

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1153

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

PART 1

1 LINE-ITEM APPROPRIATIONS

2 Sec. 101. Subject to the conditions set forth in this act, the
3 amounts listed in this part are appropriated for the department of
4 corrections for the fiscal year ending September 30, 2011, from the
5 funds indicated in this part. The following is a summary of the
6 appropriations in this part:

7 **DEPARTMENT OF CORRECTIONS**

8 APPROPRIATION SUMMARY

9	Average population	46,689	
10	Full-time equated unclassified positions.....	21.0	
11	Full-time equated classified positions.....	15,945.0	
12	GROSS APPROPRIATION.....		\$ 2,082,884,800
13	Appropriated from:		
14	Interdepartmental grant revenues:		
15	Total interdepartmental grants and intradepartmental		
16	transfers		915,400
17	ADJUSTED GROSS APPROPRIATION.....		\$ 2,081,969,400
18	Federal revenues:		
19	Total federal revenues.....		7,868,500
20	Special revenue funds:		
21	Total local revenues.....		443,100
22	Total private revenues.....		0
23	Total other state restricted revenues.....		80,451,900
24	State general fund/general purpose.....		\$ 1,993,205,900
25	Sec. 102. EXECUTIVE		
26	Full-time equated unclassified positions.....	21.0	
27	Full-time equated classified positions.....	55.0	

1	Unclassified positions--21.0 FTE positions	\$	1,812,100
2	Executive direction--55.0 FTE positions		6,798,600
3	Neal, et al. settlement agreement		<u>10,000,000</u>
4	GROSS APPROPRIATION	\$	18,610,700
5	Appropriated from:		
6	State general fund/general purpose	\$	18,610,700
7	Sec. 103. PLANNING AND COMMUNITY SUPPORT		
8	Full-time equated classified positions..... 12.0		
9	Mental health awareness training	\$	100,000
10	Prisoner reintegration programs		56,244,700
11	Substance abuse testing and treatment services--12.0		
12	FTE positions		23,075,000
13	Youth treatment services		1,000,000
14	Residential services		18,075,500
15	Community corrections comprehensive plans and services		13,958,000
16	Public education and training		50,000
17	Regional jail program		100
18	Felony drunk driver jail reduction and community		
19	treatment program		1,740,100
20	County jail reimbursement program		<u>12,272,100</u>
21	GROSS APPROPRIATION	\$	126,515,500
22	Appropriated from:		
23	Federal revenues:		
24	DOJ, office of justice programs, RSAT		143,900
25	DOJ, prisoner reintegration		1,035,000
26	Special revenue funds:		
27	Civil infraction fees		5,900,000

1	State general fund/general purpose.....	\$	119,436,600
2	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
3	Full-time equated classified positions.....		181.9
4	Operations support administration--52.0 FTE positions	\$	5,330,500
5	New custody staff training.....		2,273,600
6	Compensatory buyout and union leave bank.....		100
7	Worker's compensation.....		16,152,800
8	Bureau of fiscal management--97.9 FTE positions.....		9,519,800
9	Office of legal services--21.0 FTE positions.....		2,580,000
10	Internal affairs--11.0 FTE positions.....		1,191,500
11	Rent.....		2,095,200
12	Equipment and special maintenance.....		2,425,500
13	Administrative hearings officers.....		3,708,800
14	Judicial data warehouse user fees.....		50,000
15	Interdepartmental grant to judiciary.....		1,000,000
16	Sheriffs' coordinating and training office.....		500,000
17	Prosecutorial and detainer expenses.....		<u>4,051,000</u>
18	GROSS APPROPRIATION.....	\$	50,878,800
19	Appropriated from:		
20	Interdepartmental grant revenues:		
21	IDG-MDSP, Michigan justice training fund.....		298,400
22	Special revenue funds:		
23	Local corrections officer training fund.....		500,000
24	Correctional industries revolving fund.....		508,100
25	State general fund/general purpose.....	\$	49,572,300
26	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
27	Full-time equated classified positions.....		2,210.9

1	Field operations--2,039.9 FTE positions	\$	181,764,700
2	Parole board operations--51.0 FTE positions		4,828,700
3	Parole/probation services		2,243,500
4	Community re-entry centers--59.0 FTE positions		14,780,900
5	Electronic monitoring center--61.0 FTE positions		<u>17,173,700</u>
6	GROSS APPROPRIATION	\$	220,791,500
7	Appropriated from:		
8	Special revenue funds:		
9	Local - community tether program reimbursement		443,100
10	Re-entry center offender reimbursements		139,500
11	Parole and probation oversight fees		8,300,000
12	Parole and probation oversight fees set-aside		2,643,500
13	Public works user fees		249,400
14	Tether program participant contributions		3,033,800
15	State general fund/general purpose	\$	205,982,200
16	Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION		
17	Full-time equated classified positions		1,466.3
18	Correctional facilities administration--29.0 FTE		
19	positions	\$	6,080,900
20	Prison food service--415.0 FTE positions		72,447,600
21	Transportation--215.6 FTE positions		22,730,300
22	Central records--53.5 FTE positions		4,234,100
23	DOJ psychiatric plan - MDCH mental health services ...		50,727,300
24	DOJ psychiatric plan - MDOC staff and services--149.7		
25	FTE positions		17,866,200
26	Inmate legal services		715,900
27	Loans to parolees		179,400

1	Housing inmates in federal institutions	793,900
2	Prison store operations--75.0 FTE positions	5,078,900
3	Prison industries operations--214.0 FTE positions	23,609,000
4	Education services and federal education grants--10.0	
5	FTE positions	3,461,100
6	Federal school lunch program.....	712,800
7	Leased beds and alternatives to leased beds	100
8	Inmate housing fund.....	100
9	MPRI education program--304.5 FTE positions	<u>34,241,400</u>
10	GROSS APPROPRIATION.....	\$ 242,879,000
11	Appropriated from:	
12	Interdepartmental grant revenues:	
13	IDG-MDCH, forensic center food service	617,000
14	Federal revenues:	
15	DAG-FNS, national school lunch.....	712,800
16	DED-OESE, title 1.....	529,100
17	DED-OVAE, adult education.....	903,600
18	DED-OSERS.....	109,300
19	DED, vocational education equipment	280,700
20	DED, youthful offender/Specter grant	1,307,400
21	DOJ-BOP, federal prisoner reimbursement	211,000
22	DOJ-OJP, serious and violent offender reintegration	
23	initiative	10,400
24	DOJ, prison rape elimination act grant	1,004,300
25	SSA-SSI, incentive payment	139,600
26	Special revenue funds:	
27	Correctional industries revolving fund.....	20,809,000

1	Resident stores.....	5,078,900
2	State general fund/general purpose.....	\$ 211,165,900
3	Sec. 107. HEALTH CARE	
4	Full-time equated classified positions.....	1,162.0
5	Health care administration--14.0 FTE positions.....	\$ 2,651,800
6	Prisoner health care services.....	92,095,500
7	Vaccination program.....	691,200
8	Interdepartmental grant to human services, eligibility	
9	specialists	100,000
10	Interdepartmental grant to legislative corrections	
11	ombudsman, quality assurance unit.....	520,000
12	Northern region clinical complexes--366.6 FTE	
13	positions	42,881,400
14	Southern region clinical complexes--781.4 FTE	
15	positions	<u>117,436,200</u>
16	GROSS APPROPRIATION.....	\$ 256,376,100
17	Appropriated from:	
18	Special revenue funds:	
19	Prisoner health care co-payments.....	349,000
20	State general fund/general purpose.....	\$ 256,027,100
21	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	
22	Average population	12,917
23	Full-time equated classified positions.....	3,182.2
24	Alger maximum correctional facility - Munising--268.0	
25	FTE positions	\$ 28,255,600
26	Average population	889
27	Baraga maximum correctional facility - Baraga--332.1	

1	FTE positions	32,990,700
2	Average population 884	
3	Chippewa correctional facility - Kincheloe--459.4 FTE	
4	positions	48,360,200
5	Average population 2,282	
6	Kinross correctional facility - Kincheloe--355.0 FTE	
7	positions	37,410,000
8	Average population 1,799	
9	Marquette branch prison - Marquette--350.1 FTE	
10	positions	39,399,600
11	Average population 1,201	
12	Newberry correctional facility - Newberry--270.9 FTE	
13	positions	27,439,800
14	Average population 978	
15	Oaks correctional facility - Eastlake--309.0 FTE	
16	positions	35,533,800
17	Average population 1,156	
18	Ojibway correctional facility - Marenisco--208.9 FTE	
19	positions	20,286,700
20	Average population 1,090	
21	Pugsley correctional facility - Kingsley--224.0 FTE	
22	positions	21,840,800
23	Average population 1,158	
24	Saginaw correctional facility - Freeland--314.8 FTE	
25	positions	32,983,100
26	Average population 1,480	
27	Northern region administration and support--90.0 FTE	

1	positions		<u>7,343,500</u>
2	GROSS APPROPRIATION.....	\$	331,843,800
3	Appropriated from:		
4	Special revenue funds:		
5	Public works user fees.....		530,200
6	State general fund/general purpose.....	\$	331,313,600
7	Sec. 109. SOUTHERN REGION CORRECTIONAL		
8	FACILITIES		
9	Average population	16,339	
10	Full-time equated classified positions.....	4,052.0	
11	Cooper street correctional facility - Jackson--275.9		
12	FTE positions	\$	30,003,900
13	Average population	1,752	
14	G. Robert Cotton correctional facility - Jackson--		
15	405.5 FTE positions		40,893,900
16	Average population	1,854	
17	Charles E. Egeler correctional facility - Jackson--		
18	358.3 FTE positions		41,043,500
19	Average population	1,376	
20	Gus Harrison correctional facility - Adrian--450.7 FTE		
21	positions		47,631,400
22	Average population	2,342	
23	Huron Valley correctional complex - Ypsilanti--650.6		
24	FTE positions		70,344,200
25	Average population	1,872	
26	Macomb correctional facility - New Haven--307.3 FTE		
27	positions		31,172,400

1	Average population	1,374	
2	Maxey/Woodland Center correctional facility - Whitmore		
3	Lake--186.3 FTE positions		16,756,100
4	Average population	328	
5	Mound correctional facility - Detroit--282.9 FTE		
6	positions		26,380,100
7	Average population	1,051	
8	Parnall correctional facility - Jackson--269.2 FTE		
9	positions		28,395,100
10	Average population	1,712	
11	Ryan correctional facility - Detroit--281.3 FTE		
12	positions		29,794,100
13	Average population	1,059	
14	Thumb correctional facility - Lapeer--288.0 FTE		
15	positions		30,722,800
16	Average population	1,219	
17	Special alternative incarceration program (Camp		
18	Cassidy Lake)--120.0 FTE positions.....		11,447,700
19	Average population	400	
20	Southern region administration and support--176.0 FTE		
21	positions		<u>25,422,900</u>
22	GROSS APPROPRIATION.....	\$	430,008,100
23	Appropriated from:		
24	Federal revenues:		
25	DOJ, state criminal alien assistance program.....		1,481,400
26	Special revenue funds:		
27	Public works user fees.....		1,362,800

1	State general fund/general purpose	\$	427,163,900
2	Sec. 110. SOUTHWESTERN REGION CORRECTIONAL		
3	FACILITIES		
4	Average population		17,433
5	Full-time equated classified positions.....		3,622.7
6	Bellamy Creek correctional facility - Ionia--399.4 FTE		
7	positions	\$	40,937,700
8	Average population		1,850
9	Earnest C. Brooks correctional facility - Muskegon--		
10	453.0 FTE positions		47,580,000
11	Average population		2,440
12	Carson City correctional facility - Carson City--458.1		
13	FTE positions		48,793,700
14	Average population		2,440
15	Richard A. Handlon correctional facility - Ionia--		
16	235.4 FTE positions		25,006,900
17	Average population		1,320
18	Ionia maximum correctional facility - Ionia--306.7 FTE		
19	positions		32,027,300
20	Average population		707
21	Lakeland correctional facility - Coldwater--474.8 FTE		
22	positions		48,493,900
23	Average population		2,392
24	Michigan reformatory - Ionia--317.1 FTE positions		34,030,600
25	Average population		1,338
26	Muskegon correctional facility - Muskegon--238.0 FTE		
27	positions		29,871,600

1	Average population	1,320	
2	Pine River correctional facility - St. Louis--211.7		
3	FTE positions		21,985,800
4	Average population	1,200	
5	St. Louis correctional facility - St. Louis--528.5 FTE		
6	positions		<u>53,403,300</u>
7	Average population	2,426	
8	GROSS APPROPRIATION.....	\$	382,130,800
9	Appropriated from:		
10	Special revenue funds:		
11	Public works user fees.....		391,200
12	State restricted fees, out-of-state prisoners.....		29,871,600
13	State general fund/general purpose.....	\$	351,868,000
14	Sec. 111. INFORMATION TECHNOLOGY		
15	Information technology services and projects.....	\$	<u>22,850,500</u>
16	GROSS APPROPRIATION.....	\$	22,850,500
17	Appropriated from:		
18	Special revenue funds:		
19	Correctional industries revolving fund.....		159,700
20	Parole and probation oversight fees set-aside.....		625,200
21	State general fund/general purpose.....	\$	22,065,600

22 PART 2

23 PROVISIONS CONCERNING APPROPRIATIONS

24 **GENERAL SECTIONS**

25 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 2010-2011 is \$2,073,657,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$92,562,700.00. 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	\$	51,579,200
Public service work projects		5,140,200
Community corrections comprehensive plans and services		13,958,000
Community corrections residential services		18,075,500
Community corrections public education and training ..		50,000
Felony drunk driver jail reduction and community treatment program		1,740,100
Community re-entry centers		2,019,600
Regional jail program		<u>100</u>
TOTAL	\$	92,562,700

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

Sec. 203. As used in this act:

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

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

1 (c) "DAG-FNS" means the DAG food and nutrition service.

2 (d) "DED" means the United States department of education.

3 (e) "DED-OESE" means the DED office of elementary and
4 secondary education.

5 (f) "DED-OSERS" means the DED office of special education and
6 rehabilitative services.

7 (g) "DED-OVAE" means the DED office of vocational and adult
8 education.

9 (h) "Department" or "MDOC" means the Michigan department of
10 corrections.

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

12 (j) "DOJ-BOP" means the DOJ bureau of prisons.

13 (k) "DOJ-OJP" means the DOJ office of justice programs.

14 (l) "Evidence-based practices" or "EBP" means a decision-making
15 process that integrates the best available research, clinician
16 expertise, and client characteristics.

17 (m) "FTE" means full-time equated.

18 (n) "GED" means general educational development certificate.

19 (o) "Goal" means the intended or projected result of a
20 comprehensive corrections plan or community corrections program to
21 reduce repeat offending, criminogenic and high-risk behaviors,
22 prison commitment rates, to reduce the length of stay in a jail, or
23 to improve the utilization of a jail.

24 (p) "GPS" means global positioning system.

25 (q) "HIV" means human immunodeficiency virus.

26 (r) "IDG" means interdepartmental grant.

27 (s) "IDT" means intradepartmental transfer.

1 (t) "Jail" means a facility operated by a local unit of
2 government for the physical detention and correction of persons
3 charged with or convicted of criminal offenses.

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

5 (v) "Medicaid benefit" means a benefit paid or payable under a
6 program for medical assistance under the social welfare act, 1939
7 PA 280, MCL 400.1 to 400.119b.

8 (w) "MDSP" means the Michigan department of state police.

9 (x) "MPRI" means the Michigan prisoner reentry initiative.

10 (y) "Objective risk and needs assessment" means an evaluation
11 of an offender's criminal history; the offender's noncriminal
12 history; and any other factors relevant to the risk the offender
13 would present to the public safety, including, but not limited to,
14 having demonstrated a pattern of violent behavior, and a criminal
15 record that indicates a pattern of violent offenses.

16 (z) "OCC" means the office of community corrections.

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

23 (bb) "Offender success" means that an offender has done all of
24 the following:

25 (i) Regularly reported to his or her assigned field agent.

26 (ii) Is participating in or has successfully completed all
27 required substance abuse, mental health, sex offender, or other

1 treatment as approved by the field agent.

2 (iii) Not sent or returned to prison for the conviction of a new
3 crime or the revocation of probation or parole.

4 (iv) Not been sentenced to a jail term for a new criminal
5 offense.

6 (cc) "Offender target population" means felons or
7 misdemeanants who would likely be sentenced to imprisonment in a
8 state correctional facility or jail, who would not likely increase
9 the risk to the public safety based on an objective risk and needs
10 assessment that indicates that the offender can be safely treated
11 and supervised in the community.

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

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

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

22 (ee) "Programmatic success" means that the department program
23 or initiative has ensured that the offender has accomplished all of
24 the following:

25 (i) Obtained employment, has enrolled or participated in a
26 program of education or job training, or has investigated all bona
27 fide employment opportunities.

1 (ii) Obtained housing.

2 (iii) Obtained a state identification card.

3 (ff) "Recidivism" means any of the following:

4 (i) The arrest and conviction of a supervised individual for a
5 new offense while under community supervision.

6 (ii) The adjudication of a supervised individual for a
7 violation of the conditions of supervision while under community
8 supervision.

9 (gg) "RSAT" means residential substance abuse treatment.

10 (hh) "Serious emotional disturbance" means that term as
11 defined in section 100d(2) of the mental health code, 1974 PA 328,
12 MCL 330.1100d.

13 (ii) "Serious mental illness" means that term as defined in
14 section 100d(3) of the mental health code, 1974 PA 328, MCL
15 330.1100d.

16 (jj) "SSA" means the United States social security
17 administration.

18 (kk) "SSA-SSI" means SSA supplemental security income.

19 Sec. 204. The civil service commission shall bill departments
20 and agencies at the end of the first fiscal quarter for the charges
21 authorized by section 5 of article XI of the state constitution of
22 1963. Payments shall be made for the total amount of the billing by
23 the end of the second fiscal quarter.

24 Sec. 204a. (1) The department shall collaborate with the civil
25 service commission and the department of civil service to review
26 the compensation rates for health care professionals who provide
27 direct health care services to prisoners within the corrections

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1 system, including, but not limited to, doctors, all nursing
2 professionals, [pharmacists, pharmacy technicians,] and psychologists.
The review shall include health
3 care professionals employed by the state as well as those employed
4 through state contractors. These rates shall be compared to
5 available data on compensation rates for comparable medical
6 professionals in the private sectors who provide services to the
7 general public to estimate any disparity in compensation.

8 (2) Following the review, the department shall make
9 recommendations on changes needed to the state compensation plan
10 for health care professional positions and to department contracts
11 with health care providers so that compensation levels are
12 sufficient to ensure that needed health care professional positions
13 with vacancies are filled, that the department experiences adequate
14 retention levels for these positions, and that necessary health
15 care services are delivered in a timely manner to the prisoner
16 population. A report outlining these recommendations shall be
17 submitted to the senate and house appropriations subcommittees on
18 corrections, the senate and house fiscal agencies, and the state
19 budget office by May 1, 2011.

20 Sec. 206. The department shall not engage in intimidation or
21 take disciplinary action against an employee for communicating with
22 a member of the legislature or his or her staff.

23 Sec. 207. At least 120 days before beginning any effort to
24 privatize, except for the current effort to privatize and contract
25 for prisoner mental health services that is necessitated by the
26 critical need for prisoner mental health treatment staff, the
27 department shall submit a complete project plan to the appropriate

1 senate and house appropriations subcommittees and the senate and
2 house fiscal agencies. The plan shall include the criteria under
3 which the privatization initiative will be evaluated. The
4 evaluation shall be completed and submitted to the appropriate
5 senate and house appropriations subcommittees and the senate and
6 house fiscal agencies within 30 months. In the case of the current
7 effort to privatize and contract for prisoner mental health
8 services, the department shall submit a complete project plan to
9 the appropriate senate and house appropriations committee chairs
10 and appropriate senate and house appropriations subcommittee chairs
11 as well as the senate and house fiscal agencies and state budget
12 office 10 days prior to beginning the effort.

13 Sec. 207a. (1) Before privatizing any services or activities
14 currently provided by state employees in the department, except for
15 the privatization of prisoner mental health services that is
16 necessitated by a critical shortage of mental health professional
17 staff, the department shall submit to the senate and house
18 appropriations committees a preprivatization cost-benefit analysis.
19 This analysis shall utilize accurate, reliable, and objective data.
20 Included in this analysis shall be a comparative estimate of the
21 costs that will be incurred by this state over the life of the
22 contract if 1 or both of the following occur:

23 (a) The service or activity continues to be provided by state
24 employees.

25 (b) The service or activity is privatized. The costs of
26 privatizing these services shall include the costs of all necessary
27 monitoring and oversight of the private entity by this state.

