

Act No. 89
Public Acts of 2010
Approved by the Governor
June 3, 2010
Filed with the Secretary of State
June 7, 2010
EFFECTIVE DATE: June 7, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Cushingberry

ENROLLED HOUSE BILL No. 5406

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

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

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

APPROPRIATION SUMMARY

Full-time equated positions	238.0		
GROSS APPROPRIATION		\$	28,380,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			0
ADJUSTED GROSS APPROPRIATION		\$	28,380,000
Federal revenues:			
Total federal revenues			0
Special revenue funds:			
Total local revenues.....			0
Total private revenues.....			0
Total other state restricted revenues			26,174,400
State general fund/general purpose		\$	2,205,600

Sec. 102. DEPARTMENT OF CORRECTIONS

(1) APPROPRIATION SUMMARY

Full-time equated positions	238.0		
Average population.....	1,320		
GROSS APPROPRIATION		\$	28,380,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			0
ADJUSTED GROSS APPROPRIATION		\$	28,380,000
Federal revenues:			
Total federal revenues			0

Special revenue funds:		
Total local revenues	\$	0
Total private revenues		0
Total other state restricted revenues		26,174,400
State general fund/general purpose	\$	2,205,600
(2) PLANNING AND COMMUNITY SUPPORT		
County jail reimbursement program	\$	9,720,000
GROSS APPROPRIATION	\$	9,720,000
Appropriated from:		
Special revenue funds:		
State restricted revenues and reimbursements		7,514,400
State general fund/general purpose	\$	2,205,600
(3) SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
Full-time equated positions		238.0
Average population		1,320
Muskegon correctional facility - Muskegon—238.0 FTE positions	\$	18,660,000
GROSS APPROPRIATION	\$	18,660,000
Appropriated from:		
Special revenue funds:		
State restricted revenues and reimbursements		18,660,000
State general fund/general purpose	\$	0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending from state resources in this appropriation act for the fiscal year ending September 30, 2010 is \$28,380,000.00 and state appropriations paid to local units of government are \$9,720,000.00.

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

DEPARTMENT OF CORRECTIONS

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

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

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

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

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

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

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

(5) Every quarter, the subcommittee chair that sponsored the current fiscal year budget act for the department of corrections shall convene a reimbursement committee consisting of the chairs of the senate and house appropriations subcommittees on corrections, 1 representative from the department of corrections, the state budget office, the Michigan association of counties, and the Michigan sheriffs association for the purpose of reviewing payment of all eligible and properly documented reimbursement requests that comply with the reimbursement criteria in subsections (1) through (3). The reimbursement committee shall be convened on the first business day of each fiscal quarter. If the committee determines that the current appropriation will not cover all eligible reimbursement costs, the state budget office shall request a legislative transfer from other appropriation line items in the department of corrections budget to the county jail reimbursement program line item to cover the additional costs.

(6) As used in this section:

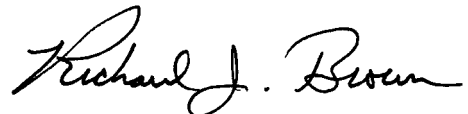
(a) "Group 1 crime" means a crime in 1 or more of the following offense categories: arson, assault, assaultive other, burglary, criminal sexual conduct, homicide or resulting in death, other sex offenses, robbery, and weapon possession as determined by the department of corrections based on specific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

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

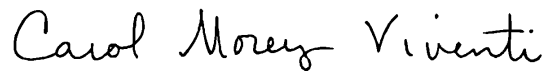
(c) "In the custody of the sheriff" means that the convicted felon has been sentenced to the county jail and is either housed in the county jail or has been released from jail and is being monitored through the use of the sheriff's electronic monitoring system.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor