

HOUSE BILL No. 4437

EXECUTIVE BUDGET BILL

February 24, 2009, Introduced by Rep. Smith and referred to the Committee on Appropriations.

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

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

the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population 45,433

Full-time equated unclassified positions..... 21.0

Full-time equated classified positions..... 15,746.1

GROSS APPROPRIATION..... \$ 1,958,394,900

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 891,900

ADJUSTED GROSS APPROPRIATION..... \$ 1,957,503,000

Federal revenues:

Total federal revenues..... 7,746,100

Special revenue funds:

Total local revenues..... 432,700

Total private revenues..... 0

Total other state restricted revenues..... 50,924,600

State general fund/general purpose..... \$ 1,898,399,600

Sec. 102. EXECUTIVE

Full-time equated unclassified positions..... 21.0

Full-time equated classified positions..... 12.0

Unclassified positions--21.0 FTE positions..... \$ 1,812,100

Executive direction--12.0 FTE positions..... 2,188,900

1	GROSS APPROPRIATION.....	\$	4,001,000
2	Appropriated from:		
3	State general fund/general purpose.....	\$	4,001,000
4	Sec. 103. PLANNING AND COMMUNITY SUPPORT		
5	Full-time equated classified positions.....		73.0
6	Planning and community development support--		59.0
7	FTE positions	\$	6,090,500
8	Mental health awareness training.....		100,000
9	Prisoner reintegration programs.....		56,605,700
10	Substance abuse testing and treatment services--		14.0
11	FTE positions		19,191,500
12	Residential services.....		18,075,500
13	Community corrections comprehensive plans and services		12,758,000
14	Public education and training.....		50,000
15	Regional jail program.....		100
16	Felony drunk driver jail reduction and community		
17	treatment program		1,740,100
18	County jail reimbursement program.....		<u>12,272,100</u>
19	GROSS APPROPRIATION.....	\$	126,883,500
20	Appropriated from:		
21	Federal revenues:		
22	Federal revenues and reimbursements.....		1,178,500
23	Special revenue funds:		
24	State restricted revenues and reimbursements.....		7,514,400
25	State general fund/general purpose.....	\$	118,190,600
26	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
27	Full-time equated classified positions.....		142.9

1	Operations support administration--50.0 FTE positions	\$	4,799,000
2	New custody staff training.....		250,500
3	Compensatory buyout and union leave bank.....		100
4	Workers' compensation.....		14,330,800
5	Bureau of fiscal management--59.9 FTE positions.....		6,442,900
6	Office of legal services--23.0 FTE positions.....		2,583,700
7	Internal affairs--10.0 FTE positions.....		1,039,800
8	Rent.....		2,095,200
9	Equipment and special maintenance.....		2,425,500
10	Administrative hearings officers.....		3,549,600
11	Judicial data warehouse user fees.....		50,000
12	Sheriffs' coordinating and training office.....		500,000
13	Prosecutorial and detainer expenses.....		<u>4,051,000</u>
14	GROSS APPROPRIATION.....	\$	42,118,100
15	Appropriated from:		
16	Interdepartmental grant revenues:		
17	IDG-MDSP, Michigan justice training fund.....		298,400
18	Special revenue funds:		
19	State restricted revenues and reimbursements.....		610,400
20	State general fund/general purpose.....	\$	41,209,300
21	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
22	Full-time equated classified positions.....		2,174.9
23	Field operations--1,992.6 FTE positions.....	\$	171,935,100
24	Parole board operations--63.0 FTE positions.....		5,584,900
25	Parole/probation services.....		2,243,500
26	Community re-entry centers--58.3 FTE positions.....		15,628,000
27	Electronic monitoring center--61.0 FTE positions.....		<u>11,306,300</u>

1	GROSS APPROPRIATION.....	\$	206,697,800
2	Appropriated from:		
3	Special revenue funds:		
4	Local - community tether program reimbursement		432,700
5	State restricted revenues and reimbursements		14,363,500
6	State general fund/general purpose	\$	191,901,600
7	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION		
8	Average population		(3,886)
9	Full-time equated classified positions..... 896.9		
10	Correctional facilities administration--84.5 FTE		
11	positions	\$	10,129,500
12	Prison food service--467.0 FTE positions		79,929,900
13	Transportation--226.6 FTE positions		24,619,400
14	Central records--53.5 FTE positions		4,589,100
15	DOJ, psychiatric plan - MDCH mental health services ..		45,489,700
16	DOJ, psychiatric plan - MDOC staff and		
17	Services--336.0 FTE positions.....		30,472,600
18	Inmate legal services.....		1,004,900
19	Loans to parolees.....		179,400
20	Housing inmates in federal institutions		793,900
21	Prison store operations--256.0 FTE positions		4,800,000
22	Prison industries operations--219.0 FTE positions		20,358,300
23	Education services and federal education		
24	grants--10.0 FTE positions		3,420,500
25	Federal school lunch program.....		712,800
26	Leased beds and alternatives to leased beds		100
27	Inmate housing fund--(1,077.2) FTE positions		(117,992,700)

1	Average population	(3,886)	
2	MPRI education program--321.5 FTE positions		<u>34,390,900</u>
3	GROSS APPROPRIATION.....	\$	142,898,300
4	Appropriated from:		
5	Interdepartmental grant revenues:		
6	IDG-MDCH, forensic center food service		593,500
7	Federal revenues:		
8	Federal revenues and reimbursements		5,158,400
9	Special revenue funds:		
10	State restricted revenues and reimbursements		24,064,400
11	State general fund/general purpose	\$	113,082,000
12	Sec. 107. HEALTH CARE		
13	Full-time equated classified positions.....	1,204.6	
14	Health care administration--13.0 FTE positions	\$	2,048,300
15	Prisoner health care services		95,881,400
16	Vaccination program.....		691,200
17	Northern region clinical complexes--278.4 FTE		
18	positions		36,724,500
19	Southeastern region clinical complexes--588.9 FTE		
20	positions		92,340,500
21	Southwestern region clinical complexes--324.3 FTE		
22	positions		<u>40,658,500</u>
23	GROSS APPROPRIATION.....	\$	268,344,400
24	Appropriated from:		
25	Special revenue funds:		
26	State restricted revenues and reimbursements		336,300
27	State general fund/general purpose	\$	268,008,100

1	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES		
2	Average population	15,855	
3	Full-time equated classified positions.....	3,798.1	
4	Alger maximum correctional facility -		
5	Munising--311.0 FTE positions.....		\$ 31,522,300
6	Average population	849	
7	Baraga maximum correctional facility - Baraga--375.1		
8	FTE positions		36,630,700
9	Average population	1,172	
10	Chippewa correctional facility - Kincheloe--475.3		
11	FTE positions		48,400,900
12	Average population	2,282	
13	Kinross correctional facility - Kincheloe--540.1 FTE		
14	positions		55,249,100
15	Average population	2,999	
16	Marquette branch prison - Marquette--345.1 FTE		
17	positions		37,643,400
18	Average population	1,201	
19	Newberry correctional facility - Newberry--269.9 FTE		
20	positions		26,344,500
21	Average population	978	
22	Oaks correctional facility - Eastlake--304.0 FTE		
23	positions		33,826,500
24	Average population	1,156	
25	Ojibway correctional facility - Marenisco--248.9 FTE		
26	positions		23,898,100
27	Average population	1,378	

1	Pugsley correctional facility - Kingsley--211.0 FTE	
2	positions	20,243,800
3	Average population	1,158
4	Saginaw correctional facility - Freeland--308.8 FTE	
5	positions	31,324,900
6	Average population	1,480
7	Standish maximum correctional facility -	
8	Standish--350.9 FTE positions.....	36,689,200
9	Average population	1,202
10	Northern region administration and support--58.0 FTE	
11	positions	<u>4,047,000</u>
12	GROSS APPROPRIATION.....	\$ 385,820,400
13	Appropriated from:	
14	Special revenue funds:	
15	State restricted revenues and reimbursements	1,366,000
16	State general fund/general purpose.....	\$ 384,454,400
17	Sec. 109. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
18	Average population	16,025
19	Full-time equated classified positions.....	3,809.7
20	Cooper Street correctional facility - Jackson--274.9	
21	FTE positions	\$ 28,672,600
22	Average population	1,752
23	G. Robert Cotton correctional facility -	
24	Jackson--404.5 FTE positions	39,019,000
25	Average population	1,854
26	Charles E. Egeler correctional facility -	
27	Jackson--355.3 FTE positions	39,255,600

