

SENATE BILL No. 1153

EXECUTIVE BUDGET BILL

February 28, 2008, Introduced by Senators BRATER and SWITALSKI 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, 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:

PART 1

LINE-ITEM APPROPRIATIONS

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

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OSB

1 the amounts listed in this part are appropriated for the department
 2 of corrections for the fiscal year ending September 30, 2009, from
 3 the funds indicated in this part. The following is a summary of the
 4 appropriations in this part:

5 **DEPARTMENT OF CORRECTIONS**

6 APPROPRIATION SUMMARY:

7	Average population	52,641	
8	Full-time equated unclassified positions.....	16.0	
9	Full-time equated classified positions.....	17,499.5	
10	GROSS APPROPRIATION.....		\$ 2,062,052,200
11	Appropriated from:		
12	Interdepartmental grant revenues:		
13	Total interdepartmental grants and intradepartmental		
14	transfers		1,277,200
15	ADJUSTED GROSS APPROPRIATION.....		\$ 2,060,775,000
16	Federal revenues:		
17	Total federal revenues.....		10,350,200
18	Special revenue funds:		
19	Total local revenues.....		430,300
20	Total private revenues.....		0
21	Total other state restricted revenues.....		71,731,700
22	State general fund/general purpose.....		\$ 1,978,262,800
23	Sec. 102. EXECUTIVE		
24	Full-time equated unclassified positions.....	16.0	
25	Full-time equated classified positions.....	5.0	

1	Unclassified positions--16.0 FTE positions	\$	1,373,500
2	Executive direction--5.0 FTE positions		<u>1,329,500</u>
3	GROSS APPROPRIATION.....	\$	2,703,000
4	Appropriated from:		
5	State general fund/general purpose	\$	2,703,000
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	\$	3,484,300
10	Prisoner reintegration programs		32,373,700
11	Community corrections administration--17.0 FTE		
12	positions		1,898,000
13	Substance abuse testing and treatment services--23.0		
14	FTE positions		20,047,800
15	Residential services		16,125,500
16	Parolee reentry residential services		1,600,000
17	Community corrections comprehensive plans and services		12,533,000
18	Public education and training		50,000
19	Regional jail program		100
20	Local jail program		6,900,000
21	Felony drunk driver jail reduction and community		
22	treatment program		2,097,400
23	County jail reimbursement program		<u>6,349,000</u>
24	GROSS APPROPRIATION.....	\$	103,458,800
25	Appropriated from:		
26	Federal revenues:		
27	Federal revenues and reimbursements		1,907,400

1	Special revenue funds:	
2	State restricted revenues and reimbursements	17,669,900
3	State general fund/general purpose	\$ 83,881,500
4	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION	
5	Full-time equated classified positions.....	147.9
6	Operations support administration--55.0 FTE positions	\$ 5,096,100
7	New custody staff training.....	15,480,900
8	Compensatory buyout and union leave bank	100
9	Worker's compensation.....	15,629,000
10	Bureau of fiscal management--61.9 FTE positions	5,626,200
11	Office of legal services--22.0 FTE positions	2,437,500
12	Internal audit services.....	667,000
13	Internal affairs--9.0 FTE positions	924,500
14	Rent.....	2,095,200
15	Equipment and special maintenance	2,425,500
16	Administrative hearings officers.....	3,820,500
17	Sheriffs' coordinating and training office	500,000
18	Prosecutorial and detainer expenses	<u>4,051,000</u>
19	GROSS APPROPRIATION.....	\$ 58,753,500
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG-MDSP, Michigan justice training fund.....	698,400
23	Special revenue funds:	
24	State restricted revenues and reimbursements	608,300
25	State general fund/general purpose	\$ 57,446,800
26	Sec. 105. FIELD OPERATIONS ADMINISTRATION	
27	Full-time equated classified positions.....	1,847.9

