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BILL ANALYSIS

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House Bill 4437 (S-1 as passed by the Senate)  
Committee: Appropriations

**FY 2008-09 Year-to-Date Gross Appropriation..... \$2,006,858,100**

**Changes from FY 2008-09 Year-to-Date:**

1. **Facility Closures & Adjustments.** Gov., House, and Senate saved \$117,992,800 by closing facilities, which would result in 1,077.2 fewer FTEs and 3,886 fewer beds. Following the announcement identifying the closures, Senate included savings for the closure of Camps Cusino, Kitwen, Lehman, Ottawa and White Lake, Hiawatha, Muskegon, and Standish correctional facilities. Level V Alger Maximum Correctional Facility would become a Level IV. Add'l savings of \$37,355,100 included full-year savings from FY 2008-09 Exec. Order closures, administration and program savings from FY 2008-09 and FY 2009-10 closures. Consolidating female prisoners at Huron Valley Complex (HVC) saved \$936,000, closing Scott saved \$19,341,100, and \$16,659,000 was added for moving 328 male prisoners in mental health treatment at HVC to Maxey Training School. Gov., House, and Senate added \$4,745,100 for double-bunking housing units. (154,220,900)
2. **Field Operations & Re-entry.** Gov. and House added \$1,000,500 to Parole Board for 5 members and 3 staff, \$7,299,500 field operations staff, \$16,889,000 included for full-yr funding for 800 GPS tethers added in FY 2008-09, and 2,000 new tethers. Gov. and House added \$22,682,000 for re-entry programming, \$1.0 m for residential centers for high-risk probationers, \$750,000 for polygraph testing. Sen. included same funding for field ops staff, GPS tethers, residential centers, and polygraph testing. Sen. did not include \$1,000,500 for Parole Board, added \$8,293,400 for re-entry programming, \$980,000 for intensive probation pilot program, and \$2,412,100 for Secure Continuous Remote Alcohol Monitors. 37,624,000
3. **Community Corrections.** House transferred \$519,300 from Residential Services and \$255,700 from Felony Drunk Driver Program to increase County Jail Reimbursement Program (CJRP) by \$775,000. Senate increased CJRP by \$4.3 m and provided \$6.1 m for prior year CJRP requests. Sen. added \$2,774,600 to Residential Services, \$1,958,300 to Community Corrections Comprehensive Plans and Services, and \$267,100 to Felony Drunk Driver Program. Sen. also provided \$6.0 m for a probation violator sanction program. 21,400,000
4. **State Police.** Senate provided a \$4.5 million IDG to the Department of State Police. 4,500,000
5. **Health Care.** Gov. House, and Senate included \$8.0 m for mental health treatment, \$4,185,500 for Hepatitis C treatment, \$3,482,200 for drug cost increases, \$2,149,400 for 24/7 nursing coverage, \$1,896,400 for the new prisoner health care contract, \$426,400 for Medical Service Providers, \$3,660,300 for computer systems and support, and \$1,118,700 for 40 new infirmary beds. 24,918,900
6. **Efficiencies.** Gov. House, and Senate saved \$3,517,100 by consolidating adjacent prisons at four sites, \$3.0 m by contracting for food purchases, \$2.0 m by redesigning prisoner education, and \$1.2 m by ending a contract for the parolee apprehension and operating the program at the MDOC. (9,717,100)
7. **Other Reductions.** Gov., Senate, and House reduced central office positions to save \$1,723,100. Senate reduced central office lines by additional \$2.3 m, reduced regional offices by \$1,394,000 and 12.0 FTEs, and reduced correctional facilities by \$38,209,100. (43,626,200)
8. **Economic Adjustments.** Gov., House, and Senate recommended increases for salaries, insurances, retirement, worker's compensation, food, and fuel. 35,084,900
9. **Other Changes.** Other changes by Governor, House, and Senate resulted in a net increase. 7,573,200
10. **Comparison to Gov.'s Recommendation.** Senate is \$20,000,000 Gross and GF/GP under Gov. (20,000,000)

Total Changes ..... (\$76,463,200)