1	Average population	1,376
2	Gus Harrison correctional facility - Adrian--446.7	
3	FTE positions	45,570,300
4	Average population	2,342
5	Huron Valley correctional complex - Ypsilanti--681.6	
6	FTE positions	70,910,600
7	Average population	2,032
8	Macomb correctional facility - New Haven--279.6 FTE	
9	positions	27,399,200
10	Average population	1,228
11	Mound correctional facility - Detroit--286.5 FTE	
12	positions	26,179,500
13	Average population	1,051
14	Parnall correctional facility - Jackson--259.8 FTE	
15	positions	26,481,900
16	Average population	1,712
17	Ryan correctional facility - Detroit--300.8 FTE	
18	positions	29,421,100
19	Average population	1,059
20	Thumb correctional facility - Lapeer--283.0 FTE	
21	positions	29,165,800
22	Average population	1,219
23	Special alternative incarceration program - Cassidy	
24	Lake--119.0 FTE positions	10,892,600
25	Average population	400
26	Southeastern region administration and support--118.0	
27	FTE positions	<u>20,874,400</u>

1	GROSS APPROPRIATION.....	\$	393,842,600
2	Appropriated from:		
3	Federal revenues:		
4	Federal revenues and reimbursements.....		1,409,200
5	Special revenue funds:		
6	State restricted revenues and reimbursements.....		1,536,700
7	State general fund/general purpose.....	\$	390,896,700
8	Sec. 110. SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
9	Average population		17,439
10	Full-time equated classified positions.....		3,634.0
11	Bellamy Creek correctional facility - Ionia--397.4		
12	FTE positions	\$	36,879,700
13	Average population		1,850
14	Earnest C. Brooks correctional facility -		
15	Muskegon--448.2 FTE positions.....		45,577,500
16	Average population		2,440
17	Carson City correctional facility - Carson		
18	City--452.8 FTE positions		46,560,100
19	Average population		2,440
20	Richard A. Handlon correctional facility -		
21	Ionia--236.4 FTE positions		23,321,400
22	Average population		1,320
23	Ionia maximum correctional facility - Ionia--305.7		
24	FTE positions		29,670,500
25	Average population		707
26	Lakeland correctional facility - Coldwater--466.8		
27	FTE positions		46,142,400

1	Average population	2,392	
2	Michigan reformatory - Ionia--309.1 FTE positions		26,073,000
3	Average population	1,338	
4	Muskegon correctional facility - Muskegon--215.7 FTE		
5	positions		23,517,800
6	Average population	1,326	
7	Pine River correctional facility - St. Louis--206.7		
8	FTE positions		20,538,100
9	Average population	1,200	
10	St. Louis correctional facility - St. Louis--517.2		
11	FTE positions		50,773,200
12	Average population	2,426	
13	Southwestern region administration and support--78.0		
14	FTE positions		<u>15,750,800</u>
15	GROSS APPROPRIATION.....	\$	364,804,500
16	Appropriated from:		
17	Special revenue funds:		
18	State restricted revenues and reimbursements		371,700
19	State general fund/general purpose	\$	364,432,800
20	Sec. 111. INFORMATION TECHNOLOGY		
21	Information technology services and projects	\$	<u>22,984,300</u>
22	GROSS APPROPRIATION.....	\$	22,984,300
23	Appropriated from:		
24	Special revenue funds:		
25	State restricted revenues and reimbursements		761,200
26	State general fund/general purpose	\$	22,223,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2009-2010 is \$1,949,324,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$88,287,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation

staff	\$	48,783,900
Public service work projects		4,859,800
Community corrections comprehensive plans and services		12,758,000
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 reentry centers		2,019,600
Regional jail program		<u>100</u>
TOTAL	\$	88,287,000

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

Sec. 203. As used in this bill:

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

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

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

5 (d) "GED" means general educational development certificate.

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

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

8 (g) "IDG" means interdepartmental grant.

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

10 (i) "Medicaid benefit" means a benefit paid or payable under a
11 program for medical assistance under the social welfare act,
12 1939 PA 280, MCL 400.1 to 400.119b.

13 (j) "MDSP" means the Michigan department of state police.

14 (k) "MPRI" means the Michigan prisoner reentry initiative.

15 (l) "OCC" means the office of community corrections.

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

21 Sec. 208. The department shall use the Internet to fulfill the
22 reporting requirements of this bill. This requirement may include
23 transmission of reports via electronic mail to the recipients
24 identified for each reporting requirement, or it may include
25 placement of reports on an Internet or Intranet site. There shall
26 be at least 1 separate and distinct electronic file for each
27 section that includes a reporting requirement.

1 Sec. 209. Funds appropriated in part 1 shall not be used for
2 the purchase of foreign goods or services, or both, if
3 competitively priced and comparable quality American goods or
4 services, or both, are available. Preference shall be given to
5 goods or services, or both, manufactured or provided by Michigan
6 businesses, if they are competitively priced and of comparable
7 quality. In addition, preference shall be given to goods or
8 services, or both, that are manufactured or provided by Michigan
9 businesses owned and operated by veterans, if they are
10 competitively priced and of comparable quality.

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

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

20 Sec. 211. The department may charge fees and collect revenues
21 in excess of appropriations in part 1 not to exceed the cost of
22 offender services and programming, employee meals, parolee loans,
23 academic/vocational services, custody escorts, compassionate
24 visits, union steward activities, public work programs, and
25 services provided to units of government. The revenues and fees
26 collected are appropriated for all expenses associated with these
27 services and activities.

1 Sec. 212. Preference should be given to purchasing produce
2 from Michigan growers and processors when their produce is
3 competitively priced and of comparable quality.

4 Sec. 214. From the funds appropriated in part 1 for
5 information technology, departments and agencies shall pay user
6 fees to the department of information technology for technology-
7 related services and projects. Such user fees shall be subject to
8 provisions of an interagency agreement between the departments and
9 agencies and the department of information technology.

10 Sec. 216. (1) Due to the current budgetary problems in this
11 state, out-of-state travel for the fiscal year ending September 30,
12 2010 shall be limited to situations in which 1 or more of the
13 following conditions apply:

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

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

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

22 (d) The travel is necessary to comply with federal
23 requirements.

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

26 (f) The travel is financed entirely by federal or nonstate
27 funds.

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

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

12 (b) The destination of each travel occurrence.

13 (c) The dates of each travel occurrence.

14 (d) A brief statement of the reason for each travel
15 occurrence.

16 (e) The transportation and related costs of each travel
17 occurrence, including the proportion funded with state general
18 fund/general purpose revenues, the proportion funded with state
19 restricted revenues, the proportion funded with federal revenues,
20 and the proportion funded with other revenues.

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

23 Sec. 217. The director shall take all reasonable steps to
24 ensure businesses in deprived and depressed communities compete for
25 and perform contracts to provide services or supplies, or both. The
26 director shall strongly encourage firms with which the department
27 contracts to subcontract with certified businesses in deprived and

1 depressed communities for services, supplies, or both.

2 Sec. 222. Funds appropriated in part 1 shall not be used by a
3 principal executive department, state agency, or authority to hire
4 a person to provide legal services that are the responsibility of
5 the attorney general. This prohibition does not apply to legal
6 services for bonding activities and for those activities that the
7 attorney general authorizes.

8 Sec. 223. (1) In addition to the funds appropriated in part 1,
9 there is appropriated an amount not to exceed \$10,000,000.00 for
10 federal contingency funds. These funds are not available for
11 expenditure until they have been transferred to another line item
12 in this bill under section 393(2) of the management and budget act,
13 1984 PA 431, MCL 18.1393.

14 (2) In addition to the funds appropriated in part 1, there is
15 appropriated an amount not to exceed \$5,000,000.00 for state
16 restricted contingency funds. These funds are not available for
17 expenditure until they have been transferred to another line item
18 in this bill under section 393(2) of the management and budget act,
19 1984 PA 431, MCL 18.1393.

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

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

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

5 **EXECUTIVE**

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

15 Sec. 304. The director of the department shall develop a staff
16 savings initiative program to invite employees to submit
17 suggestions for saving costs for the department.

18 **PLANNING AND COMMUNITY SUPPORT**

19 Sec. 401. The department shall submit 3-year and 5-year prison
20 population projection updates by February 15, 2010 to the senate
21 and house appropriations subcommittees on corrections, the senate
22 and house fiscal agencies, and the state budget director. The
23 report shall include explanations of the methodology and
24 assumptions used in developing the projection updates.

25 Sec. 402. Funds appropriated in part 1 for prisoner

1 reintegration programs shall be expended for the purpose of
2 reducing victimization by reducing offender recidivism through the
3 following prisoner reintegration programming:

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

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

8 (c) The provision of housing assistance.

9 (d) Referral to mental health services.

10 (e) Referral to substance abuse services.

11 (f) Referral to public health services.

12 (g) Referral to education.

13 (h) Referral to any other services necessary for successful
14 reintegration.

15 Sec. 403. The department shall develop a performance-based
16 dashboard tracking and reporting system that establishes key
17 indicators of the Michigan Prisoner Re-entry Initiative.

18 Sec. 404. (1) The department shall screen and assess each
19 prisoner for alcohol and other drug involvement to determine the
20 need for further treatment. The assessment process shall be
21 designed to identify the severity of alcohol and other drug
22 addiction and determine the treatment plan, if appropriate.

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

1 Sec. 405. (1) In expending residential substance abuse
2 treatment services funds appropriated under this bill, the
3 department shall ensure to the maximum extent possible that
4 residential substance abuse treatment services are available
5 statewide.

6 (2) By April 1, 2010, 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 allocation, distribution, and expenditure of all funds
10 appropriated by the substance abuse testing and treatment line item
11 during fiscal year 2008-2009 and projected for fiscal year 2009-
12 2010. The report shall include, but not be limited to, an
13 explanation of an anticipated year-end balance, the number of
14 participants in substance abuse programs, and the number of
15 offenders on waiting lists for residential substance abuse
16 programs. Information required under this subsection shall, where
17 possible, be separated by MDOC administrative region and by
18 offender type, including, but not limited to, a distinction between
19 prisoners, parolees, and probationers.

20 (3) By April 1, 2010, the department shall report to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 substance abuse testing and treatment program objectives, outcome
24 measures, and results, including program impact on offender
25 behavior and recidivism.

26 Sec. 408. The department shall measure the recidivism rates of
27 offenders using at least a 3-year period following their release

1 from prison.

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

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

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

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

26 (d) "Offender eligibility criteria" means particular criminal
27 violations, state felony sentencing guidelines descriptors, and

1 offender characteristics developed by advisory boards and approved
2 by local units of government that identify the offenders suitable
3 for community corrections programs funded through the office of
4 community corrections.

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

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

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

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

21 Sec. 410. (1) The funds included in part 1 for community
22 corrections comprehensive plans and services are to encourage the
23 development through technical assistance grants, implementation,
24 and operation of community corrections programs that serve as an
25 alternative to incarceration in a state facility or jail. The
26 comprehensive corrections plans shall include an explanation of how
27 the public safety will be maintained, the goals for the local

1 jurisdiction, offender target populations intended to be affected,
2 offender eligibility criteria for purposes outlined in the plan,
3 and how the plans will meet the following objectives, consistent
4 with section 8(4) of the community corrections act, 1988 PA 511,
5 MCL 791.408:

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

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

14 (c) Open jail beds through the increase of pretrial release
15 options.

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

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

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

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

3 Sec. 411. The comprehensive corrections plans shall also
4 include, where appropriate, descriptive information on the full
5 range of sanctions and services that are available and utilized
6 within the local jurisdiction and an explanation of how jail beds,
7 residential services, the special alternative incarceration
8 program, probation detention centers, the electronic monitoring
9 program for probationers, and treatment and rehabilitative services
10 will be utilized to support the objectives and priorities of the
11 comprehensive corrections plans and the purposes and priorities of
12 section 8(4) of the community corrections act, 1988 PA 511, MCL
13 791.408. The plans shall also include, where appropriate,
14 provisions that detail how the local communities plan to respond to
15 sentencing guidelines found in chapter XVII of the code of criminal
16 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the
17 county jail reimbursement program under section 414. The state
18 community corrections board shall encourage local community
19 corrections advisory boards to include in their comprehensive
20 corrections plans strategies to collaborate with local alcohol and
21 drug treatment agencies of the MDCH for the provision of alcohol
22 and drug screening, assessment, case management planning, and
23 delivery of treatment to alcohol- and drug-involved offenders,
24 including, but not limited to, probation and parole violators who
25 are at risk of revocation.

