

SUBSTITUTE FOR
HOUSE BILL NO. 5406

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. There is appropriated for the various state
4 departments and agencies to supplement appropriations for the
5 fiscal year ending September 30, 2010, from the following funds:

6 APPROPRIATION SUMMARY

7	Full-time equated positions	238.0
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1	GROSS APPROPRIATION.....	\$	28,380,000
2	Interdepartmental grant revenues:		
3	Total interdepartmental grants and intradepartmental		
4	transfers		0
5	ADJUSTED GROSS APPROPRIATION.....	\$	28,380,000
6	Federal revenues:		
7	Total federal revenues.....		0
8	Special revenue funds:		
9	Total local revenues.....		0
10	Total private revenues.....		0
11	Total other state restricted revenues.....		26,174,400
12	State general fund/general purpose.....	\$	2,205,600
13	Sec. 102. DEPARTMENT OF CORRECTIONS		
14	(1) APPROPRIATION SUMMARY		
15	Full-time equated positions		238.0
16	Average population		1,320
17	GROSS APPROPRIATION.....	\$	28,380,000
18	Interdepartmental grant revenues:		
19	Total interdepartmental grants and intradepartmental		
20	transfers		0
21	ADJUSTED GROSS APPROPRIATION.....	\$	28,380,000
22	Federal revenues:		
23	Total federal revenues.....		0
24	Special revenue funds:		
25	Total local revenues.....		0
26	Total private revenues.....		0

1	Total other state restricted revenues	26,174,400
2	State general fund/general purpose	\$ 2,205,600
3	(2) PLANNING AND COMMUNITY SUPPORT	
4	County jail reimbursement program	\$ <u>9,720,000</u>
5	GROSS APPROPRIATION	\$ 9,720,000
6	Appropriated from:	
7	Special revenue funds:	
8	State restricted revenues and reimbursements	7,514,400
9	State general fund/general purpose	\$ 2,205,600
10	(3) SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
11	Full-time equated positions	238.0
12	Average population	1,320
13	Muskegon correctional facility - Muskegon--238.0 FTE	
14	positions	\$ <u>18,660,000</u>
15	GROSS APPROPRIATION	\$ 18,660,000
16	Appropriated from:	
17	Special revenue funds:	
18	State restricted revenues and reimbursements	18,660,000
19	State general fund/general purpose	\$ 0

20 PART 2

21 PROVISIONS CONCERNING APPROPRIATIONS

22 GENERAL SECTIONS

23 Sec. 201. In accordance with the provisions of section 30 of
 24 article IX of the state constitution of 1963, total state spending
 25 from state resources in this appropriation act for the fiscal year

House Bill No. 5406 (H-1) as amended March 9, 2010

ending September 30, 2010 is \$28,380,000.00 and state

appropriations paid to local units of government are \$9,720,000.00.

Sec. 202. The appropriations made and expenditures authorized under this act and the departments, commissions, boards, offices, and programs for which appropriations are made under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

DEPARTMENT OF CORRECTIONS

Sec. 301. (1) The department of corrections shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for certain felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for convicted felons in the custody of the sheriff if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

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

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

(c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the

1 parole board and for which the sentencing guidelines recommended
2 range for the minimum sentence has an upper limit of more than 18
3 months.

4 (3) State reimbursement under this section shall be \$60.00 per
5 diem per diverted offender for offenders with a presumptive prison
6 guideline score, \$50.00 per diem per diverted offender for
7 offenders with a straddle cell guideline for a group 1 crime, and
8 \$35.00 per diem per diverted offender for offenders with a straddle
9 cell guideline for a group 2 crime. Reimbursements shall be paid
10 for sentences up to a 1-year total.

11 (4) Except as otherwise provided in subsection (5), county
12 jail reimbursement program expenditures shall not exceed the amount
13 appropriated in part 1 for the county jail reimbursement program.
14 Except for reimbursements made under 2009 PA 104, reimbursement
15 shall be made only for days that offenders described in subsection
16 (2) were in the custody of the sheriff on or after January 1, 2010.
17 Payments to counties under the county jail reimbursement program
18 shall be made in the order in which properly documented requests
19 for reimbursement are received. A request shall be considered to be
20 properly documented if it meets department of corrections
21 requirements for documentation. The department of corrections
22 shall, within 15 days of the effective date of this act, distribute
23 the documentation requirements to all counties.

24 (5) Every quarter, the subcommittee chair that sponsored the
25 current fiscal year budget act for the department of corrections
26 shall convene a reimbursement committee consisting of the chairs of
27 the senate and house appropriations subcommittees on corrections, 1

1 representative from the department of corrections, the state budget
2 office, the Michigan association of counties, and the Michigan
3 sheriffs association for the purpose of reviewing payment of all
4 eligible and properly documented reimbursement requests that comply
5 with the reimbursement criteria in subsections (1) through (3). The
6 reimbursement committee shall be convened on the first business day
7 of each fiscal quarter. If the committee determines that the
8 current appropriation will not cover all eligible reimbursement
9 costs, the state budget office shall request a legislative transfer
10 from other appropriation line items in the department of
11 corrections budget to the county jail reimbursement program line
12 item to cover the additional costs.

13 (6) As used in this section:

14 (a) "Group 1 crime" means a crime in 1 or more of the
15 following offense categories: arson, assault, assaultive other,
16 burglary, criminal sexual conduct, homicide or resulting in death,
17 other sex offenses, robbery, and weapon possession as determined by
18 the department of corrections based on specific crimes for which
19 counties received reimbursement under the county jail reimbursement
20 program in fiscal year 2007 and fiscal year 2008, and listed in the
21 county jail reimbursement program document titled "FY 2007 and FY
22 2008 Group One Crimes Reimbursed", dated March 31, 2009.

23 (b) "Group 2 crime" means a crime that is not a group 1 crime,
24 including larceny, fraud, forgery, embezzlement, motor vehicle,
25 malicious destruction of property, controlled substance offense,
26 felony drunk driving, and other nonassaultive offenses.

27 (c) "In the custody of the sheriff" means that the convicted

1 felon has been sentenced to the county jail and is either housed in
2 the county jail or has been released from jail and is being
3 monitored through the use of the sheriff's electronic monitoring
4 system.

5 Sec. 302. Funds appropriated in part 1 for the Muskegon
6 correctional facility shall be used for custody, treatment,
7 clinical, and administrative costs associated with the housing of
8 prisoners from other states.