**FY 2009-10 Senate-Passed Gross Appropriation ..... \$1,930,394,900**

**Changes from FY 2008-09 Year to Date:**

1. **Victim Restitution.** Sen. required victim restitution be a condition of community supervision and payments be made as provided in statute. (Sec. 211(2))
2. **Lapse Estimates.** Senate required a report on lapses of general fund/general purpose appropriations. (Sec. 226)
3. **Prisoner Suicides.** House required a report regarding prisoner suicides. Senate did not concur. (Sec. 305)
4. **Re-entry Programs.** Gov. required DOC to develop performance-based dashboard tracking system that establishes key indicators of MPRI. House and Senate required a report on the indicators and data. (Sec. 403/403a)
5. **County Jail Reimbursement Program (CJRP).** CJRP reimburses counties \$43.50 per diem for offenders with minimum sentencing guidelines (SG) range minimum of over 12 months (prison presumptive), offenders sentenced for crimes other than Class G and H crimes who have SG range upper limit over 18 months, SG range lower limit of 12 months or less, and prior record variable score of 35 or more points (straddle cell). Gov., House, and Sen. reimbursed \$60 per diem for prison presumptive offenders. Gov. excluded eligibility for Class F offenses as well as the offenses of uttering and publishing, buying, receiving, possessing, or concealing a stolen motor vehicle, and ID theft. Gov. reimbursed \$40 for straddle cell offenders. House reimbursed offenders on electronic monitoring, and parolees with SG range upper limit more than 18 months. House reimbursed \$50 for assaultive straddle cell offenders, and \$35 for nonassaultive straddle cell offenders. Sen. reimbursed \$43.50 for straddle cell offenders, and reimbursed for requests not reimbursed in FY 2007-08 and 2008-09 due to requests exceeding the appropriation. (Sec. 414)
6. **Community Corrections.** Sen. included risk assessment and definition of offender success in community corrections language. (Sec. 409, 411)
7. **High-risk Probationer Program.** House and Senate required a residential pilot program for high-risk probationers. (Sec. 424). Senate included a pilot program for the intensive supervision of high-risk probationers. (Sec. 615)
8. **Re-entry Programs.** Senate required the DOC implement a \$3.5 million employment-based re-entry program, cooperate with a nonprofit agency to employ parolees in a recycling business, and fund a program administered by two nonprofit agencies that would employ parolees in a donated-food collection business. (Sec. 425, 426, 427)
9. **Community Corrections Programs.** Senate expressed intent that 2% of DOC appropriations be for community corrections programs. (Sec. 428)
10. **CSG Policy Options.** Senate expressed intent that the DOC work with other departments to implement the Council of State Governments' policy options. (Sec. 429)
11. **Transition to Community.** Senate required that before prison release, prisoners can meet with their transition team, possess the documents necessary to obtain an ID, and possess clothes appropriation for an interview for employment. (Sec. 430, 431)
12. **Probation Violators.** Senate created a program to sentence probation violators to a short-term jail sentence. (Sec. 432)
13. **Medically Fragile Parolees.** Senate required the DOC issue an RFP for medically-fragile parolee services. (Sec. 433)
14. **Special Parole Board.** House stated that parole board funding is for the 10-member parole board and the temporary 5-member special parole board as would be established in HB 4710 and 4711. Senate did not concur. (Sec. 613)
15. **SCRAM Tethers.** Senate required that parolees and probationers who test positive for alcohol be placed on a Secure Continuous Remote Alcohol Monitor, subject to funding in Part 1. (Sec. 613)
16. **Probation Bonds.** Senate allowed probationers to be required to post bonds. (Sec. 614)
17. **Public Works Projects.** Governor and House deleted provisions stating intent that public works projects be continued as previously provided, and requiring a website listing the number of prisoners available for work crews and the number necessary to fulfill current contracts at each facility. Senate did not concur. (Sec. 906)
18. **Staffing Ratios.** Senate required the DOC maintain custody staff ratios that were in place on 10/1/08. (Sec. 911(3))
19. **Facility Closures.** Senate required DOC to ensure that facility closures did not have a disproportionate economic impact on any region of the state. (Sec. 915) Senate required a report on savings realized through facility closures. (Sec. 921)
20. **Law Library Pilot.** Senate required a pilot project to convert prison law libraries to electronic materials. (Sec. 916)
21. **Youthful Prisoners.** House required staff with adequate training, appropriate re-entry programming, and appropriate classification for youthful prisoners with serious mental illness or developmental disorder. Sen. concurred, but does not allow youthful prisoners with serious mental illness to be placed in segregation. (Sec. 929)
22. **Shooting Range.** Senate does not allow a shooting range on property east of 3760 Foco Rd, Standish. (Sec. 930)
23. **Prisoner Costs.** Senate expressed intent that prisoner costs be reduced. (Sec. 931)
24. **Facility Staffing.** Senate specified the number of FTE positions authorized for the warden, deputy warden, assistant deputy warden, custody staff, and noncustody staff at each correctional facility. (Sec. 932)

Date Completed: 6-24-09

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations.