

ALLOW PRIVATE PRISON TO HOUSE HIGH SECURITY RISK PRISONERS

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House Bill 4467 as introduced
Sponsor: Rep. Jon Bumstead
Committee: Judiciary
Complete to 4-22-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would allow prisoners of any security level to be housed at the former Michigan Youth Correctional Facility, a privately-owned prison, in Baldwin, Michigan.

Specifically, House Bill 4467 amends a section within the Corrections Code pertaining to an operator of a privately-owned correctional facility to contract for the housing and management of prisoners under the jurisdiction of the Michigan Department of Corrections (MDOC) or, if the MDOC did not utilize the facility, with other local, state, or federal agencies.

Currently, the act prohibits an inmate or detainee from being housed at the facility unless the inmate's or detainee's security classification (as it would be determined by the MDOC if the prisoner were being housed in a state correctional facility) is Level IV or below, and has never previously been above Level IV. House Bill 4467 would eliminate this prohibition, thus allowing prisoners of any security classification to be housed in the private correctional facility.

The bill would also delete the definition of "security classification" contained in the act. Currently, the term is defined to mean one of six levels of restrictiveness enforced in housing units at each state correctional facility, as determined by the department, with Security Level 1 being the least restrictive and Security Level VI being the most restrictive.

MCL 791.220i

BACKGROUND INFORMATION:

Public Act 164 of 1996 amended the Michigan Department of Corrections (MDOC) law (now named the Corrections Code) to authorize the MDOC to establish a youth correctional facility to house prisoners committed to the department's jurisdiction who were 19 years of age or less and who were convicted as adults for offenses committed as juveniles. The act permitted the MDOC to establish and operate the youth correctional facility or contract with a private vendor for the construction and/or operation of the facility. The state invited private companies to submit competitive proposals for the construction and operation of a prison designed specifically for youth offenders, and entered into an agreement with the Wackenhut Corrections Corporation (now known as the GEO Group) to lease a facility that the vendor constructed and operated. Public Acts 508 through 514 of 1998 amended

various statutes to provide for the operation of a youth correctional facility by a private vendor, as authorized under the 1996 legislation.

The Michigan Youth Correctional Facility (MYCF) operated as a privately run prison near Baldwin in Lake County's Webber Township until the fall of 2005. As part of the state's budget deliberations for fiscal year 2005-06, the state terminated its contract with the GEO Group and transferred prisoners housed at the MYCF to state-operated correctional facilities. Public Act 351 of 2006 amended the act to allow the GEO Group to use the facility, with some restrictions, to house inmates or detainees from other local, state, or federal agencies if the facility were not being used to house inmates under the jurisdiction of the MDOC. At that time, the legislation also restricted the level of inmates' security classification for inmates to be housed at the facility and, among other things, prohibited inmate work release programs. The facility did hold prisoners from California for a brief period but the facility has been closed since 2011, despite 2012 legislation (Public Act 599) that allows the DOC to use the privately owned facility to house Michigan prisoners with a security level of IV or lower and that removed the prohibition on work release, work camp, or similar programs occurring outside the secure perimeter of the facility in cases where the initiating jurisdiction authorizes such programs.

FISCAL IMPACT:

The bill allows the private entity that owns the facility to house prisoners classified at higher security levels (Levels V and VI) than the facility is currently allowed to house. Given this is the only change, HB 4467 would have no fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.