crime.

2 **COMMUNITY CORRECTIONS**

3 Sec. 701. The office of community corrections shall provide
4 and coordinate the delivery and implementation of services in
5 communities to facilitate successful offender reintegration into
6 the community. Programs and services to be offered shall include,
7 but are not limited to, technical assistance for comprehensive
8 corrections plan development, new program start-up funding, program
9 funding for those programs delivering services for eligible
10 offenders in geographic areas identified by the office of community
11 corrections as having a shortage of available services, technical
12 assistance, referral services for education, employment services,
13 and substance abuse and family counseling. As used in this bill:

14 (a) "Alternative to incarceration in a state facility or jail"
15 means a program that involves offenders who receive a sentencing
16 disposition that appears to be in place of incarceration in a state
17 correctional facility or jail based on historical local sentencing
18 patterns or that amounts to a reduction in the length of sentence
19 in a jail.

20 (b) "Goal" means the intended or projected result of a
21 comprehensive corrections plan or community corrections program to
22 reduce prison commitment rates, to reduce the length of stay in a
23 jail, or to improve the utilization of a jail.

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

1 (d) "Offender eligibility criteria" means particular criminal
2 violations, state felony sentencing guidelines descriptors, and
3 offender characteristics developed by advisory boards and approved
4 by local units of government that identify the offenders suitable
5 for community corrections programs funded through the office of
6 community corrections.

7 (e) "Offender target population" means felons or misdemeanants
8 who would likely be sentenced to imprisonment in a state
9 correctional facility or jail, who would not increase the risk to
10 the public safety, who have not demonstrated a pattern of violent
11 behavior, and who do not have criminal records that indicate a
12 pattern of violent offenses.

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

15 (i) A felon or misdemeanor who receives a sentencing
16 disposition that appears to be in place of incarceration in a state
17 correctional facility or jail, according to historical local
18 sentencing patterns.

19 (ii) A currently incarcerated felon or misdemeanor who is
20 granted early release from incarceration to a community corrections
21 program or who is granted early release from incarceration as a
22 result of a community corrections program.

23 Sec. 702. (1) The funds included in part 1 for community
24 corrections comprehensive plans and services are to encourage the
25 development through technical assistance grants, implementation,
26 and operation of community corrections programs that serve as an
27 alternative to incarceration in a state facility or jail. The

1 comprehensive corrections plans shall include an explanation of how
2 the public safety will be maintained, the goals for the local
3 jurisdiction, offender target populations intended to be affected,
4 offender eligibility criteria for purposes outlined in the plan,
5 and how the plans will meet the following objectives, consistent
6 with section 8(4) of the community corrections act, 1988 PA 511,
7 MCL 791.408:

8 (a) Reduce admissions to prison of nonviolent offenders who
9 would have otherwise received an active sentence, including
10 probation violators.

11 (b) Improve the appropriate utilization of jail facilities,
12 the first priority of which is to open jail beds intended to house
13 otherwise prison-bound felons, and the second priority being to
14 appropriately utilize jail beds so that jail crowding does not
15 occur.

16 (c) Open jail beds through the increase of pretrial release
17 options.

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

19 (e) Reduce the admission or readmission to prison of
20 offenders, including probation violators and parole violators, for
21 substance abuse violations.

22 (2) The award of community corrections comprehensive plans and
23 residential services funds shall be based on criteria that include,
24 but are not limited to, the prison commitment rate by category of
25 offenders, trends in prison commitment rates and jail utilization,
26 historical trends in community corrections program capacity and
27 program utilization, and the projected impact and outcome of annual

1 policies and procedures of programs on prison commitment rates and
2 jail utilization.

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

5 Sec. 703. The comprehensive corrections plans shall also
6 include, where appropriate, descriptive information on the full
7 range of sanctions and services that are available and utilized
8 within the local jurisdiction and an explanation of how jail beds,
9 residential services, the special alternative incarceration program
10 (boot camp), probation detention centers, the electronic monitoring
11 program for probationers, and treatment and rehabilitative services
12 will be utilized to support the objectives and priorities of the
13 comprehensive corrections plans and the purposes and priorities of
14 section 8(4) of the community corrections act, 1988 PA 511, MCL
15 791.408. The plans shall also include, where appropriate,
16 provisions that detail how the local communities plan to respond to
17 sentencing guidelines found in chapter XVII of the code of criminal
18 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the
19 county jail reimbursement program under section 706 of this bill.
20 The state community corrections board shall encourage local
21 community corrections boards to include in their comprehensive
22 corrections plans strategies to collaborate with local alcohol and
23 drug treatment agencies of the department of community health for
24 the provision of alcohol and drug screening, assessment, case
25 management planning, and delivery of treatment to alcohol- and
26 drug-involved offenders, including, but not limited to, probation
27 and parole violators who are at risk of revocation.

1 Sec. 704. (1) As part of the March biannual report specified
2 in section 12(2) of the community corrections act, 1988 PA 511, MCL
3 791.412, that requires an analysis of the impact of that act on
4 prison admissions and jail utilization, the department shall submit
5 to the senate and house appropriations subcommittees on
6 corrections, the senate and house fiscal agencies, and the state
7 budget director the following information for each county and
8 counties consolidated for comprehensive corrections plans:

9 (a) Approved technical assistance grants and comprehensive
10 corrections plans including each program and level of funding, the
11 utilization level of each program, and profile information of
12 enrolled offenders.