1	Field operations--1,698.9 FTE positions	\$	152,679,300
2	Parole board operations--58.0 FTE positions		5,061,100
3	Parole/probation services		2,867,300
4	Community re-entry centers--51.0 FTE positions		16,835,100
5	Electronic monitoring center--40.0 FTE positions		<u>7,138,400</u>
6	GROSS APPROPRIATION	\$	184,581,200
7	Appropriated from:		
8	Special revenue funds:		
9	Local - community tether program reimbursement		430,300
10	State restricted revenues and reimbursements		23,009,400
11	State general fund/general purpose	\$	161,141,500
12	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION		
13	Full-time equated classified positions		1,414.7
14	Correctional facilities administration--42.0 FTE		
15	positions	\$	7,562,500
16	Prison food service--495.0 FTE positions		86,719,500
17	Transportation--243.7 FTE positions		25,431,900
18	Central records--58.5 FTE positions		4,965,200
19	Inmate legal services		704,900
20	Loans to parolees		179,400
21	Housing inmates in federal institutions		793,900
22	Prison industries operations--219.0 FTE positions		19,973,900
23	Education services and federal education grants--10.0		
24	FTE positions		5,720,500
25	Federal school lunch program		712,800
26	Leased beds and alternatives to leased beds		100
27	Inmate housing fund		100

1	MPRI education program--346.5 FTE positions	<u>38,178,400</u>
2	GROSS APPROPRIATION.....	\$ 190,943,100
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDCH, forensic center food service	578,800
6	Federal revenues:	
7	Federal revenues and reimbursements	7,454,200
8	Special revenue funds:	
9	State restricted revenues and reimbursements	19,973,900
10	State general fund/general purpose	\$ 162,936,200
11	Sec. 107. CONSENT DECREES	
12	Full-time equated classified positions..... 236.5	
13	DOJ psychiatric plan - MDCH mental health services ...	39,344,800
14	DOJ psychiatric plan - MDOC staff and services--236.5	
15	FTE positions	<u>17,969,800</u>
16	GROSS APPROPRIATION.....	\$ 57,314,600
17	Appropriated from:	
18	State general fund/general purpose	\$ 57,314,600
19	Sec. 108. HEALTH CARE	
20	Full-time equated classified positions..... 1,231.6	
21	Health care administration--20.0 FTE positions	\$ 2,791,400
22	Hospital and specialty care services	86,486,500
23	Vaccination program.....	691,200
24	Northern region clinical complexes--276.4 FTE	
25	positions	38,967,900
26	Southeastern region clinical complexes--624.4 FTE	
27	positions	101,593,100

1	Southwestern region clinical complexes--310.8 FTE	
2	positions	<u>45,782,300</u>
3	GROSS APPROPRIATION.....	\$ 276,312,400
4	Appropriated from:	
5	Special revenue funds:	
6	State restricted revenues and reimbursements	332,400
7	State general fund/general purpose	\$ 275,980,000
8	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
9	Average population	15,935
10	Full-time equated classified positions.....	4,036.4
11	Alger maximum correctional facility - Munising--332.1	
12	FTE positions	\$ 31,930,700
13	Average population	849
14	Baraga maximum correctional facility - Baraga--400.7	
15	FTE positions	37,633,300
16	Average population	1,172
17	Chippewa correctional facility - Kincheloe--538.2 FTE	
18	positions	50,948,200
19	Average population	2,282
20	Kinross correctional facility - Kincheloe--565.1 FTE	
21	positions	56,082,500
22	Average population	3,079
23	Marquette branch prison - Marquette--370.7 FTE	
24	positions	38,122,800
25	Average population	1,201
26	Newberry correctional facility - Newberry--292.0 FTE	
27	positions	26,892,400

1	Average population	978	
2	Oaks correctional facility - Eastlake--323.1 FTE		
3	positions		34,103,600
4	Average population	1,156	
5	Ojibway correctional facility - Marenisco--270.3 FTE		
6	positions		24,714,200
7	Average population	1,378	
8	Pugsley correctional facility - Kingsley--231.4 FTE		
9	positions		21,061,700
10	Average population	1,158	
11	Saginaw correctional facility - Freeland--334.8 FTE		
12	positions		31,946,800
13	Average population	1,480	
14	Standish maximum correctional facility - Standish--		
15	378.0 FTE positions		<u>37,880,600</u>
16	Average population	1,202	
17	GROSS APPROPRIATION.....	\$	391,316,800
18	Appropriated from:		
19	Special revenue funds:		
20	State restricted revenues and reimbursements		3,277,000
21	State general fund/general purpose	\$	388,039,800
22	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL		
23	FACILITIES		
24	Average population	16,957	
25	Full-time equated classified positions.....	4,421.4	
26	Cooper street correctional facility - Jackson--290.0		
27	FTE positions	\$	29,272,100

