

HOUSE BILL No. 4467

April 16, 2015, Introduced by Rep. Bumstead and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 20i (MCL 791.220i), as amended by 2012 PA 599.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20i. (1) If the correctional facility described in
2 section 20g is not utilized by the department for housing inmates
3 or detainees under the terms of section 20g, the private contractor
4 that operates that correctional facility may utilize the facility
5 for housing, custody, and care of detainees or inmates from any of
6 the following agencies, either by directly contracting with those
7 local, state, or federal agencies or by having 1 or more local,
8 state, or federal agencies enter into an interlocal agreement with
9 the township or county in which the facility is located, or the
10 county sheriff for the county in which the facility is located, who

1 in turn may contract with the private contractor for services to be
2 provided under the terms of the interlocal agreement, subject to
3 the requirements of this section:

4 (a) Other local, state, or federal agencies.

5 (b) The department if the detainees or inmates are older than
6 19 years of age and under the jurisdiction of the department.

7 (2) If all contractual factors regarding potential inmates or
8 detainees are equal, the private contractor shall give preference
9 to the admission of inmates or detainees sent from agencies within
10 this state, including the department.

11 (3) Any contract under this section for the housing, custody,
12 and care of detainees or inmates from other local, state, or
13 federal agencies shall require all of the following:

14 (a) The private contractor that operates the facility shall do
15 all of the following:

16 (i) Obtain accreditation of the facility by the American
17 ~~correctional association~~ **CORRECTIONAL ASSOCIATION** within 24 months
18 after the private contractor commences operations at the facility
19 and maintain that accreditation throughout the term of any contract
20 for the use of the facility.

21 (ii) Operate the facility in compliance with the applicable
22 standards of the American ~~correctional association~~ **CORRECTIONAL**
23 **ASSOCIATION**.

24 (b) The personnel employed by the private contractor in the
25 operation of the facility shall meet the employment and training
26 requirements set forth in the applicable standards of the American
27 ~~correctional association~~ **CORRECTIONAL ASSOCIATION**, and also shall

1 meet any higher training and employment standards that may be
2 mandated under a contract between the private contractor and a
3 local, state, or federal agency that sends inmates or detainees to
4 the facility.

5 (c) Any serious incident that occurs at the facility shall be
6 reported immediately to the sheriff of the county and the state
7 police.

8 (4) An inmate or detainee housed at the facility shall not
9 participate in work release, a work camp, or another similar
10 program or activity occurring outside the secure perimeter of the
11 facility without the authorization of the initiating jurisdiction.

12 (5) The facility shall allow the presence of on-site monitors
13 from any local, state, or federal agency that sends inmates or
14 detainees to the facility, for the purpose of monitoring the
15 conditions of confinement of those inmates or detainees. Whenever
16 the private contractor submits a written report to a local, state,
17 or federal agency that sends inmates or detainees to the facility,
18 the private contractor shall send copies of the written report to
19 the township supervisor, the board of county commissioners, the
20 county sheriff, and the department.

21 (6) Personnel employed at the facility by the private
22 contractor who have met the employment and training requirements
23 set forth in the applicable standards of the American ~~correctional~~
24 ~~association~~ **CORRECTIONAL ASSOCIATION** have full authority to perform
25 their duties and responsibilities under law, including, but not
26 limited to, exercising the use of force in the same manner and to
27 the same extent as would be authorized if those personnel were

1 employed in a correctional facility operated by the department.

2 (7) A contract with a local, state, or federal agency that
3 sends inmates or detainees to the facility shall not require,
4 authorize, or imply a delegation of the authority or responsibility
5 to the private contractor to do any of the following:

6 (a) Develop or implement procedures for calculating inmate
7 release and parole eligibility dates or recommending the granting
8 or denying of parole, although the private contractor may submit
9 written reports that have been prepared in the ordinary course of
10 business.

11 (b) Develop or implement procedures for calculating and
12 awarding earned credits, including good time credits, disciplinary
13 credits, or similar credits affecting the length of an inmate's
14 incarceration, approving the type of work inmates may perform and
15 the wage or earned credits, if any, that may be awarded to inmates
16 engaging in that work, and granting, denying, or revoking earned
17 credits.

18 ~~— (8) An inmate or detainee shall not be housed at the facility~~
19 ~~unless the security classification of the inmate or detainee, as it~~
20 ~~would be determined by the department if he or she were being~~
21 ~~housed in a state correctional facility, is level IV or below, and~~
22 ~~has never previously been above level IV.~~

23 (8) ~~(9)~~ Inmates and detainees shall be transferred to and from
24 the facility in a secure manner. Any inmate or detainee housed at
25 the facility who was sent from another state, a local agency
26 outside this state, or the federal government shall be returned to
27 the agency that sent the inmate or detainee upon completion of the

1 inmate's or detainee's term of incarceration in the facility and
2 shall not be released from custody within this state.

3 (9) ~~(10)~~—The department of corrections is not responsible for
4 oversight of the facility. This state, or any department or agency
5 of this state, is not civilly liable for damages arising out of the
6 operation of the facility.

7 (10) ~~(11)~~—As used in this section:

8 (a) "Facility" means the former Michigan youth correctional
9 facility described in subsection (1).

10 ~~—— (b) "Security classification" means 1 of 6 levels of~~
11 ~~restrictiveness enforced in housing units at each state~~
12 ~~correctional facility, as determined by the department, with~~
13 ~~security level I being the least restrictive and security level VI~~
14 ~~being the most restrictive.~~

15 (B) ~~(c)~~—"Serious incident" means a disturbance at the facility
16 involving 5 or more inmates or detainees, a death of an inmate or
17 detainee, a felony or attempted felony committed within the
18 facility, or an escape or attempted escape from the facility.