1 (2) The department shall not commence any efforts to privatize
2 the services or activities currently provided by state employees
3 under part 1, except for prisoner mental health services, until the
4 cost-benefit analysis prescribed by subsection (1) has been sent to
5 both the senate and house appropriations committees 14 days prior
6 to the efforts to privatize, and proves a cost savings equivalent
7 to the savings specified in civil service rules for disbursement
8 for personal services outside the civil service. Before awarding a
9 contract for the provision of prisoner mental health treatment
10 services, a cost-benefit analysis shall be completed as specified
11 in subsection (1) and submitted to the appropriate senate and house
12 appropriations committee chairs and appropriate senate and house
13 appropriations subcommittee chairs as well as the senate and house
14 fiscal agencies and state budget office not less than 7 days prior
15 to awarding a contract.

16 (3) In all cases in which a service or activity is privatized,
17 including the provision of prisoner mental health services, the
18 private entity shall be adequately bonded, so as not to expose the
19 state to any potential future liability or legal causes of action.

20 (4) A private contractor with a contract with this state that
21 expends state or federal tax dollars shall have all records
22 pertinent to state contracts, including all records detailing
23 compliance with section 209, be subject to disclosure to the
24 department or the department of management and budget.

25 (5) State employees shall be given the opportunity to bid on
26 contracts that privatize services that are or were provided by
27 state employees. If the contract is awarded to any state employee,

1 he or she ceases being an employee of the state.

2 Sec. 208. The department shall use the Internet to fulfill the
3 reporting requirements of this act. 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. There shall
7 be at least 1 separate and distinct electronic file for each
8 section that includes a reporting requirement.

9 Sec. 209. Funds appropriated in part 1 shall not be used for
10 the purchase of foreign goods or services, or both, if comparable
11 quality American goods or services, or both, that do not cost more
12 than 5% greater than foreign goods or services are available.
13 Preference shall be given to produce, goods or services, or both,
14 grown, processed, manufactured, or provided by Michigan businesses
15 if they are of comparable quality and do not cost more than 5%
16 greater than non-Michigan manufactured or provided goods or
17 services. In addition, preference shall be given to goods or
18 services, or both, that are manufactured or provided by Michigan
19 businesses owned and operated by veterans, if they are
20 competitively priced and of comparable quality.

21 Sec. 210. (1) Individuals seeking employment with the
22 department shall submit to a controlled substance test administered
23 by the department under civil service rules and regulations and
24 applicable collective bargaining agreements.

25 (2) The department shall deny employment to individuals
26 seeking employment with the department who violate subsection (1)
27 or who submit to testing under subsection (1) but test positive for

1 the illicit use of a controlled substance.

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

9 (2) If a parolee or probationer has been ordered to pay
10 restitution, the department shall ensure that payment is a
11 condition of his or her community supervision. Restitution payments
12 shall be made as provided in section 22 of chapter XV of the code
13 of criminal procedure, 1927 PA 175, MCL 775.22. The department
14 shall collect not more than 50% of all money collected from
15 parolees and probationers for payments other than victim payments,
16 as that term is defined in section 22 of chapter XV of the code of
17 criminal procedure, 1927 PA 175, MCL 775.22.

18 Sec. 212. (1) On a quarterly basis, each executive branch
19 department and agency receiving appropriations in part 1 shall
20 report on the number of full-time equated positions in pay status
21 by civil service classification to the senate and house
22 appropriations subcommittees on corrections and the senate and
23 house fiscal agencies.

24 (2) From the funds appropriated in part 1, each executive
25 branch department and agency shall develop, post, and maintain on a
26 user-friendly and publicly accessible Internet site all
27 expenditures made by the departments and agencies within a fiscal

1 year. The posting shall include the purpose for which each
2 expenditure is made. Funds appropriated in part 1 from the federal
3 American recovery and reinvestment act of 2009, Public Law 111-5,
4 shall also be included on a publicly accessible website maintained
5 by the Michigan economic recovery office. Departments and agencies
6 shall not provide financial information on their websites under
7 this section if doing so would violate a federal or state law,
8 rule, regulation, or guideline that establishes privacy or security
9 standards applicable to that section.

10 (3) The department shall not expend more than \$10,000.00 from
11 the appropriations in part 1 to implement the requirements of this
12 section.

13 Sec. 213. By February 15, 2011, the department shall provide
14 the members of the senate and house appropriations subcommittees on
15 corrections, the senate and house fiscal agencies, and the state
16 budget director with a report detailing non-general fund/general
17 purpose sources of revenue, including, but not limited to, federal
18 revenues, state restricted revenues, local and private revenues,
19 offender reimbursements and other payments, revolving funds, and 1-
20 time sources of revenue, whether or not those revenues were
21 appropriated. The report shall include statements detailing for
22 each account the total amount of revenue received during fiscal
23 year 2009-2010, the amount by which the revenue exceeded any
24 applicable appropriated fund source, the amount spent during fiscal
25 year 2009-2010, the account balance at the close of fiscal year
26 2009-2010, and the projected revenues and expenditures for fiscal
27 year 2010-2011.

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

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

14 Sec. 216. (1) Due to the current budgetary problems of this
15 state, out-of-state travel for the fiscal year ending September 30,
16 2011 shall be limited to situations in which 1 or more of the
17 following conditions apply:

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

20 (b) The travel is necessary to protect the health or safety of
21 Michigan citizens or visitors or to assist other states for similar
22 reasons.

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

26 (d) The travel is necessary to comply with federal
27 requirements.

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

3 (f) The travel is financed entirely by federal or nonstate
4 funds.

5 (2) Not later than January 1, 2011, each department shall
6 prepare a travel report listing all travel by classified and
7 unclassified employees outside this state in the immediately
8 preceding fiscal year that was funded in whole or in part with
9 funds appropriated in the department's budget. The report shall be
10 submitted to the senate and house standing committees on
11 appropriations, the senate and house fiscal agencies, and the state
12 budget director. The report shall include the following
13 information:

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

16 (b) The destination of each travel occurrence.

17 (c) The dates of each travel occurrence.

18 (d) A brief statement of the reason for each travel
19 occurrence.

20 (e) The transportation and related costs of each travel
21 occurrence, including the proportion funded with state general
22 fund/general purpose revenues, the proportion funded with state
23 restricted revenues, the proportion funded with federal revenues,
24 and the proportion funded with other revenues.

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

27 Sec. 217. The director shall take all reasonable steps to

1 ensure businesses in deprived and depressed communities compete for
2 and perform contracts to provide services or supplies, or both. The
3 director shall strongly encourage firms with which the department
4 contracts to subcontract with certified businesses in deprived and
5 depressed communities for services, supplies, or both. The director
6 of the department shall strongly encourage certified firms with
7 which the department contracts to provide services or supplies, or
8 both, in deprived and depressed communities to help parolees or
9 probationers progress to success by hiring, participating with MPRI
10 training programs, or assisting with other community involvement
11 opportunities.

12 Sec. 219. Any contract for prisoner telephone services entered
13 into after the effective date of this act shall include a condition
14 that fee schedules for prisoner telephone calls, including rates
15 and any surcharges other than those necessary to meet special
16 equipment costs, be the same as fee schedules for calls placed from
17 outside of correctional facilities.

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

24 Sec. 223. (1) In addition to the funds appropriated in part 1,
25 there is appropriated an amount not to exceed \$10,000,000.00 for
26 federal contingency funds. These funds are not available for
27 expenditure until they have been transferred to another line item

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

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

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

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

21 Sec. 224. By March 1, 2011, the department shall provide a
22 litigation report to the senate and house appropriations
23 subcommittees on corrections, the senate and house fiscal agencies,
24 and the state budget director. The report shall identify all
25 lawsuits adjudicated through the trial court phase in which the
26 department or an employee acting on behalf of the department was a
27 defendant and in which trial court proceedings resulted in a

1 decision of \$250,000.00 or more against the department.

2 Sec. 225. (1) The department shall make every effort to place
3 employees displaced by any reductions in force within other
4 positions in the department.

5 (2) It is the intent of the legislature that all employees
6 displaced by any reductions in force who are not placed within
7 other positions in the department be given priority in state
8 programs for job retraining or education, such as the no worker
9 left behind program.

10 Sec. 230. (1) From the funds appropriated in part 1, the
11 department shall complete the study required by section 230 of 2008
12 PA 245. The study shall cover at least 1 county jail in each of the
13 department's 3 administrative regions within the state and at a
14 minimum shall be based on a representative random sample of county
15 jail inmates. To the extent that such information would not
16 conflict with state law on confidentiality for inmates included in
17 the study, at a minimum, the study shall be sufficient to provide
18 all of the information required by subsection (2). In the process
19 of study design, development, and implementation, the department
20 shall assure involvement of and consultation from counties,
21 sheriffs, prosecutors, victims, and consumer, family, advocacy,
22 provider, and professional groups concerned with mental health and
23 justice issues. The methodological basis for the study shall
24 include all of the following:

25 (a) Diagnostic clinical interviews with all of the inmates in
26 the study.

27 (b) Reviews of the criminal history records of all of the

1 inmates in the study.

2 (c) Reviews of the medical and mental health records of all of
3 the inmates in the study, as available.

4 (2) By September 1, 2011, the department shall report to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house appropriations subcommittees on community health,
7 the senate and house fiscal agencies, and the state budget director
8 on the results and findings of the study, including, at a minimum,
9 information on all of the following, to the extent that the
10 information does not conflict with state law on confidentiality for
11 the inmates included in the study:

12 (a) Study methodology, including information on the sample
13 size and counties sampled.

14 (b) The proportion of county jail inmates with a primary
15 diagnosis of mental illness, the proportion of inmates with a
16 primary diagnosis of addiction disorder, and the proportion of
17 inmates with a dual diagnosis of mental illness and addiction
18 disorder.

19 (c) For each category of inmates listed in subdivision (b),
20 all of the following information:

21 (i) The proportion considered to currently require treatment
22 and the percentage in need of treatment who are currently receiving
23 it. Information on inmates currently receiving treatment shall
24 identify whether the inmates are receiving inpatient, residential,
25 or outpatient treatment. Treatment information on inmates with a
26 dual diagnosis shall identify whether inmates are receiving mental
27 health inpatient, mental health residential, mental health

1 outpatient, substance abuse residential, or substance abuse
2 outpatient treatment.

3 (ii) Data indicating how many inmates previously had been
4 hospitalized in a state or private psychiatric hospital for persons
5 with mental illness.

6 (iii) Data indicating whether and with what frequency inmates
7 previously had been incarcerated in a jail or committed to the
8 department of corrections.

9 (iv) Data indicating whether inmates previously had received
10 services managed by a community mental health program or substance
11 abuse coordinating agency.

12 Sec. 232. By April 1, 2011, the department shall report to the
13 senate and house of representatives appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget director with a listing of Michigan vendors whose contracts
16 were canceled or reduced in favor of single-source contracts from
17 vendors based outside of Michigan. The report shall provide
18 information for fiscal years 2008-2009 and 2009-2010 and shall
19 include pertinent contract amounts.

20 Sec. 235. It is the intent of the legislature that the
21 department reduce expenditures using the following strategies:

22 (a) Follow the recommendations outlined in audit report 471-
23 0130-08 of June 2009 issued by the Michigan office of the auditor
24 general that found \$7,534,039.00 in known savings that would have
25 been achieved through cost-neutral operation of the bureau of
26 correctional industries, as follows:

27 (i) Finding 1 indicates that the bureau of correctional

1 industries has consistently failed to maintain profitable or cost-
2 neutral operations.

3 (ii) Finding 2 indicates that the bureau of correctional
4 industries had not developed or implemented a comprehensive
5 business plan.

6 (iii) Finding 3 indicates that the bureau of correctional
7 industries did not efficiently schedule and utilize its trucks and
8 drivers for delivery of products and services.

9 (iv) Finding 4 indicates that the bureau of correctional
10 industries had not established comprehensive policies and
11 procedures for setting prices and discounts for products and
12 services.

13 (b) By continuing the supply chain transformation (SCT) with
14 the new fiscal year beginning October 1, 2010. The SCT shall
15 address all goods and services delivered into the department, with
16 special focus in the following areas: food service, offender
17 transport, warehousing, prisoner stores, laundries, textiles,
18 transportation, reverse logistics, Michigan state industries
19 manufacturing and related material, and capital and service
20 purchase contracts under development or due to expire. The
21 department shall continually detail its supply chain strategy and
22 implementation plan including tasks, timing, resources, costs, and
23 benefits to be achieved. The department shall provide quarterly
24 cost and benefit savings report information. The department shall
25 contract with a world-class supply chain external resource with the
26 following capabilities: demonstrated success working in a
27 department of corrections environment in the targeted supply chain

1 areas of focus; demonstrated expertise in defining, developing, and
2 implementing cross-functional infrastructures; continuous quality
3 improvement teams; stakeholder and communications outreach
4 programs; six sigma/lean tools and templates; hands-on supply
5 chain; continuous quality improvement and six sigma tool training;
6 and positive working relations and measurable, documented client
7 satisfaction results.

8 **EXECUTIVE**

9 Sec. 301. (1) For 3 years after a felony offender is released
10 from the department's jurisdiction, the department shall maintain
11 the offender's file on the offender tracking information system and
12 make it publicly accessible in the same manner as the file of the
13 current offender. However, the department shall immediately remove
14 the offender's file from the offender tracking information system
15 upon determination that the offender was wrongfully convicted and
16 the offender's file is not otherwise required to be maintained on
17 the offender tracking information system.

18 (2) Information removed from the offender tracking information
19 system due to the expiration of 3 years following release of an
20 offender from the department's jurisdiction shall be retained by
21 the department and maintained in a password-protected archive.
22 Effective October 1, 2010, information in the archive shall be made
23 available upon payment of a fee as determined by the department.
24 Revenue collected under this section is appropriated for the costs
25 of the offender tracking information system, and any revenue
26 collected in excess of the costs of maintaining the offender

1 tracking information system is appropriated for information
2 technology costs. The department shall report on March 1, 2011 to
3 the senate and house appropriations subcommittees on corrections,
4 the senate and house fiscal agencies, and the state budget director
5 on the fees charged and revenue collected under this section.

6 Sec. 302. The department shall provide a report to the members
7 of the senate and house appropriations subcommittees on corrections
8 and community health, the senate and house fiscal agencies, MDCH,
9 and the state budget director by May 1, 2011 reviewing actions
10 taken to implement the recommendations of the mental health study
11 required under section 302 of 2007 PA 124 with which it agrees and
12 an explanation of any disagreements with recommendations. It is the
13 intent of the legislature to review the department's implementation
14 plan and, in coordination with the department, to identify funds
15 with which to implement the plan, as appropriate.

16 Sec. 303. It is the intent of the legislature that the
17 quantity of database systems in use by the department be optimal
18 for efficient data usage and communications. By March 1, 2011, the
19 department shall report to the senate and house appropriations
20 subcommittees on corrections, the senate and house fiscal agencies,
21 and the state budget director on the status of the plan to
22 implement secure, encrypted, Internet-based database systems that
23 can electronically communicate with each other and with other law-
24 enforcement-related databases by September 30, 2011.

25 Sec. 304. The director of the department shall maintain a
26 staff savings initiative program to invite employees to submit
27 suggestions for saving costs for the department. The department

1 shall report semiannually to the senate and house appropriations
2 subcommittees on corrections, the senate and house fiscal agencies,
3 and the state budget director on the suggestions submitted under
4 this section, the implementation plan for those suggestions with
5 which the department agrees, and an explanation of any
6 disagreements with suggestions.

7 Sec. 305. By March 1, 2011, the department shall report to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director on
10 the number of prisoners who committed suicide during the previous
11 calendar year. To the extent permitted by law, the report shall
12 include all of the following information:

13 (a) The prisoner's age, offense, sentence, and admission date.

14 (b) Each prisoner's facility and unit.

15 (c) A description of the circumstances of the suicide.

16 (d) The date of the suicide.

17 (e) Whether the suicide occurred in a housing unit, a
18 segregation unit, a mental health unit, or elsewhere on the grounds
19 of the facility.

20 (f) Whether the prisoner had been denied parole and the date
21 of any denial.

22 (g) Whether the prisoner had received a mental health
23 evaluation or assessment.

24 (h) Details on the department's responses to each suicide,
25 including immediate on-site responses and subsequent internal
26 investigations.

27 (i) A description of any monitoring and psychiatric

1 interventions that had been undertaken prior to the prisoner's
2 suicide, including any changes in placement or mental health care.

3 (j) Whether the prisoner had previously attempted suicide.

4 **PLANNING AND COMMUNITY SUPPORT**

5 Sec. 401. The department shall submit 3-year and 5-year prison
6 population projection updates concurrent with submission of the
7 executive budget to the senate and house appropriations
8 subcommittees on corrections, the senate and house fiscal agencies,
9 and the state budget director. The report shall include
10 explanations of the methodology and assumptions used in developing
11 the projection updates.

12 Sec. 402. It is the intent of the legislature that the funds
13 appropriated in part 1 for prisoner reintegration programs be
14 expended for the purpose of reducing victimization by reducing
15 repeat offending through the following prisoner reintegration
16 programming:

17 (a) The provision of employment or employment services and job
18 training.

19 (b) The provision of housing assistance.

20 (c) Referral to mental health services.

21 (d) Referral to substance abuse services.

22 (e) Referral to public health services.

23 (f) Referral to education.

24 (g) Referral to any other services necessary for successful
25 reintegration.

26 Sec. 403. By March 1, 2011, the department shall provide a

1 report on MPRI expenditures and allocations to the members of the
2 senate and house appropriations subcommittees on corrections, the
3 senate and house fiscal agencies, and the state budget director. At
4 a minimum, the report shall include information on both of the
5 following:

6 (a) Details on prior-year expenditures, including amounts
7 spent on each project funded, itemized by service provided and
8 service provider.

9 (b) Allocations and projected expenditures for each project
10 funded and for each project to be funded, itemized by service to be
11 provided and service provider.

12 Sec. 403a. (1) In collaboration with a technical committee
13 composed of representatives from the department, designees of the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house fiscal agencies, and the justice center of the
16 council of state governments, the department shall develop a
17 performance-based dashboard tracking and reporting system that
18 establishes key indicators of the success and failure of offenders.
19 Indicators shall reflect the status of and trends in key program
20 elements, behavior improvements on the part of offenders, and
21 whether targeted goals are being met.

22 (2) By April 1, 2011, the department shall report dashboard
23 data to the senate and house appropriations subcommittees on
24 corrections, the senate and house fiscal agencies, and the state
25 budget director.

26 Sec. 404. (1) The department shall screen and assess each
27 prisoner for alcohol and other drug involvement to determine the

1 need for further treatment. The assessment process shall be
2 designed to identify the severity of alcohol and other drug
3 addiction and determine the treatment plan, if appropriate.

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

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

14 (2) Of the funds appropriated in part 1 for substance abuse
15 testing and treatment services, at least \$4,000,000.00 shall be
16 utilized to operate residential substance abuse treatment programs
17 around the state.

18 (3) Of the funds appropriated in part 1 for youth treatment
19 services, at least \$1,000,000.00 shall be utilized to provide
20 treatment to juveniles housed in the adult corrections system for
21 whom either substance abuse or mental health issues have been
22 identified prior to coming into the system or who have a diagnosis
23 of a mental health disorder.

24 (4) By March 1, 2011, the department shall report to the
25 senate and house appropriations subcommittees on corrections, the
26 senate and house fiscal agencies, and the state budget director on
27 the allocation, distribution, and expenditure of all funds

1 appropriated by the substance abuse testing and treatment line item
2 during fiscal year 2009-2010 and projected for fiscal year 2010-
3 2011. The report shall include, but not be limited to, an
4 explanation of an anticipated year-end balance, the number of
5 participants in substance abuse programs, and the number of
6 offenders on waiting lists for residential substance abuse
7 programs. Information required under this subsection shall, where
8 possible, be separated by MDOC administrative region and by
9 offender type, including, but not limited to, a distinction between
10 prisoners, parolees, and probationers.

11 (5) By March 1, 2011, the department shall report to the
12 senate and house appropriations subcommittees on corrections, the
13 senate and house fiscal agencies, and the state budget director on
14 substance abuse testing and treatment program objectives, outcome
15 measures, and results, including program impact on offender
16 behavior and programmatic success.

17 Sec. 405a. The department shall work cooperatively with MDCH and
18 substance abuse coordinating agencies in referring offenders as
19 appropriate to intensive substance abuse services, including
20 residential services.

21 Sec. 407. (1) By June 30, 2011, the department shall place the
22 2010 statistical report on an Internet site. The statistical report
23 shall include, but not be limited to, the information as provided
24 in the 2004 statistical report.

25 (2) It is the intent of the legislature that starting with
26 calendar year 2010, the statistical report be placed on an Internet
27 site within 6 months after the end of each calendar year.

1 Sec. 408. The department shall measure the recidivism rates of
2 offenders using at least a 3-year period following their release
3 from prison.

4 Sec. 409. The office of community corrections shall provide
5 and coordinate the delivery and implementation of services in
6 communities to facilitate successful offender reintegration into
7 the community. Programs and services to be offered shall include,
8 but are not limited to, technical assistance for comprehensive
9 corrections plan development, new program start-up funding, program
10 funding for those programs delivering services for eligible
11 offenders in geographic areas identified by the office of community
12 corrections as having a shortage of available services, technical
13 assistance, referral services for education, employment services,
14 and substance abuse and family counseling.

15 Sec. 410. (1) The funds included in part 1 for community
16 corrections comprehensive plans and services are to encourage the
17 development through technical assistance grants, implementation,
18 and operation of community corrections programs that enhance
19 offender success and that also may serve as an alternative to
20 incarceration in a state facility or jail. The comprehensive
21 corrections plans shall include an explanation of how the public
22 safety will be maintained, the goals for the local jurisdiction,
23 offender target populations intended to be affected, offender
24 eligibility criteria for purposes outlined in the plan, and how the
25 plans will meet the following objectives, consistent with section
26 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

27 (a) Reduce admissions to prison of offenders who would likely

1 be sentenced to imprisonment, including probation violators.

2 (b) Improve the appropriate utilization of jail facilities,
3 the first priority of which is to open jail beds intended to house
4 otherwise prison-bound felons, and the second priority being to
5 appropriately utilize jail beds so that jail crowding does not
6 occur.

7 (c) Open jail beds through the increase of pretrial release
8 options.

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

10 (e) Reduce the admission or readmission to prison of
11 offenders, including probation violators and parole violators, for
12 substance abuse violations.

13 (f) Contribute to the programmatic success of offenders.

14 (2) The award of community corrections comprehensive plans and
15 residential services funds shall be based on criteria that include,
16 but are not limited to, the prison commitment rate by category of
17 offenders, trends in prison commitment rates and jail utilization,
18 historical trends in community corrections program capacity and
19 program utilization, and the projected impact and outcome of annual
20 policies and procedures of programs on offender success, prison
21 commitment rates, and jail utilization.

22 (3) Funds awarded for residential services in part 1 shall
23 provide for a per diem reimbursement of not more than \$47.50 for
24 nonaccredited facilities, or of not more than \$48.50 for facilities
25 that have been accredited.

26 Sec. 411. The comprehensive corrections plans shall also
27 include, where appropriate, descriptive information on the full

1 range of sanctions and services that are available and utilized
2 within the local jurisdiction and an explanation of how jail beds,
3 residential services, the special alternative incarceration
4 program, probation detention centers, the electronic monitoring
5 program for probationers, and treatment and rehabilitative services
6 will be utilized to support the objectives and priorities of the
7 comprehensive corrections plans and the purposes and priorities of
8 section 8(4) of the community corrections act, 1988 PA 511, MCL
9 791.408, that contribute to the success of offenders. The plans
10 shall also include, where appropriate, provisions that detail how
11 the local communities plan to respond to sentencing guidelines
12 found in chapter XVII of the code of criminal procedure, 1927 PA
13 175, MCL 777.1 to 777.69, and use the county jail reimbursement
14 program under section 414. The state community corrections board
15 shall encourage local community corrections advisory boards to
16 include in their comprehensive corrections plans strategies to
17 collaborate with local alcohol and drug treatment agencies of the
18 MDCH for the provision of alcohol and drug screening, assessment,
19 case management planning, and delivery of treatment to alcohol- and
20 drug-involved offenders.

21 Sec. 412. (1) As part of the March biannual report specified
22 in section 12(2) of the community corrections act, 1988 PA 511, MCL
23 791.412, that requires an analysis of the impact of that act on
24 prison admissions and jail utilization, the department shall submit
25 to the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, and the state
27 budget director the following information for each county and

1 counties consolidated for comprehensive corrections plans:

2 (a) Approved technical assistance grants and comprehensive
3 corrections plans including each program and level of funding, the
4 utilization level of each program, and profile information of
5 enrolled offenders.

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

9 (c) Status of the community corrections information system and
10 the jail population information system.

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

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

17 (f) Data on the use of funding made available under the felony
18 drunk driver jail reduction and community treatment program.

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

22 Sec. 413. (1) The department shall identify and coordinate
23 information regarding the availability of and the demand for
24 community corrections programs, jail-based community corrections
25 programs, jail-based probation violation sanctions, and basic
26 state-required jail data.

27 (2) The department is responsible for the collection,

1 analysis, and reporting of state-required jail data.

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

5 Sec. 414. (1) The department shall administer a county jail
6 reimbursement program from the funds appropriated in part 1 for the
7 purpose of reimbursing counties for certain felons who otherwise
8 would have been sentenced to prison.

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

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

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

22 (c) The felon was sentenced to jail for a felony committed
23 while he or she was on parole and under the jurisdiction of the
24 parole board and for which the sentencing guidelines recommended
25 range for the minimum sentence has an upper limit of more than 18
26 months.

27 (3) State reimbursement under this section shall be \$60.00 per

1 diem per diverted offender for offenders with a presumptive prison
2 guideline score, \$50.00 per diem per diverted offender for
3 offenders with a straddle cell guideline for a group 1 crime, and
4 \$35.00 per diem per diverted offender for offenders with a straddle
5 cell guideline for a group 2 crime. Reimbursements shall be paid
6 for sentences up to a 1-year total.

7 (4) Except as otherwise provided in subsection (5), county
8 jail reimbursement program expenditures shall not exceed the amount
9 appropriated in part 1 for the county jail reimbursement program.
10 Payments to counties under the county jail reimbursement program
11 shall be made in the order in which properly documented requests
12 for reimbursement are received. A request shall be considered to be
13 properly documented if it meets department of corrections
14 requirements for documentation. The department of corrections shall
15 distribute the documentation requirements to all counties by
16 October 15, 2010.

17 (5) Every quarter, the subcommittee chair that sponsored the
18 current fiscal year budget act for the department of corrections
19 shall convene a reimbursement committee consisting of the chairs of
20 the senate and house appropriations subcommittees on corrections, 1
21 representative from the department, the state budget office, the
22 Michigan association of counties, and the Michigan sheriffs
23 association for the purpose of reviewing payment of all eligible
24 and properly documented reimbursement requests that comply with the
25 reimbursement criteria in subsections (1) through (3). The
26 reimbursement committee shall be convened on the first business day
27 of each fiscal quarter. If the committee determines that the

1 current appropriation will not cover all eligible reimbursement
2 costs, the state budget office shall request a legislative transfer
3 from other appropriation line items in the department of
4 corrections budget to the county jail reimbursement program line
5 item to cover the additional costs.

6 (6) As used in this section:

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

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

20 (c) "In the custody of the sheriff" means that the convicted
21 felon has been sentenced to the county jail and is either housed in
22 the county jail or has been released from jail and is being
23 monitored through the use of the sheriff's electronic monitoring
24 system.

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

1 purposes:

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

7 (b) To divert from jail sentences or to reduce the length of
8 jail sentences for felony drunk drivers who otherwise would have
9 been sentenced to jail and whose recommended minimum sentence
10 ranges under sentencing guidelines established under chapter XVII
11 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
12 777.69, have upper limits of 18 months or less or the lower limit
13 of the sentencing range is 1 year or less and the upper limit of
14 the range is more than 18 months and the prior record variable is
15 less than 35 points, through funding programs that may be used in
16 lieu of incarceration and that increase the likelihood of
17 rehabilitation.

18 (c) To provide a policy and funding framework to make
19 additional jail space available for housing convicted felons whose
20 recommended minimum sentence ranges under sentencing guidelines
21 established under chapter XVII of the code of criminal procedure,
22 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
23 less and who likely otherwise would be sentenced to prison, with
24 the aim of enabling counties to meet or exceed amounts received
25 through the county jail reimbursement program during fiscal year
26 2002-2003 and reducing the numbers of felons sentenced to prison.

27 (2) Expenditure of funds included in part 1 for the felony

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

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

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

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

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

1 791.414. Funds awarded under this section may be used in
2 conjunction with funds awarded under grant programs established
3 under that act. Due to the need for felony drunk drivers to be
4 transitioned from county jails to community treatment services, it
5 is the intent of the legislature that local units of government
6 utilize funds received under this section to support county sheriff
7 departments.

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

14 Sec. 417. (1) By March 1, 2011, the department shall report to
15 the members of the senate and house appropriations subcommittees on
16 corrections, the senate and house fiscal agencies, and the state
17 budget director on each of the following programs from the previous
18 fiscal year:

19 (a) The county jail reimbursement program.

20 (b) The felony drunk driver jail reduction and community
21 treatment program.

22 (c) Any new initiatives to control prison population growth
23 funded or proposed to be funded under part 1.

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

26 (a) Program objectives and outcome measures, including, but
27 not limited to, the number of offenders who successfully completed

1 the program, and the number of offenders who successfully remained
2 in the community during the 3 years following termination from the
3 program.

4 (b) Expenditures by location.

5 (c) The impact on jail utilization.

6 (d) The impact on prison admissions.

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

9 Sec. 418. (1) The department shall require the prosecutor of
10 the county of conviction and sentencing to provide the department
11 with the state operator's license, state identification card, or
12 other documentation used to establish the identity of the
13 individual to be admitted to the department. The department shall
14 maintain those documents in the prisoner's personal file.

15 (2) The department shall collaborate with the Michigan
16 department of state to ensure that an achievable list of documents
17 necessary to obtain a state operator's license or state
18 identification card upon parole or release is developed and
19 presented to the prisoner so that application for identification
20 can begin prior to a prisoner's discharge or parole hearing. The
21 process for prisoners to acquire this documentation shall be part
22 of the department's operating procedure.

23 (3) The department shall cooperate with MDCH to create and
24 maintain a process by which prisoners can obtain their Michigan
25 birth certificates if necessary. The department shall describe a
26 process for obtaining birth certificates from other states, and in
27 situations where the prisoner's effort fails, the department shall

1 assist in obtaining the birth certificate.

2 (4) By March 1, 2011, the department shall report to the
3 senate and house appropriations subcommittees on corrections, the
4 senate and house fiscal agencies, the legislative corrections
5 ombudsman, and the state budget director on the plan for
6 implementing all necessary processes and policy changes in order to
7 ensure compliance with the requirements of this section.

8 Sec. 419. (1) The department shall provide weekly electronic
9 mail reports to the senate and house appropriations subcommittees
10 on corrections, the senate and house fiscal agencies, and the state
11 budget director on prisoner, parolee, and probationer populations
12 by facility, and prison capacities.