1	Average population	1,752
2	G. Robert Cotton correctional facility - Jackson--	
3	422.7 FTE positions	39,364,000
4	Average population	1,854
5	Charles E. Egeler correctional facility - Jackson--	
6	377.2 FTE positions	39,741,200
7	Average population	1,108
8	Gus Harrison correctional facility - Adrian--506.3 FTE	
9	positions	48,833,200
10	Average population	2,422
11	Huron Valley correctional complex - Ypsilanti--705.6	
12	FTE positions	66,652,700
13	Average population	1,872
14	Macomb correctional facility - New Haven--339.5 FTE	
15	positions	31,640,100
16	Average population	1,468
17	Mound correctional facility - Detroit--285.6 FTE	
18	positions	26,560,600
19	Average population	1,051
20	Parnall correctional facility - Jackson--274.8 FTE	
21	positions	26,901,500
22	Average population	1,712
23	Ryan correctional facility - Detroit--337.6 FTE	
24	positions	29,909,300
25	Average population	1,059
26	Robert Scott correctional facility - Plymouth--354.5	
27	FTE positions	33,345,200

1	Average population	1,040	
2	Thumb correctional facility - Lapeer--308.6 FTE		
3	positions		30,022,500
4	Average population	1,219	
5	Special alternative incarceration program -		
6	Cassidy Lake--120.0 FTE positions.....		10,984,800
7	Average population	400	
8	Jackson area support and services--99.0 FTE positions		<u>17,625,400</u>
9	GROSS APPROPRIATION.....	\$	430,852,600
10	Appropriated from:		
11	Federal revenues:		
12	Federal revenues and reimbursements.....		988,600
13	Special revenue funds:		
14	State restricted revenues and reimbursements		3,358,600
15	State general fund/general purpose.....	\$	426,505,400
16	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
17	Average population	19,749	
18	Full-time equated classified positions.....	4,085.1	
19	Bellamy Creek correctional facility - Ionia--404.5 FTE		
20	positions	\$	37,312,700
21	Average population	1,850	
22	Earnest C. Brooks correctional facility - Muskegon--		
23	495.1 FTE positions		47,522,200
24	Average population	2,520	
25	Carson City correctional facility - Carson City--502.8		
26	FTE positions		49,045,500
27	Average population	2,520	

1	Richard A. Handlon correctional facility - Ionia--	
2	237.2 FTE positions	22,568,700
3	Average population	1,320
4	Ionia maximum correctional facility - Ionia--317.8 FTE	
5	positions	29,870,200
6	Average population	707
7	Lakeland correctional facility - Coldwater--615.1 FTE	
8	positions	59,351,900
9	Average population	3,102
10	Michigan reformatory - Ionia--8.5 FTE	
11	positions	41,094,100
12	Average population	2,618
13	Muskegon correctional facility - Muskegon--229.4 FTE	
14	positions	23,995,700
15	Average population	1,326
16	Pine River correctional facility - St. Louis--224.2	
17	FTE positions	21,403,100
18	Average population	1,280
19	St. Louis correctional facility - St. Louis--564.5 FTE	
20	positions	53,124,500
21	Average population	2,506
22	Ionia area support and services--56.0 FTE positions ..	<u>11,422,100</u>
23	GROSS APPROPRIATION.....	\$ 396,710,700
24	Appropriated from:	
25	Special revenue funds:	
26	State restricted revenues and reimbursements	2,802,000
27	State general fund/general purpose	\$ 393,908,700

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects	\$	<u>19,105,500</u>
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GROSS APPROPRIATION	\$	19,105,500
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Appropriated from:

Special revenue funds:

State restricted revenues and reimbursements		700,200
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State general fund/general purpose	\$	18,405,300
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Sec. 113. JUSTICE POLICY REFORM

Facility operating efficiencies	\$	(21,411,000)
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Facility repurposing		(5,000,000)
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Health care efficiencies		(4,000,000)
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Program reconfigurations and efficiencies		(2,800,000)
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Local reinvestment to achieve prisoner reductions		9,601,000
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Field operations reinvestment to achieve prisoner reductions		3,304,000
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Reduction in prisoners due to policy changes		<u>(29,694,000)</u>
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GROSS APPROPRIATION	\$	(50,000,000)
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Appropriated from:

State general fund/general purpose	\$	(50,000,000)
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PART 2**PROVISIONS CONCERNING APPROPRIATIONS****GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$2,049,994,500.00 and

state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$107,363,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation	
staff	\$ 47,677,800
Public service work projects	10,358,600
Community corrections comprehensive plans and services	12,533,000
Community corrections residential services	16,125,500
Community corrections public education and training ..	50,000
Felony drunk driver jail reduction and community	
treatment program	2,097,400
Community reentry centers	2,019,600
Local jail program	6,900,000
Regional jail program	100
Local reinvestment to achieve prisoner reductions	<u>9,601,000</u>
TOTAL	\$ 107,363,000

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) "GED" means general education diploma.

1 (e) "GPS" means global positioning system.

2 (f) "HIV" means human immunodeficiency virus.

3 (g) "IDG" means interdepartmental grant.

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

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

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

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

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

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

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

1 representatives standing committees on appropriations the number of
2 exceptions to the hiring freeze approved during the previous
3 quarter and the reasons to justify the exception.

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

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

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

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

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

9 Sec. 212. Preference should be given to purchasing produce
10 from Michigan growers and processors when their produce is
11 competitively priced and of comparable quality.

12 Sec. 214. From the funds appropriated in part 1 for
13 information technology, departments and agencies shall pay user
14 fees to the department of information technology for technology-
15 related services and projects. Such user fees shall be subject to
16 provisions of an interagency agreement between the departments and
17 agencies and the department of information technology.

18 Sec. 215. Amounts appropriated in part 1 for information
19 technology may be designated as work projects and carried forward
20 to support department of corrections technology projects under the
21 direction of the department of information technology. Funds
22 designated in this manner are not available for expenditure until
23 approved as work projects under section 451a of the management and
24 budget act, 1984 PA 431, MCL 18.1451a.

25 Sec. 216. (1) Due to the current budgetary problems in this
26 state, out-of-state travel for the fiscal year ending September 30,
27 2009 shall be limited to situations in which 1 or more of the

1 following conditions apply:

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

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

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

10 (d) The travel is necessary to comply with federal
11 requirements.

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

14 (f) The travel is financed entirely by federal or nonstate
15 funds.

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

22 (3) Not later than January 1 of each year, each department
23 shall prepare a travel report listing all travel by classified and
24 unclassified employees outside this state in the immediately
25 preceding fiscal year that was funded in whole or in part with
26 funds appropriated in the department's budget. The report shall be
27 submitted to the senate and house of representatives standing

1 committees on appropriations, the senate and house fiscal agencies,
2 and the state budget director. The report shall include the
3 following information:

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

6 (b) The destination of each travel occurrence.

7 (c) The dates of each travel occurrence.

8 (d) A brief statement of the reason for each travel
9 occurrence.

10 (e) The transportation and related costs of each travel
11 occurrence, including the proportion funded with state general
12 fund/general purpose revenues, the proportion funded with state
13 restricted revenues, the proportion funded with federal revenues,
14 and the proportion funded with other revenues.

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

17 Sec. 217. The director shall take all reasonable steps to
18 ensure businesses in deprived and depressed communities compete for
19 and perform contracts to provide services or supplies, or both. The
20 director shall strongly encourage firms with which the department
21 contracts to subcontract with certified businesses in depressed and
22 deprived communities for services, supplies, or both.

23 Sec. 222. Funds appropriated in part 1 shall not be used by a
24 principal executive department, state agency, or authority to hire
25 a person to provide legal services that are the responsibility of
26 the attorney general. This prohibition does not apply to legal
27 services for bonding activities and for those activities that the

1 attorney general authorizes.

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

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

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

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

26 EXECUTIVE

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

10 PLANNING AND COMMUNITY SUPPORT

11 Sec. 401. The department shall submit 3-year and 5-year prison
12 population projection updates by February 15, 2009 to the senate
13 and house appropriations subcommittees on corrections, the senate
14 and house fiscal agencies, and the state budget director. The
15 report shall include explanations of the methodology and
16 assumptions used in developing the projection updates.

17 Sec. 402. The funds appropriated in part 1 for prisoner
18 reintegration programs shall be expended for the purpose of
19 reducing victimization by reducing offender recidivism through the
20 following prisoner reintegration programming:

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

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

25 (c) The provision of housing assistance.