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

16 (c) Status of the community corrections information system and
17 the jail population information system.

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

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

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

27 Sec. 705. (1) The department shall identify and coordinate

1 information regarding the availability of and the demand for
2 community corrections programs, jail-based community corrections
3 programs, and basic state-required jail data.

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

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

9 Sec. 706. (1) The department shall administer a county jail
10 reimbursement program from the funds appropriated in part 1 for the
11 purpose of reimbursing counties for housing in jails felons who
12 otherwise would have been sentenced to prison.

13 (2) The department shall determine criteria for reimbursement
14 consistent with sentencing reforms to be enacted prior to the start
15 of fiscal year 2008.

16 (3) State reimbursement under this section for prisoner
17 housing and custody expenses per diverted offender shall be \$43.50
18 per diem for up to a 1-year total.

19 (4) County jail reimbursement program expenditures shall not
20 exceed the amount appropriated in part 1 for the county jail
21 reimbursement program. Payments to counties under the county jail
22 reimbursement program shall be made in the order in which properly
23 documented requests for reimbursements are received. A request
24 shall be considered to be properly documented if it meets MDOC
25 requirements for documentation. The department shall by October 15,
26 2007 distribute the documentation requirements to all counties.

27 Sec. 708. (1) Funds included in part 1 for the felony drunk

1 driver jail reduction and community treatment program are
2 appropriated for and may be expended for any of the following
3 purposes:

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

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

17 (c) To provide a policy and funding framework to make
18 additional jail space available for housing convicted felons whose
19 recommended minimum sentence ranges under sentencing guidelines
20 established under chapter XVII of the code of criminal procedure,
21 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
22 less and who likely otherwise would be sentenced to prison, with
23 the aim of enabling counties to meet or exceed amounts received
24 through the county jail reimbursement program during fiscal year
25 2002-2003 and reducing the numbers of felons sentenced to prison.

26 (2) Expenditure of funds included in part 1 for the felony
27 drunk driver jail reduction and community treatment program shall

1 be by grant awards consistent with standards developed by a
2 committee of the state community corrections advisory board. The
3 chairperson of the committee shall be the board member representing
4 county sheriffs. Remaining members of the committee shall be
5 appointed by the chairperson of the board.

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

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

18 (5) The standards developed by the committee shall assign each
19 county a maximum funding allocation based on the amount the county
20 received under the county jail reimbursement program in fiscal year
21 2001-2002 for housing felony drunk drivers whose recommended
22 minimum sentence ranges under the sentencing guidelines described
23 in subsection (1)(c) had upper limits of 18 months or less.

24 (6) Awards of funding under this section shall be provided
25 consistent with the local comprehensive corrections plans developed
26 under the community corrections act, 1988 PA 511, MCL 791.401 to
27 791.414. Funds awarded under this section may be used in

1 conjunction with funds awarded under grant programs established
2 under that act. Due to the need for felony drunk drivers to be
3 transitioned from county jails to community treatment services,
4 local units of government shall utilize funds received under this
5 section to support county sheriff departments.

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

12 CONSENT DECREES

13 Sec. 801. Funding appropriated in part 1 for consent decree
14 line items is appropriated into separate control accounts created
15 for each line item. Funding in each control account shall be
16 distributed as necessary into separate accounts created for the
17 purpose of separately identifying costs and expenditures associated
18 with each consent decree.

19 HEALTH CARE

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

24 Sec. 905. The bureau of health care services shall develop
25 information on hepatitis C prevention and the risks associated with

1 exposure to hepatitis C, and the health care providers shall
2 disseminate this information verbally and in writing to each
3 prisoner at the health screening and full health appraisal
4 conducted at admissions, at the annual health care screening 1 week
5 before or after a prisoner's birthday, and prior to release to the
6 community by parole, transfer to community residential placement,
7 or discharge on the maximum.

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

18 INSTITUTIONAL OPERATIONS

19 Sec. 1002. From the funds appropriated in part 1, the
20 department shall allocate sufficient funds to develop a pilot
21 children's visitation program. The pilot program shall teach
22 parenting skills and arrange for day visitation at these facilities
23 for parents and their children, except for the families of
24 prisoners convicted of a crime involving criminal sexual conduct in
25 which the victim was less than 18 years of age or involving child
26 abuse.

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

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

7 Sec. 1005. (1) The inmate housing fund shall be used for the
8 custody, treatment, clinical, and administrative costs associated
9 with the housing of prisoners other than those specifically
10 budgeted for elsewhere in this bill. Funding in the inmate housing
11 fund is appropriated into a separate control account. Funding in
12 the control account shall be distributed as necessary into separate
13 accounts created to separately identify costs for specific
14 purposes.

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

19 Sec. 1006. The department shall establish a uniform rate to be
20 paid by agencies that benefit from public work services provided by
21 special alternative incarceration participants and prisoners.