13 (2) The department shall provide monthly electronic mail
14 reports to the senate and house appropriations subcommittees on
15 corrections, the senate and house fiscal agencies, and the state
16 budget director. The reports shall include information on end-of-
17 month prisoner populations in county jails, the net operating
18 capacity according to the most recent certification report,
19 identified by date, and end-of-month data, year-to-date data, and
20 comparisons to the prior year for the following:

21 (a) Community residential program populations, separated by
22 centers and electronic monitoring.

23 (b) Parole populations.

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

26 (d) Prison and camp populations, with separate identification
27 of the number in special alternative incarceration and the number

1 of lifers.

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

4 (f) Prisoner exits, identifying transfers to community
5 placement, paroles from prisons and camps, paroles from community
6 placement, total movements to parole, prison intake, prisoner
7 deaths, prisoners discharging on the maximum sentence, and other
8 prisoner exits.

9 (g) Prison intake and returns, including probation violators,
10 new court commitments, violators with new sentences, escaper new
11 sentences, total prison intake, returns from court with additional
12 sentences, community placement returns, technical parole violator
13 returns, and total returns to prison and camp.

14 Sec. 420. By March 1, 2011, the department shall report to the
15 senate and house appropriations subcommittees on corrections, the
16 senate and house judiciary committees, the senate and house fiscal
17 agencies, and the state budget director on performance data and
18 efforts to improve efficiencies relative to departmental staffing,
19 health care services, food service, prisoner transportation, mental
20 health care services, and pharmaceutical costs.

21 Sec. 421. Of the funds appropriated in part 1, \$100,000.00 is
22 appropriated for the purpose of providing an IDG to the MDSP for
23 the purpose of providing grants for training teams of law
24 enforcement officers and mental health treatment providers. The
25 teams shall be trained in effective and safe ways of assisting
26 people with mental illness during law enforcement contacts and
27 directing people with mental illness to treatment programs. Mental

1 health awareness training shall be incorporated into continuing
2 education for all law enforcement officers in the state.

3 Sec. 422. It is the intent of the legislature that MPRI
4 programs from prisoner entry into the corrections system to reentry
5 into the community shall be maintained as standard operating
6 procedure in the department. In particular, services should be
7 focused on moderate- to high-risk individuals. Special in-prison
8 programming shall be directed to those prisoners who were paroled
9 and have returned to prison and who will subsequently be eligible
10 for parole again in the future. In addition, MPRI services provided
11 to prisoners shall include basic computer skills training.

12 Sec. 424. (1) From the funds appropriated in part 1 for
13 residential services, the department shall develop and implement,
14 in collaboration with the judiciary and as approved by the state
15 court administrative office, a demonstration project based on
16 evidence-based practices related to judicial and case management
17 interventions that have been proven to increase public safety for
18 high-risk, high-need probationers as determined by a validated risk
19 and need assessment instrument. As used in this section,
20 "probationer" means a circuit court probationer serving a probation
21 sentence for a crime.

22 (2) The demonstration project shall be implemented in 4 areas
23 of the state identified jointly by the department and the state
24 court administrative office. Preference shall be given to locations
25 that are representative of areas with high rates of violent crimes
26 as described in the council of state governments' justice center
27 report on analyses of crime, community corrections, and sentencing

1 policies in this state.

2 (3) The primary goal of the demonstration project is to reduce
3 crime and revictimization by high-risk, high-need probationers. The
4 secondary goal of the demonstration project is to reduce
5 expenditures for long-term incarceration.

6 (4) The demonstration project may provide up to 6 months of
7 residential services, and treatment methods, and interventions that
8 are evidence-based, including, but not limited to, the following:

9 (a) Risk/needs assessment.

10 (b) Motivational techniques.

11 (c) Type, intensity, and duration of treatment based on each
12 probationer's risk and needs and delivered consistent with
13 evidence-based practices.

14 (5) The department shall implement the evidence-based practice
15 of collaborative case management and utilize the services of the
16 department and of local community corrections consistent with the
17 local comprehensive corrections plan developed under the community
18 corrections act, 1988 PA 511, MCL 791.401 to 791.414.

19 (6) The department shall assign a probation officer to the
20 demonstration project to supervise a specialized caseload for high-
21 risk, high-need probationers. All probation officers supervising a
22 specialized caseload under this section shall receive substantial
23 education and training on issues of substance abuse, mental health,
24 and drug and alcohol testing.

25 (7) The probation officer shall work in cooperation with the
26 local judiciary and the community corrections advisory board in a
27 collaborative effort toward the goals of promoting probationer

1 success and reducing crime and revictimization.

2 (8) The probation officer assigned to the demonstration
3 project shall comply with supervision requirements established for
4 the demonstration project by the field operations administration
5 deputy director.

6 (9) The department shall identify and coordinate information
7 for each local jurisdiction selected for the demonstration project
8 regarding the rate of incarceration of high-risk, high-need
9 probationers to ensure that appropriate probationers are targeted
10 for the demonstration project.

11 (10) From the funds appropriated in part 1 for public
12 education and training, the department shall collaborate with the
13 local judiciary, community corrections advisory board, and service
14 providers to develop and provide appropriate training for all local
15 stakeholders involved in the demonstration project described in
16 this section.

17 (11) From the funds provided to the local jurisdiction for the
18 demonstration project, the department shall collaborate with the
19 local judiciary and the community corrections advisory board to
20 develop and implement an evaluation of the demonstration project
21 that will show the impact of the project on the arrests,
22 convictions, technical violations, and commitments to prison of the
23 demonstration project participants. This evaluation shall be
24 performed in accordance with department of corrections policy and
25 procedure on evaluation design in cooperation with the office of
26 research and planning.

27 (12) By May 1, 2011, the department shall report to the senate

1 and house appropriations subcommittees on corrections, the senate
2 and house fiscal agencies, and the state budget director on the
3 status of the demonstration project prescribed under this section,
4 including information on all of the following:

5 (a) Demonstration project locations and participating courts.

6 (b) The number of probationers participating in the pilot
7 categorized by location and offense.

8 (c) Evaluation status and methodology.

9 (d) Preliminary results, if any.

10 Sec. 426. It is the intent of the legislature that of the
11 money appropriated in part 1 for prisoner reintegration programs,
12 \$500,000.00 shall be distributed to 1 or more nonprofit agencies
13 with established recycling programs whose employee ranks include at
14 least 45% returning citizens. The programs shall be administered by
15 1 or more Michigan-chartered nonprofit corporations. The nonprofit
16 corporations must have expertise in recycling and expertise in
17 creating employment opportunities for parolees.

18 Sec. 429. It is the intent of the legislature that the
19 department work with other state departments and agencies to
20 implement the policy options provided to the state by the council
21 of state governments in January 2009.

22 Sec. 430. The department shall ensure that each prisoner has
23 the opportunity to meet with his or her transition team prior to
24 release from prison. If applicable, community providers shall enter
25 the prison to meet with the prisoner prior to release.

26 Sec. 431. The department shall ensure that prior to release
27 from prison, each offender has possession of all of the following:

1 (a) All documents necessary to obtain a state operator's
2 license or state identification card.

3 (b) A set of clothing that would be appropriate and suitable
4 for wearing to an interview for employment.

5 Sec. 433. The department shall report quarterly on January 1,
6 2011, April 1, 2011, July 1, 2011, and September 30, 2011 to the
7 senate and house appropriations subcommittees on corrections, the
8 senate and house fiscal agencies, and the state budget director on
9 the status of any contracts entered into under the June 2009
10 request for proposals for the re-entry initiative project for
11 offenders with special needs. The report shall include information
12 on all of the following:

13 (a) The number of prisoners and participating parolees in each
14 of the target population subgroups, including medically fragile,
15 mentally ill, developmentally disabled, and youthful offenders.

16 (b) Descriptions of the key services being provided to each
17 subgroup under the contract or contracts.

18 (c) Estimates of the average per-offender costs of services
19 for each target population subgroup under each contract, compared
20 to the average cost of prison incarceration for those populations.

21 Sec. 434. (1) It is the intent of the legislature that the
22 department, in coordination with the department of energy, labor,
23 and economic growth, Michigan state housing development authority,
24 and local government officials, implement employment-related
25 projects targeted toward at-risk young adults who are disconnected
26 from school and employment, and probationers and parolees in high-
27 crime neighborhoods where the adult incarceration rate is at least

1 45%.

2 (2) The department shall identify high-crime neighborhoods
3 where the adult incarceration rate is at least 45% and in
4 coordination with the department of human services and the
5 superintendent of public instruction shall develop programs for
6 recommendation to the legislature that offer academic, counseling,
7 and social support to children of incarcerated parents.

8 **OPERATIONS AND SUPPORT ADMINISTRATION**

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

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

24 Sec. 503. Funds appropriated in part 1 for administrative
25 hearings officers are appropriated as an interdepartmental grant to
26 the department of energy, labor, and economic growth for the

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

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

13 Sec. 505. (1) The department shall train all custody staff in
14 effective and safe ways of handling prisoners with mental illness
15 and referring prisoners to mental health treatment programs. Mental
16 health awareness training shall be incorporated into the training
17 of new custody staff.

18 (2) All staff employed within correctional facilities shall
19 attend at least 1 mental health awareness training session.

20 Sec. 507. Of the funds appropriated in part 1, \$1,000,000.00
21 is appropriated to provide an interdepartmental grant to the
22 judiciary for operational expenses related to drug treatment
23 courts.

24 **FIELD OPERATIONS ADMINISTRATION**

25 Sec. 601. (1) From the funds appropriated in part 1, the
26 department shall conduct a statewide caseload audit of field

1 agents. The audit shall address public protection issues and assess
2 the ability of the field agents to complete their professional
3 duties. The results of the audit shall be submitted to the senate
4 and house appropriations subcommittees on corrections and the
5 senate and house fiscal agencies, and the state budget office by
6 March 1, 2011.

7 (2) It is the intent of the legislature that the department
8 maintain a number of field agents sufficient to meet supervision
9 and workload standards.

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

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

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

26 Sec. 603. (1) All prisoners, probationers, and parolees
27 involved with the electronic tether program shall reimburse the

1 department for costs associated with their participation in the
2 program, where possible.

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

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

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

27 (5) Any county with tether charges outstanding over 60 days

1 shall be considered in violation of the community tether program
2 agreement and lose access to the program.

