

# Legislative Analysis



## **ALLOW PRIVATE PRISON TO HOUSE HIGH SECURITY RISK PRISONERS**

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**House Bill 4467 as reported without amendment**  
**Sponsor: Rep. Jon Bumstead**  
**Committee: Judiciary**  
**Complete to 5-4-15**

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

*(Enacted as Public Act 49 of 2015)*

### **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 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 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 a higher security level (Level V) 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.

#### **BRIEF DISCUSSION OF THE ISSUES:**

Briefly put, the bill would allow the owner of a correctional facility that has been closed for several years to house prisoners from other states in the facility and would allow prisoners of any security level to be housed there. Supporters say that Lake County has been especially hard hit by the recent economic downturn and could benefit by the jobs and commerce that reopening the prison could bring. Since Michigan is not in need of additional prison beds, the facility – which is privately owned and operated – would contract with other states having a shortage of prison beds. Local law enforcement and county officials say that the facility is well built and has been well maintained and that the training of employees is high quality and comparable to that of employees working for the state prison system. They say they have had a great partnership with GEO (the owners of the facility) and that the facility is one of the safest and most secure in the U.S. However, since the prison was previously used as a youth prison and then for out-of-state prisoners with a low security rating, legislation is needed to amend the law to allow GEO to house prisoners of any security classification.

Opponents of the legislation maintain that the measure flies in the face of recent studies showing that prisoners do better and reoffend less often upon release if housed close to their families and able to receive frequent visits. Though no Michigan prisoners would be

housed there, the bill encourages other states to ship their inmates far from their families, and far from the sense of community known to promote rehabilitation and reduce recidivism.

**POSITIONS:**

A representative of Lake County testified in support of the bill. (4-23-15)

A representative of GEO Group testified in support of the bill. (4-23-15)

A representative of the Lake County Sheriff's Office testified in support of the bill. (4-23-15)

Michigan Department of Corrections indicated a neutral position on the bill. (4-23-14)

A representative of Citizens for Prison Reform testified in opposition to the bill. (4-23-15)

AFSCME indicated opposition to the bill. (4-28-15)

UAW indicated opposition to the bill. (4-28-15)

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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.