26 Sec. 412. (1) As part of the March biannual report specified
27 in section 12(2) of the community corrections act, 1988 PA 511, MCL

1 791.412, that requires an analysis of the impact of that act on
2 prison admissions and jail utilization, the department shall submit
3 to the senate and house appropriations subcommittees on
4 corrections, the senate and house fiscal agencies, and the state
5 budget director the following information for each county and
6 counties consolidated for comprehensive corrections plans:

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

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

14 (c) Status of the community corrections information system and
15 the jail population information system.

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

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

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

25 Sec. 413. (1) The department shall identify and coordinate
26 information regarding the availability of and the demand for
27 community corrections programs, jail-based community corrections

1 programs, and basic state-required jail data.

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

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

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

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

15 (a) The felon's sentencing guidelines recommended range upper
16 limit is more than 18 months, the felon's sentencing guidelines
17 recommended range lower limit is 12 months or less, the felon's
18 prior record variable score is 35 or more points, and the felon's
19 sentence is not for commission of a crime in crime class F, crime
20 class G or crime class H or MCL 750.537(7), MCL 750.249, or MCL
21 445.65 under chapter XVII of the code of criminal procedure, 1927
22 PA 175, MCL 777.1 to 777.69.

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

25 (3) State reimbursement under this section for prisoner
26 housing and custody expenses per diverted offender shall be \$60.00
27 per diem for offenders with a presumptive prison guideline score

1 and \$40.00 per diem for offenders with a straddle cell guideline;
2 reimbursements shall be paid for sentences up to a 1-year total.

3 (4) The department and the state budget office shall, if
4 appropriate, recommend modification of the criteria for
5 reimbursement contained in subsection (2) at meetings convened by
6 the chairs of the house and senate appropriations subcommittees on
7 corrections.

8 (5) The department shall reimburse counties for offenders in
9 jail based upon the reimbursement eligibility criteria in place on
10 the date the offender was originally sentenced for the reimbursable
11 offense.

12 (6) County jail reimbursement program expenditures shall not
13 exceed the amount appropriated in part 1 for the county jail
14 reimbursement program. Payments to counties under the county jail
15 reimbursement program shall be made in the order in which properly
16 documented requests for reimbursements are received. A request
17 shall be considered to be properly documented if it meets MDOC
18 requirements for documentation. The department shall by October 15,
19 2009 distribute the documentation requirements to all counties.

20 Sec. 416. (1) Funds included in part 1 for the felony drunk
21 driver jail reduction and community treatment program are
22 appropriated for and may be expended for any of the following
23 purposes:

24 (a) To increase availability of treatment options to reduce
25 drunk driving and drunk driving-related deaths by addressing the
26 alcohol addiction of felony drunk drivers who otherwise likely
27 would be sentenced to jail or a combination of jail and other

1 sanctions.

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

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

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

26 (3) In developing annual standards, the committee shall
27 consult with interested agencies and associations. Standards

1 developed by the committee shall include application criteria,
2 performance objectives and measures, funding allocations, and
3 allowable uses of the funds, consistent with the purposes specified
4 in this section.

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

11 (5) The standards developed by the committee shall assign each
12 county a maximum funding allocation based on the amount the county
13 received under the county jail reimbursement program in fiscal year
14 2001-2002 for housing felony drunk drivers whose recommended
15 minimum sentence ranges under the sentencing guidelines described
16 in subsection (1)(c) had upper limits of 18 months or less.

17 (6) Awards of funding under this section shall be provided
18 consistent with the local comprehensive corrections plans developed
19 under the community corrections act, 1988 PA 511, MCL 791.401 to
20 791.414. Funds awarded under this section may be used in
21 conjunction with funds awarded under grant programs established
22 under that act. Due to the need for felony drunk drivers to be
23 transitioned from county jails to community treatment services, it
24 is the intent of the legislature that local units of government
25 utilize funds received under this section to support county sheriff
26 departments.

27 (7) As used in this section, "felony drunk driver" means a

1 felon convicted of operating a motor vehicle under the influence of
2 intoxicating liquor or a controlled substance, or both, third or
3 subsequent offense, under section 625(9)(c) of the Michigan vehicle
4 code, 1949 PA 300, MCL 257.625, or its predecessor statute,
5 punishable as a felony.

6 Sec. 417. (1) By April 1, 2010, the department shall report to
7 the members of the senate and house appropriations subcommittees on
8 corrections, the senate and house fiscal agencies, and the state
9 budget director on each of the following programs from the previous
10 fiscal year:

11 (a) Any new initiatives to control prison population growth
12 funded or proposed to be funded under part 1.