26 (d) Referral to mental health services.

1 (e) Referral to substance abuse services.

2 (f) Referral to public health services.

3 (g) Referral to education.

4 (h) Referral to any other services necessary for successful
5 reintegration.

6 Sec. 403. (1) By April 1, 2009, the department shall provide a
7 report on prisoner reintegration programs to the members of the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director. At
10 a minimum, the report shall include all of the following
11 information:

12 (a) Allocations and projected expenditures for each project
13 funded and for each project to be funded, itemized by service to be
14 provided and service provider.

15 (b) An explanation of the objectives and results measures for
16 each program.

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

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

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

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

25 (2) The department shall provide biannual reports on January
26 1, 2009 and September 30, 2009 to the senate and house
27 appropriations subcommittees on corrections, the senate and house

1 fiscal agencies, and the state budget director on the status and
2 recidivism levels of offenders who participated in the MPRI and
3 have been released. The data should be broken out by the
4 controlling sentence for the following 4 offender types: drug,
5 nonassaultive, assaultive, and sex.

6 (3) By September 30, 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 a
9 comparison of the overall recidivism rates and length of time prior
10 to prison return of offenders who participated in the MPRI with
11 those of offenders who did not. The report should disaggregate the
12 information by each site in order to compare the practices and
13 success rates of each site.

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

16 (5) The MPRI shall include programming on understanding
17 conditions of parole, and each offender's transition accountability
18 plan shall include a plan for following conditions of parole. The
19 department shall ensure that each offender understands his or her
20 conditions of parole prior to release from prison.

21 (6) The department shall provide biannual reports to the
22 senate and house appropriations subcommittees on corrections, the
23 senate and house fiscal agencies, and the state budget director on
24 parolees who participated in the MPRI and have tested positive for
25 substances in the previous month and since October 1, 2007. The
26 report shall include any sanctions imposed by the department in
27 response to the positive substance test.

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

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

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

16 (2) By April 1, 2009, the department shall report to the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director on
19 the allocation, distribution, and expenditure of all funds
20 appropriated by the substance abuse testing and treatment line item
21 during fiscal year 2007-2008 and projected for fiscal year 2008-
22 2009. The report shall include, but not be limited to, an
23 explanation of an anticipated year-end balance, the number of
24 participants in substance abuse programs, and the number of
25 offenders on waiting lists for residential substance abuse
26 programs. Information required under this subsection shall, where
27 possible, be separated by MDOC administrative region and by

1 offender type, including, but not limited to, a distinction between
2 prisoners, parolees, and probationers.

3 Sec. 407. The department shall provide biannual reports to the
4 senate and house subcommittees on corrections, the senate and house
5 fiscal agencies, and the state budget director on offenders who
6 have served their maximum sentence and been released from prison in
7 the previous six months. The reports shall include the following
8 information:

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

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

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

26 (a) "Alternative to incarceration in a state facility or jail"
27 means a program that involves offenders who receive a sentencing

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

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

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

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

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

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

26 (i) A felon or misdemeanor who receives a sentencing
27 disposition that appears to be in place of incarceration in a state

1 correctional facility or jail, according to historical local
2 sentencing patterns.

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

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

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

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

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

1 options.

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

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

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

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

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

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

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

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

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

27 (c) Status of the community corrections information system and

1 the jail population information system.

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

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

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

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

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

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

20 Sec. 414. (1) Subject to subsection (3), from the funds
21 appropriated in part 1 for the county jail reimbursement program,
22 the department shall administer a county jail reimbursement program
23 for the purpose of reimbursing counties for housing in jail
24 convicted felons who meet both of the following criteria:

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

27 (b) Either the felon's sentencing guidelines recommended range

1 for the minimum sentence has a lower limit of more than 12 months,
2 or the felon was sentenced to jail for a felony committed while he
3 or she was on parole and under the jurisdiction of the parole board
4 and for which the sentencing guidelines recommended range for the
5 minimum sentence has an upper limit of more than 18 months.

6 (2) Subject to subsection (3), the department shall reimburse
7 counties for all applicable offenders for whom documentation is
8 received by October 15 for the fiscal year ending the previous
9 September 30.

