



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4965 (Substitute H-2 as passed by the House)
Sponsor: Representative Stephanie Chang
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 10-13-16

CONTENT

The bill would amend the Corrections Code to create a "family advisory board" within the Department of Corrections (DOC) and would do the following:

- **Establish requirements for the membership and operation of the advisory board.**
- **Specify the advisory board's responsibilities, which would include assisting the DOC with the development of family reunification programs.**
- **Authorize the advisory board to create regional committees or facility-focused family councils.**
- **Require the advisory board to report annually to the Legislature.**
- **Require the DOC to provide necessary staffing to the advisory board.**
- **Require the DOC to provide information about the advisory board on its website and in correctional facility waiting rooms.**

The bill would take effect on October 1, 2018.

Family Advisory Board

The bill would create the family advisory board within the DOC. The board would consist of 10 to 15 members as described below.

The board would include the Legislative Corrections Ombudsman and one individual appointed by the Governor who was a current DOC employee from the community corrections division. The board also would have to include the following members, appointed by the Governor based upon recommendations submitted by nonprofit entities serving people with family members who were incarcerated:

- Two or three individuals who were family members of people currently incarcerated in Michigan.
- One to three individuals who were family members of people who formerly were incarcerated in Michigan.
- At least one individual who had a parent formerly or currently incarcerated in Michigan.
- One or two individuals who formerly were incarcerated in Michigan.
- One social worker who had training and expertise dealing with mental health and issues associated with mental health.
- One advocate for, or mentor to, individuals incarcerated in Michigan.
- One or two individuals representing the State Bar of Michigan who had experience working with formerly or currently incarcerated people and their family members.

Except for the Corrections Ombudsman and the DOC employee, advisory board members would serve staggered, two-year terms. The Corrections Ombudsman and DOC employee would serve terms without expiration, except that the DOC employee-member could serve only as long as he or she was employed by the Department.

A vacancy on the advisory board would have to be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring other than by expiration of a term would be appointed for the remainder of the unexpired term.

The first meeting of the advisory board would have to be called within 90 days after the bill's effective date. At the first meeting, the board would have to elect a chairperson and other officers it considered necessary or appropriate. Officers would serve one-year terms and could be reelected. After the first meeting, the board would have to meet at least quarterly, or more frequently at the call of the chairperson, or if requested by a majority of the members.

The board would be subject to the Open Meetings Act and the Freedom of Information Act.

Advisory board members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

Advisory Board Responsibilities

The advisory board would have to do all of the following:

- Assist and advise the DOC regarding the development of policies, procedures, and programs that supported family reunification during and after incarceration.
- Enhance communication between the DOC and families regarding issues that affect a broad range of incarcerated and formerly incarcerated individuals and their families.
- Identify barriers concerning family reunification during and after incarceration.
- File an annual report regarding the board's activities, by October 1 of each year, with the chairpersons of the Senate and House committees concerned with the DOC and criminal justice issues.

Enhancing communication between the DOC and families would have to include gathering information from people in the region and across the State with family members who currently were or previously had been incarcerated, including a review of comment cards submitted at individual correctional facilities.

In its discretion, the advisory board could create regional committees or facility-focused family councils to carry out its duties.

The DOC would have to provide any staffing necessary for the advisory board to fulfill its duties.

The Department would have to provide information about the advisory board, including the board's contact information for obtaining information and assistance with family-related issues, on the DOC website and in the waiting rooms of correctional facilities.

Proposed MCL 791.214a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negative, though minimal, fiscal impact on the State and no fiscal impact on local government. Members of the family advisory board would serve without compensation, but could be reimbursed for actual expenses by the Department of Corrections. The Department also would be required to provide necessary staffing for the board to fulfill

its duties. The amount of additional costs to the State would depend on the actual expenses incurred.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.