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

16 (a) Program objectives and outcome measures.

17 (b) Expenditures by location.

18 (c) The impact on jail utilization.

19 (d) The impact on prison admissions.

20 (e) Other information relevant to an evaluation of the
21 program.

22 Sec. 418. The department shall ensure that each prisoner make
23 all reasonable efforts to obtain the documents necessary to obtain
24 a state operator's license or state identification card prior to a
25 prisoner's discharge or parole hearing. The process for prisoners
26 to acquire this documentation shall be part of the department's
27 operating procedure.

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

6 (2) The department shall provide quarterly electronic mail
7 reports to the senate and house appropriations subcommittees on
8 corrections, the senate and house fiscal agencies, and the state
9 budget director. The reports shall include information on end-of-
10 month prisoner populations in county jails, the net operating
11 capacity according to the most recent certification report,
12 identified by date, and end-of-month data, year-to-date data, and
13 comparisons to the prior year for the following:

14 (a) Community residential program populations, separated by
15 centers and electronic monitoring.

16 (b) Parole populations.

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

19 (d) Prison and camp populations, with separate identification
20 of the number in special alternative incarceration and the number
21 of lifers.

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

24 (f) Prisoner exits, identifying transfers to community
25 placement, paroles from prisons and camps, paroles from community
26 placement, total movements to parole, prison intake, prisoner
27 deaths, prisoners discharging on the maximum sentence, and other

1 prisoner exits.

2 (g) Prison intake and returns, including probation violators,
3 new court commitments, violators with new sentences, escaper new
4 sentences, total prison intake, returns from court with additional
5 sentences, community placement returns, technical parole violator
6 returns, and total returns to prison and camp.

7 **OPERATIONS AND SUPPORT ADMINISTRATION**

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

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

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

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

8 Sec. 505. The department shall train all custody staff in
9 effective and safe ways of handling prisoners with mental illness
10 and referring prisoners to mental health treatment programs. Mental
11 health awareness training shall be incorporated into the training
12 of new custody staff.

13 FIELD OPERATIONS ADMINISTRATION

14 Sec. 601. From the funds appropriated in part 1, the
15 department shall conduct a statewide caseload audit of field
16 agents. The audit shall address public protection issues and assess
17 the ability of the field agents to complete their professional
18 duties. The results of the audit shall be submitted to the senate
19 and house appropriations subcommittees on corrections and the
20 senate and house fiscal agencies, and the state budget office by
21 May 31, 2010.

22 Sec. 602. (1) Of the amount appropriated in part 1 for field
23 operations, a sufficient amount shall be allocated for the
24 community service work program and shall be used for salaries and
25 wages and fringe benefit costs of community service coordinators
26 employed by the department to supervise offenders participating in

1 work crew assignments. Funds shall also be used to cover motor
2 transport division rates on state vehicles used to transport
3 offenders to community service work project sites.

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

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

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

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

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

1 admissions and improve local jail utilization. The department shall
2 determine the appropriate distribution of the tether units
3 throughout the state based upon locally developed comprehensive
4 corrections plans under the community corrections act, 1988 PA 511,
5 MCL 791.401 to 791.414.

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

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

18 Sec. 608. By April 1, 2010, the department shall report to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director on
21 the use of GPS electronic monitoring. At a minimum, the report
22 shall include all of the following:

23 (a) Details on the failure rate of parolees for whom GPS
24 tether is utilized, including the number and rate of parolee
25 technical violations, including specifying failures due to
26 committing a new crime that is uncharged but leads to parole
27 termination, and the number and rate of parolee violators with new

1 sentences.

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

6 (c) Monthly data on the number of offenders on active GPS
7 tether, passive GPS tether, radio frequency tether, and any other
8 type of tether.

9 Sec. 611. The department shall prepare by April 1, 2010
10 individual reports for the community re-entry program, the
11 electronic tether program, and the special alternative to
12 incarceration program. The reports shall be submitted to the house
13 and senate appropriations subcommittees on corrections, the house
14 and senate fiscal agencies, and the state budget director. Each
15 program's report shall include information on all of the following:

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

22 (b) Monthly participant unsuccessful terminations, including
23 cause.

24 (c) Number of successful terminations.

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

26 (e) Average length of placement.

27 (f) Return to prison statistics.

1 (g) Description of each program location or locations,
2 capacity, and staffing.

