

SENATE BILL No. 826

September 16, 2009, Introduced by Senator CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1988 PA 511, entitled
"Community corrections act,"
by amending section 8 (MCL 791.408).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) A county, city, city-county, or regional advisory
2 board, on behalf of the city, county, or counties it represents,
3 may apply for funding and other assistance under this act by
4 submitting to the office a comprehensive corrections plan that
5 meets the requirements of this section, and the criteria,
6 standards, rules, and policies developed by the state board
7 pursuant to section 4.

8 (2) The plan shall be developed by the county, city, city-

1 county, or regional advisory board and shall include all of the
2 following for the county, city, or counties represented by the
3 advisory board:

4 (a) A system for the development, implementation, and
5 operation of community corrections programs and an explanation of
6 how the state prison commitment rate for the city, county, or
7 counties will be reduced, and how the public safety will be
8 maintained, as a result of implementation of the comprehensive
9 corrections plan. The plan shall include, where appropriate,
10 provisions that detail how the city, county, or counties plan to
11 substantially reduce, within 1 year, the use of prison sentences
12 for felons for which the state felony sentencing guidelines upper
13 limit for the recommended minimum sentence is 12 months or less as
14 validated by the department of corrections. Continued funding in
15 the second and subsequent years shall be contingent upon
16 substantial compliance with this subdivision.

17 (b) A data analysis of the local criminal justice system
18 including a basic description of jail utilization detailing such
19 areas as sentenced versus unsentenced inmates, sentenced felons
20 versus sentenced misdemeanants, and any use of a jail
21 classification system. The analysis also shall include a basic
22 description of offenders sentenced to probation and to prison and a
23 review of the rate of commitment to the state corrections systems
24 from the city, county, or counties for the preceding 3 years. The
25 analysis also shall compare actual sentences with the sentences
26 recommended by the state felony sentencing guidelines.

27 (c) An analysis of the local community corrections programs

1 used at the time the plan is submitted and during the preceding 3
2 years, including types of offenders served and funding levels.

3 (d) A system for evaluating the effectiveness of the community
4 corrections program, which shall utilize the criteria developed
5 pursuant to section 4(d).

6 (e) The identity of any designated subgrant recipient.

7 (f) In the case of a regional or city-county plan, provisions
8 for the appointment of 1 fiscal agent to coordinate the financial
9 activities pertaining to the grant award.

10 (3) The county board or boards of commissioners of the county
11 or counties represented by a county, city-county, or regional
12 advisory board, or the city council of the city represented by a
13 city or city-county advisory board, shall approve the proposed
14 comprehensive corrections plan prepared by their advisory board
15 before the plan is submitted to the office pursuant to subsection
16 (1).

17 (4) This section is intended to encourage the participation in
18 community corrections programs of offenders who **MEET ALL OF THE**
19 **FOLLOWING CRITERIA:**

20 (A) **THE OFFENDERS** would likely be sentenced to imprisonment in
21 a state correctional facility or jail. 7

22 (B) **THE OFFENDERS** would not **LIKELY** increase the risk to public
23 safety ~~7, have not demonstrated a pattern of violent behavior, and~~
24 ~~do not have~~ **BASED ON AN OBJECTIVE RISK AND NEEDS ASSESSMENT THAT**
25 **DEMONSTRATES THAT THE OFFENDER CAN BE SAFELY TREATED AND SUPERVISED**
26 **IN THE COMMUNITY. AS USED IN THIS SUBDIVISION, "OBJECTIVE RISK AND**
27 **NEEDS ASSESSMENT" MEANS AN EVALUATION OF A PROBATIONER'S CRIMINAL**

1 HISTORY AND THE PROBATIONER'S NONCRIMINAL HISTORY; A DETERMINATION
2 OF THE AVAILABILITY IN THE COMMUNITY OF APPROPRIATE PROGRAMMING;
3 AND ANY OTHER FACTORS RELEVANT TO PREDICTING THE RISK THE
4 PROBATIONER WOULD PRESENT TO THE PUBLIC SAFETY, INCLUDING, BUT NOT
5 LIMITED TO, a criminal record that indicates a pattern of violent
6 offenses.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 827

9 of the 95th Legislature is enacted into law.