10 (3) Expenditures for the county jail reimbursement program
11 shall not exceed the revenues collected under part 1 for the county
12 jail reimbursement program. Expenditures under the county jail
13 reimbursement program shall not exceed the amount of restricted
14 revenue collected and allocated for the county jail reimbursement
15 program.

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

18 (5) Payments to counties under the county jail reimbursement
19 program shall be made in the order in which properly documented
20 requests for reimbursements are received. A request shall be
21 considered to be properly documented if it meets MDOC requirements
22 for documentation. The department shall by October 15, 2008
23 distribute the documentation requirements to all counties.

24 Sec. 416. (1) Funds included in part 1 for the felony drunk
25 driver jail reduction and community treatment program are
26 appropriated for and may be expended for any of the following
27 purposes:

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

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

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

23 (2) Expenditure of funds included in part 1 for the felony
24 drunk driver jail reduction and community treatment program shall
25 be by grant awards consistent with standards developed by a
26 committee of the state community corrections advisory board. The
27 chairperson of the committee shall be the board member representing

1 county sheriffs. Remaining members of the committee shall be
2 appointed by the chairperson of the board.

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

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

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

21 (6) Awards of funding under this section shall be provided
22 consistent with the local comprehensive corrections plans developed
23 under the community corrections act, 1988 PA 511, MCL 791.401 to
24 791.414. Funds awarded under this section may be used in
25 conjunction with funds awarded under grant programs established
26 under that act. Due to the need for felony drunk drivers to be
27 transitioned from county jails to community treatment services, it

1 is the intent of the legislature that local units of government
2 utilize funds received under this section to support county sheriff
3 departments.

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

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

16 Sec. 419. (1) The department shall provide weekly electronic
17 mail reports to the senate and house appropriations subcommittees
18 on corrections, the senate and house fiscal agencies, and the state
19 budget director on prisoner, parolee, and probationer populations
20 by facility, and prison capacities.

21 (2) The department shall provide biannual electronic mail
22 reports to the senate and house appropriations subcommittees on
23 corrections, the senate and house fiscal agencies, and the state
24 budget director. By July 1, 2009, the department shall provide a
25 biannual report for March 2007 through September 2008. The report
26 shall include information on end-of-month prisoner populations in
27 county jails, the net operating capacity according to the most

1 recent certification report, identified by date, and end-of-month
2 data, year-to-date data, and comparisons to the prior year for the
3 following:

4 (a) Community residential program populations, separated by
5 centers and electronic monitoring.

6 (b) Parole populations.

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

9 (d) Prison and camp populations, with separate identification
10 of the number in special alternative incarceration and the number
11 of lifers.

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

14 (f) Prisoner exits, identifying transfers to community
15 placement, paroles from prisons and camps, paroles from community
16 placement, total movements to parole, prison intake, prisoner
17 deaths, prisoners discharging on the maximum sentence, and other
18 prisoner exits.

19 (g) Prison intake and returns, including probation violators,
20 new court commitments, violators with new sentences, escaper new
21 sentences, total prison intake, returns from court with additional
22 sentences, community placement returns, technical parole violator
23 returns, and total returns to prison and camp.

24 Sec. 420. Funds appropriated under part 1 for local jail
25 programs shall be used by the department to fund projects and
26 proposals submitted to the department and consistent with local
27 comprehensive corrections plans and which are undertaken or in

1 place due to changes in Michigan's sentencing laws enacted during
2 fiscal year 2007-08. Funds described in the section may be used for
3 any of the following:

4 (a) Services including, but not limited to, employment and
5 training services, education, community service, and drug, alcohol,
6 and mental health treatment services, including when provided as
7 treatment components of a drug court program or mental health
8 diversion program.

9 (b) Jail construction or renovation.

10 **OPERATIONS AND SUPPORT ADMINISTRATION**

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

17 Sec. 502. Funds included in part 1 for the sheriffs'
18 coordinating and training office are appropriated for and may be
19 expended to defray costs of continuing education, certification,
20 recertification, decertification, and training of local corrections
21 officers, the personnel and administrative costs of the sheriffs'
22 coordinating and training office, the local corrections officers
23 advisory board, and the sheriffs' coordinating and training council
24 under the local corrections officers training act, 2003 PA 125, MCL
25 791.531 to 791.546.