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

9 Sec. 608. By March 1, 2011, the department shall report to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house fiscal agencies, and the state budget director on
12 the use of electronic monitoring. At a minimum, the report shall
13 include all of the following:

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

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

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

27 Sec. 609. By March 1, 2011, the department shall report to the

1 senate and house appropriations subcommittees on corrections, the
2 senate and house fiscal agencies, and the state budget director on
3 the use of kiosk reporting stations. At a minimum, the report shall
4 include all of the following:

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

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

9 (c) Information on demonstration project outcome measures.

10 (d) An evaluation of the kiosk reporting demonstration
11 project, including any need for improvement and an assessment of
12 the potential for expanded use of kiosk reporting stations.

13 Sec. 611. The department shall prepare by March 1, 2011
14 individual reports for the community reentry program, the
15 electronic tether program, and the special alternative to
16 incarceration program. The reports shall be submitted to the house
17 and senate appropriations subcommittees on corrections, the house
18 and senate fiscal agencies, and the state budget director. Each
19 program's report shall include information on all of the following:

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

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

1 (c) Number of successful terminations.

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

3 (e) Average length of placement.

4 (f) Return to prison statistics.

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

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

9 (i) Comparison with prior year statistics.

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

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

23 (2) To the extent policies or programs described in subsection
24 (1) are used, developed, or contracted for, the department may
25 request that funds appropriated in part 1 be transferred under
26 section 393(2) of the management and budget act, 1984 PA 431, MCL
27 18.1393, for their operation.

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

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

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

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

1 number of violations occurring since release from prison.

2 (c) The educational history of those offenders, including how
3 many had a GED or high school diploma prior to incarceration in
4 prison, how many received a GED 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 (e) The unduplicated number of offenders who participated in
9 substance abuse treatment programs, mental health treatment
10 programs, or both, while in prison, itemized by diagnosis.

11 Sec. 613. Subject to the appropriations in part 1, the
12 department is encouraged to expand the use of continuous remote
13 alcohol monitors for parolees and probationers who test positive
14 for alcohol abuse or have alcohol-abuse-related violations of their
15 community supervision.

16 Sec. 614. It is the intent of the legislature that the parole
17 board review the cases of all inmates sentenced to imprisonment for
18 life with the possibility of parole before October 1992 who have
19 good institutional records and pose low risk to the community.
20 Minimally, the parole board shall calculate parole guidelines
21 scores for all prisoners serving imprisonment for life who are
22 currently eligible for parole and shall provide the legislature
23 with a detailed explanation of why an inmate who scores "high
24 probability of release" is not being paroled.

25 **HEALTH CARE**

26 Sec. 801. The department shall not expend funds appropriated

1 under part 1 for any surgery, procedure, or treatment to provide or
2 maintain a prisoner's sex change unless it is determined medically
3 necessary by the chief medical officer of the department.

4 Sec. 802. As a condition of expenditure of the funds
5 appropriated in part 1, the department shall provide the senate and
6 house of representatives appropriations subcommittees on
7 corrections, the senate and house fiscal agencies, and the state
8 budget director with all of the following:

9 (a) Quarterly reports on physical and mental health care
10 detailing the average number of days between a prisoner's diagnosis
11 and commencement of treatment for that diagnosis, quarterly and
12 fiscal year-to-date expenditures itemized by vendor, allocations,
13 status of payments from contractors to vendors, and projected year-
14 end expenditures from accounts for prisoner health care, mental
15 health care, pharmaceutical services, and durable medical
16 equipment.

17 (b) Regular updates on progress on requests for proposals and
18 requests for information pertaining to prisoner health care and
19 mental health care, until the applicable contract is approved.

20 Sec. 804. (1) The department shall report quarterly to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 prisoner health care utilization. The report shall include the
24 number of inpatient hospital days, outpatient visits, and emergency
25 room visits in the previous quarter and since October 1, 2009, by
26 facility.

27 (2) By March 1, 2011, the department shall report to the

1 senate and house appropriations subcommittees on corrections, the
2 senate and house fiscal agencies, and the state budget director on
3 prisoners receiving off-site inpatient medical care that would have
4 received care in a state correctional facility if beds were
5 available. The report shall include the number of prisoners
6 receiving off-site inpatient medical care and average length of
7 stay in an off-site facility during the period they would have
8 received care in a state correctional facility if beds were
9 available, by month and correctional facilities administration
10 region.

11 Sec. 805. The bureau of health care services shall develop
12 information on hepatitis C and HIV prevention and the risks
13 associated with exposure to hepatitis C and HIV. The health care
14 providers shall disseminate this information verbally and in
15 writing to each prisoner at the health screening and full health
16 appraisal conducted at admissions, at the annual health care
17 screening 30 days before or after a prisoner's birthday, and prior
18 to release to the community by parole, transfer to community
19 residential placement, or discharge on the maximum sentence.

20 Sec. 806. (1) From the funds appropriated in part 1, the
21 department shall require a hepatitis C antibody test and an HIV
22 test for each prisoner prior to release to the community by parole,
23 transfer to community residential placement, or discharge on the
24 maximum sentence. The department shall require an HIV test and a
25 hepatitis C risk factor screening for each prisoner at the health
26 screening at admissions. If hepatitis C risk factors are
27 identified, the department shall offer the prisoner a hepatitis C

1 antibody test. An explanation of results of the tests shall be
2 provided confidentially to the prisoner, and if appropriate based
3 on the test results, the prisoner shall also be provided a
4 recommendation to seek follow-up medical attention.

5 (2) By March 1, 2011, the department shall report to the
6 senate and house appropriations subcommittees on corrections, the
7 senate and house appropriations subcommittees on community health,
8 the senate and house fiscal agencies, and the state budget director
9 on the number of offenders tested and the number of offenders
10 testing positive for HIV, the hepatitis C antibody, or both at
11 prison admission and parole, transfer to community residential
12 placement, or discharge on the maximum sentence. The department
13 shall keep records of those offenders testing positive for HIV, the
14 hepatitis C antibody, or both at prison admission, parole, transfer
15 to community residential placement, and discharge. These records
16 shall clearly state the date each test was performed.

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

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

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

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

25 Sec. 807. The department shall ensure that all medications for
26 a prisoner be transported with that prisoner when the prisoner is
27 transferred from 1 correctional facility to another. Prisoners

1 being released shall be provided with at least a 30-day supply of
2 medication and a prescription for refills to allow for continuity
3 of care in the community.

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

9 Sec. 809. The department, in conjunction with efforts to
10 implement the MPRI, shall cooperate with the MDCH to share data and
11 information as they relate to prisoners being released who are HIV
12 positive or positive for the hepatitis C antibody. By March 1,
13 2011, the department shall report to the senate and house
14 appropriations subcommittees on corrections, the senate and house
15 fiscal agencies, and the state budget director on all of the
16 following:

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

19 (b) The number of prisoners released to the community by
20 parole, discharge on the maximum sentence, or transfer to community
21 residential placement who are HIV positive, positive for the
22 hepatitis C antibody, or both.

23 (c) The number of offenders referred to the local public
24 health department, by county.

25 Sec. 811. By February 1, 2011, the department shall report to
26 the senate and house appropriations subcommittees on corrections,
27 the senate and house fiscal agencies, and the state budget director

1 on the status of efforts to implement continuous quality
2 improvement for prisoner health care. At a minimum, the report
3 shall identify the processes that were in place before the start of
4 the fiscal year, the processes undertaken since the beginning of
5 the fiscal year, and plans for future changes.

6 Sec. 812. (1) The department shall provide the department of
7 human services with a monthly list of prisoners newly committed to
8 the department of corrections. The department and the department of
9 human services shall enter into an interagency agreement under
10 which the department of human services provides the department of
11 corrections with monthly lists of newly committed prisoners who are
12 eligible for Medicaid benefits in order to maintain the process by
13 which Medicaid benefits are suspended rather than terminated. The
14 department shall assist prisoners who may be eligible for Medicaid
15 benefits after release from prison with the Medicaid enrollment
16 process prior to release from prison.

17 (2) The department shall provide the senate and house
18 appropriations subcommittees on corrections, the senate and house
19 fiscal agencies, and the state budget director with quarterly
20 updates on the utilization of Medicaid benefits for prisoners.

21 Sec. 813. Of the money appropriated in part 1, the relevant
22 budget authorization in part 1, along with personnel and the health
23 care oversight responsibilities of the quality assurance unit of
24 the MDOC, shall be transferred to the legislative corrections
25 ombudsman's office.

26 Sec. 814. The department shall assure that psychotropic
27 medications are available, when deemed medically necessary by a

1 physician, to prisoners who have mental illness diagnoses but are
2 not enrolled in the corrections mental health program.

3 CORRECTIONAL FACILITIES ADMINISTRATION

4 Sec. 902. From the funds appropriated in part 1, the
5 department shall allocate sufficient funds to develop a
6 demonstration children's visitation program. The demonstration
7 program shall teach parenting skills and arrange for day visitation
8 at these facilities for parents and their children, except for the
9 families of prisoners convicted of a crime involving criminal
10 sexual conduct in which the victim was less than 18 years of age or
11 involving child abuse.

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

21 Sec. 904. Any department employee who, in the course of his or
22 her job, is determined by a physician to have had a potential
23 exposure to the hepatitis B virus, shall receive a hepatitis B
24 vaccination upon request.

25 Sec. 905. (1) The inmate housing fund shall be used for the
26 custody, treatment, clinical, and administrative costs associated

1 with the housing of prisoners other than those specifically
2 budgeted for elsewhere in this act. Funding in the inmate housing
3 fund is appropriated into a separate control account. Funding in
4 the control account shall be distributed as necessary into separate
5 accounts created to separately identify costs for specific
6 purposes.

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

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

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

19 (3) It is the intent of the legislature that public works fee
20 schedules be maintained at half the rates in effect on September
21 30, 2008.

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

1 (5) It is the intent of the legislature that pay rates for
2 prisoners classified to public works assignments be increased by 50
3 cents per day from the rates in effect on September 30, 2009.

4 Sec. 907. The department shall report quarterly to the senate
5 and house appropriations subcommittees on corrections, the senate
6 and house fiscal agencies, and the state budget director on
7 academic/vocational programs. The report shall provide information
8 relevant to an assessment of the department's academic and
9 vocational programs, including, but not limited to, the following:

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

12 (b) The number of prisoners enrolled in each program, the
13 number of prisoners completing each program, the number of
14 prisoners who fail each program, the number of prisoners who do not
15 complete each program and the reason for not completing the
16 program, the number of prisoners transferred to another facility
17 while enrolled in a program and the reason for transfer, the number
18 of prisoners enrolled who are repeating the program by reason, and
19 the number of prisoners on waiting lists for each program, all
20 itemized by facility.