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

5 (i) Comparison with prior year statistics.

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

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

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

24 (3) The department shall continue to utilize parole violator
25 processing guidelines that require parole agents to utilize all
26 available appropriate community-based, nonincarcerative postrelease
27 sanctions and services when appropriate. The department shall

1 periodically evaluate such guidelines for modification, in response
2 to emerging information from the pilot projects for substance abuse
3 treatment provided under this bill and applicable provisions of
4 prior budget acts for the department.

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

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

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

25 (c) The educational history of those offenders, including how
26 many had a GED or high school diploma prior to incarceration in
27 prison, how many received a GED while in prison, and how many

1 received a vocational certificate while in prison.

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

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

7 CONSENT DECREES

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

14 HEALTH CARE

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

19 Sec. 804. The department shall report quarterly to the senate
20 and house appropriations subcommittees on corrections, the senate
21 and house fiscal agencies, and the state budget director on
22 prisoner health care utilization. The report shall include the
23 number of inpatient hospital days, outpatient visits, and emergency
24 room visits in the previous quarter and since October 1, 2008, by
25 facility.

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

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

22 (2) By March 1, 2010, the department shall report to the
23 senate and house appropriations subcommittees on corrections, the
24 senate and house appropriations subcommittees on community health,
25 the senate and house fiscal agencies, and the state budget director
26 on the number of offenders tested and the number of offenders
27 testing positive for HIV, the Hepatitis C antibody, or both at

1 prison admission and parole, transfer to community residential
2 placement, or discharge on the maximum sentence. The department
3 shall keep records of those offenders testing positive for HIV, the
4 Hepatitis C antibody, or both at prison admission, parole, transfer
5 to community residential placement, and discharge. These records
6 shall clearly state the date each test was performed.

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

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

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

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

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

20 Sec. 809. The department, in conjunction with efforts to
21 implement the MPRI, shall cooperate with the MDCH to share data and
22 information as they relate to prisoners being released who are HIV
23 positive or positive for the Hepatitis C antibody. By April 1,
24 2010, the department shall report to the senate and house
25 appropriations subcommittees on corrections, the senate and house
26 fiscal agencies, and the state budget director on all of the
27 following:

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

3 (b) The number of prisoners released to the community by
4 parole, discharge on the maximum sentence, or transfer to community
5 residential placement who are HIV positive, positive for the
6 Hepatitis C antibody, or both.

7 Sec. 812. (1) The department shall continue to provide the
8 department of human services with a monthly list of prisoners newly
9 committed to the department of corrections. The department and the
10 department of human services shall enter into an interagency
11 agreement under which the department of human services provides the
12 department of corrections with monthly lists of newly committed
13 prisoners who are eligible for Medicaid benefits. The department
14 shall assist prisoners who may be eligible for Medicaid benefits
15 after release from prison with the Medicaid enrollment process
16 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 regular updates
20 on the utilization of Medicaid benefits for prisoners.

21 **CORRECTIONAL FACILITIES ADMINISTRATION**

22 Sec. 902. From the funds appropriated in part 1, the
23 department shall allocate sufficient funds to develop a pilot
24 children's visitation program. The pilot program shall teach
25 parenting skills and arrange for day visitation at these facilities
26 for parents and their children, except for the families of

1 prisoners convicted of a crime involving criminal sexual conduct in
2 which the victim was less than 18 years of age or involving child
3 abuse.

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

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

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

25 (2) Quarterly reports on all expenditures from the inmate
26 housing fund shall be submitted by the department to the state
27 budget director, the senate and house appropriations subcommittees

1 on corrections, and the senate and house fiscal agencies.

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

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

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

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

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

26 (d) The number of prisoners not paroled at their earliest
27 release date due to lack of a GED, and the reason the prisoners do

1 not have their GED.

2 (e) The number of prisoners paroled without a GED.

3 (f) An explanation of the value and purpose of each program,
4 e.g., to improve employability, reduce recidivism, reduce prisoner
5 idleness, or some combination of these and other factors.

6 (g) An identification of program outcomes for each academic
7 and vocational program.

8 (h) An explanation of the department's plans for academic and
9 vocational programs.

10 Sec. 911. By February 1, 2010, 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 director
13 the number of critical incidents occurring each month by type and
14 the number and severity of assaults occurring each month at each
15 facility during calendar year 2009.