26 Sec. 503. Funds appropriated in part 1 for administrative

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

11 **FIELD OPERATIONS ADMINISTRATION**

12 Sec. 601. From the funds appropriated in part 1, the
13 department shall conduct a statewide caseload audit of field
14 agents. The audit shall address public protection issues and assess
15 the ability of the field agents to complete their professional
16 duties. The results of the audit shall be submitted to the senate
17 and house appropriations subcommittees on corrections and the
18 senate and house fiscal agencies, and the state budget office by
19 February 15, 2009.

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

1 offenders to community service work project sites.

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

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

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

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

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

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

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

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

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

21 Sec. 608. By April 1, 2009, the department shall report to the
22 senate and house appropriations subcommittees on corrections, the
23 senate and house fiscal agencies, and the state budget director on
24 the use of GPS electronic monitoring. At a minimum, the report
25 shall include all of the following:

26 (a) Details on the failure rate of parolees for whom GPS
27 tether is utilized, including the number and rate of parolee

1 technical violations, including specifying failures due to
2 committing a new crime that is uncharged but leads to parole
3 termination, and the number and rate of parolee violators with new
4 sentences.

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

9 (c) Monthly data on the number of offenders on active GPS
10 tether, passive GPS tether, radio frequency tether, and any other
11 type of tether.

12 Sec. 611. The department shall prepare by April 1, 2008
13 individual reports for the community re-entry program, the
14 electronic tether program, and the special alternative to
15 incarceration program. The reports shall be submitted to the house
16 and senate appropriations subcommittees on corrections, the house
17 and senate fiscal agencies, and the state budget director. Each
18 program's report shall include information on all of the following:

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

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

27 (c) Number of successful terminations.

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

2 (e) Average length of placement.

3 (f) Return to prison statistics.

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

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

8 (i) Comparison with prior year statistics.

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

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

22 (2) To the extent policies or programs described in subsection
23 (1) are used, developed, or contracted for, the department may
24 request that funds appropriated in part 1 be transferred under
25 section 393(2) of the management and budget act, 1984 PA 431, MCL
26 18.1393, for their operation.

27 (3) The department shall continue to utilize parole violator

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

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

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

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

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

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

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

10 **CONSENT DECREES**

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

17 **HEALTH CARE**

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

22 Sec. 804. The department shall report quarterly to the senate
23 and house appropriations subcommittees on corrections, the senate
24 and house fiscal agencies, and the state budget director on
25 prisoner health care utilization. The report shall include the

1 number of inpatient hospital days, outpatient visits, and emergency
2 room visits in the previous quarter and since October 1, 2008, by
3 facility.

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

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

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

senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the number of offenders tested and the number of offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission and parole, transfer to community residential placement, or discharge on the maximum sentence. The department shall keep records of those offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission, parole, transfer to community residential placement, and discharge. These records shall clearly state the date each test was performed.

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

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

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

(c) Cost and duration of treatment by offender.

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

CORRECTIONAL FACILITIES ADMINISTRATION

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

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

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

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

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

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

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

9 Sec. 907. (1) The negative appropriations for justice reform
10 in part 1 shall be satisfied by savings from reforms and
11 efficiencies identified through the justice reinvestment initiative
12 in consultations between the legislature and the department and
13 approval by the state budget director.

14 (2) Appropriation authorizations shall be adjusted after the
15 approval of transfers by the legislature pursuant to section 393(2)
16 of the management and budget act, 1984 PA 431, MCL 18.1393.

17 Sec. 908. Included in the appropriations in part 1 for local
18 reinvestment to achieve prisoner reductions is \$9,601,000, which
19 shall be used by the department to fund local programs for offender
20 services or treatment. A request for funding under this subsection
21 would have to be submitted to the department and consistent with a
22 local comprehensive corrections plan and would have to be for a
23 service or services being provided due to changes in Michigan's
24 sentencing laws enacted during the 2007-2008 legislative session.
25 Offender services which may be funded under this section include,
26 but are not limited to, offender employment and training services,
27 education, community service, and drug, alcohol, and mental health

1 treatment services, including when provided as treatment components
2 of a drug court program or mental health diversion program. Funds
3 described in this subsection also may be used for administrative
4 costs for a drug court program that specifically limits its
5 services to participating felons who meet at least one of the
6 following criteria:

7 (a) The felon's sentencing guidelines recommended range for
8 the minimum sentence has a lower limit of more than 12 months.

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