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

24 (d) The number of prisoners paroled without a high school
25 diploma and the number of prisoners paroled without a GED.

26 (e) An explanation of the value and purpose of each program,
27 e.g., to improve employability, reduce recidivism, reduce prisoner

1 idleness, or some combination of these and other factors.

2 (f) An identification of program outcomes for each academic
3 and vocational program.

4 (g) An explanation of the department's plans for academic and
5 vocational programs, including plans to contract with intermediate
6 school districts for GED and high school diploma programs.

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

10 Sec. 908. By February 1, 2011, the department shall report to
11 the senate and house appropriations subcommittees on corrections,
12 the senate and house fiscal agencies, and the state budget
13 director, the percent of offenders included in the prison
14 population intake for fiscal years 2008-2009 and 2009-2010 who have
15 a high school diploma or a GED.

16 Sec. 909. As a condition of expending funds appropriated for
17 academic/vocational programs under part 1, the department shall by
18 January 31, 2011 provide a plan to contract with intermediate
19 school districts for GED and high school diploma programs at
20 correctional facilities to the members of the senate and house
21 appropriations committees, the senate and house fiscal agencies,
22 and the state budget director. The plan shall include detailed
23 information on the development of the curriculum, how the program
24 will be administered, how the program will improve employability,
25 and how the program will be evaluated.

26 Sec. 910. The department shall allow the Michigan Braille
27 transcribing fund program to operate at its current location. The

1 donation of the building by the Michigan Braille transcribing fund
2 at the G. Robert Cotton correctional facility in Jackson is
3 acknowledged and appreciated. The department shall continue to
4 encourage the Michigan Braille transcribing fund to produce high-
5 quality materials for use by the visually impaired.

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

10 (2) By March 1, 2011, the department shall report to the
11 senate and house appropriations subcommittees on corrections, the
12 senate and house fiscal agencies, the legislative corrections
13 ombudsman, and the state budget director the number of critical
14 incidents occurring each month by type and the number and severity
15 of assaults occurring each month at each facility during calendar
16 year 2010.

17 (3) The department shall not reduce the ratio of custody
18 officers to prisoners at any correctional facility below the levels
19 that existed October 1, 2008. Any correctional facility that
20 reduces its security level after October 1, 2008 shall not have a
21 ratio of custody officers to prisoners below that of a comparable
22 facility. The department shall report to the senate and house
23 appropriations subcommittees on corrections, the senate and house
24 fiscal agencies, and the state budget director if it is unable to
25 comply with this section. The report shall include all of the
26 following:

27 (a) A list of the correctional facilities that reduced their

1 ratio of custody officers to prisoners in violation of this
2 subsection.

3 (b) An explanation of why the department is unable to comply
4 with this subsection.

5 (c) A plan to maintain the safety and security of the
6 facilities or units.

7 (4) Subsection (3) does not apply to facilities or portions of
8 facilities that have closed.

9 Sec. 912. The department shall report to the senate and house
10 appropriations subcommittees on corrections, the senate and house
11 fiscal agencies, and the state budget director by March 1, 2011 on
12 the ratio of correctional officers to prisoners for each
13 correctional institution, the ratio of shift command staff to line
14 custody staff, and the ratio of noncustody institutional staff to
15 prisoners for each correctional institution.

16 Sec. 913. It is the intent of the legislature that any
17 prisoner required to complete an assaultive offender program,
18 sexual offender program, or other program as a condition of parole
19 shall be transferred to a facility where that program is available
20 in order to accomplish timely completion of that program prior to
21 the expiration of his or her minimum sentence and eligibility for
22 parole. Nothing in this section should be deemed to make parole
23 denial appealable in court.

24 Sec. 916. The department shall conduct a feasibility study
25 focusing on the budgetary impact of converting the law library
26 collections at correctional facilities to an electronic medium. The
27 department shall report its findings to the senate and house

1 appropriations subcommittees on corrections, the senate and house
2 fiscal agencies, and the state budget director by April 1, 2011.

3 Sec. 919. (1) As a condition of expending funds appropriated
4 in part 1 for prison food service, the department shall comply with
5 the provisions of sections 207 and 207a, including, but not limited
6 to, all of the following criteria:

7 (a) Providing a complete project plan at least 120 days prior
8 to issuing a request for proposals or an invitation to bid for all
9 or a substantial portion of food service, including a contract for
10 food procurement.

11 (b) Conducting a preprivatization cost-benefit analysis as
12 described by section 207a.

13 (c) Providing a copy of the cost-benefit analysis to the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house fiscal agencies, and the state budget director
16 before the earliest of the following:

17 (i) Issuance of a request for proposals or invitation to bid.

18 (ii) Filing a contract change request with the state
19 administrative board.

20 (iii) Entering into a contract for all or a substantial portion
21 of prison food service.

22 (2) As a condition of expending funds appropriated in part 1
23 for prison food service, any contract for prison food service or
24 prison food procurement shall identify all of the following:

25 (a) How savings equivalent to the savings specified in civil
26 service rules for personal services outside the civil service would
27 be realized.

1 (b) How the department will comply with the requirements of
2 section 209.

3 (c) How food quality will be maintained in conjunction with
4 any cost savings.

5 (d) The impact on local vendors, growers, and processors,
6 identified by facility or region, as appropriate, compared to
7 prior-year purchases.

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

12 Sec. 921. (1) By April 30, 2011, the department shall report
13 to the chairs of the senate and house appropriations committees,
14 the senate and house appropriations subcommittees on corrections,
15 the senate and house fiscal agencies, and the state budget director
16 on the following:

17 (a) The actual savings realized between January 1, 2009 and
18 April 1, 2011 as a result of closing correctional facilities and
19 correctional camps between January 1, 2009 and January 1, 2011,
20 itemized by correctional facility or correctional camp.

21 (b) The projected fiscal year 2010-2011 savings by closing
22 correctional facilities and correctional camps between January 1,
23 2009 and January 1, 2011, itemized by correctional facility or
24 correctional camp.

25 (2) The report in subsection (1) shall include information on
26 all of the following:

27 (a) The savings realized or projected to be realized, itemized

1 by program or type of expenditure.

2 (b) Any cost of field supervision, field operations programs,
3 or prisoner reintegration programs related to the closure of
4 correctional facilities and correctional camps between January 1,
5 2009 and January 1, 2011.

6 Sec. 922. It is the intent of the legislature that all
7 prisoners work 40 hours per week in the correctional facility, as
8 part of a public works crew or in private enterprise, or
9 participate in vocational or training programs. Prisoners may be
10 enrolled in GED or education programs in combination with
11 employment. Prisoners not employed shall be enrolled in GED or
12 other educational programs for not less than 20 hours per week.
13 This section does not apply to prisoners classified in level V or
14 administrative segregation.

15 Sec. 923. The department shall cooperate with the department
16 of education to evaluate the feasibility of local school districts
17 providing education programming to targeted prisoners under the age
18 of 20 who have not received a high school diploma. By June 1, 2011,
19 the department shall report to the senate and house appropriations
20 subcommittees on corrections, the senate and house fiscal agencies,
21 and the state budget director on any plans or evaluations developed
22 under this section.

23 Sec. 924. The department shall evaluate all prisoners at
24 intake for substance abuse disorders, developmental disorders,
25 serious mental illness, and other mental health disorders.
26 Prisoners with serious mental illness shall not be confined in
27 administrative segregation due to serious mental illness. Under the

1 supervision of a mental health professional, a prisoner with
2 serious mental illness may be secluded in a therapeutic environment
3 for the safety of the prisoner or others. A prisoner in therapeutic
4 seclusion shall be evaluated every 12 hours by a mental health
5 professional in order to remain in therapeutic seclusion.

6 Sec. 925. By March 1, 2011, the department shall report to the
7 senate and house appropriations subcommittees on corrections, the
8 senate and house fiscal agencies, and the state budget director on
9 the annual number of prisoners in administrative segregation
10 between October 1, 2003 and September 30, 2010, and the annual
11 number of prisoners in administrative segregation between October
12 1, 2003 and September 30, 2010 who at any time during the current
13 or prior prison term were diagnosed with serious mental illness or
14 have a developmental disorder and the number of days each of the
15 prisoners with serious mental illness or a developmental disorder
16 have been confined to administrative segregation.

17 Sec. 927. The department of corrections and the department of
18 human services shall enter into an intergovernmental agreement to
19 place offenders less than 19 years of age who are committed to the
20 department of corrections in underutilized units of the
21 Maxey/Woodland center correctional facility. The facilities shall
22 be used to house offenders less than 19 years of age who are
23 currently committed to the department of corrections.

24 Sec. 928. Funding appropriated in part 1 for consent decree
25 line items is appropriated into separate control accounts created
26 for each line item. Funding in each control account shall be
27 distributed as necessary into separate accounts created for the

1 purpose of separately identifying costs and expenditures associated
2 with each consent decree.

3 Sec. 929. From the funds appropriated in part 1, the
4 department shall do all of the following:

5 (a) Ensure that any inmate care and control staff in contact
6 with prisoners less than 19 years of age are adequately trained
7 with regard to the developmental and mental health needs of
8 prisoners less than 19 years of age. By April 1, 2011, the
9 department shall report to the senate and house appropriations
10 subcommittees on corrections, the senate and house fiscal agencies,
11 and the state budget director on the training curriculum used and
12 the number and types of staff receiving training under such
13 curriculum since October 2009.

14 (b) Provide appropriate placement for prisoners less than 19
15 years of age who have serious mental illness, serious emotional
16 disturbance, or a developmental disorder and need to be housed
17 separately from the general population. Prisoners less than 19
18 years of age who have serious mental illness, serious emotional
19 disturbance, or a developmental disorder shall not be placed in
20 administrative segregation due to serious mental illness or serious
21 emotional disturbance. Under the supervision of a mental health
22 professional, a prisoner less than 19 years of age with serious
23 mental illness or serious emotional disturbance may be secluded in
24 a therapeutic environment for the safety of the prisoner or others.
25 A prisoner in therapeutic seclusion shall be evaluated every 12
26 hours by a mental health professional in order to remain in
27 therapeutic seclusion.

1 (c) Implement a specialized re-entry program that recognizes
2 the needs of prisoners less than 19 years old for supervised re-
3 entry.

4 Sec. 932. From the funds appropriated in part 1 for
5 psychiatric services, \$100,000.00 is appropriated to permit the
6 department to contract with a board-certified child and adolescent
7 psychiatrist to provide psychiatric services to individuals who are
8 less than 19 years of age and are incarcerated in a department
9 facility.