

Act No. 49  
Public Acts of 2015  
Approved by the Governor  
June 9, 2015  
Filed with the Secretary of State  
June 9, 2015  
EFFECTIVE DATE: June 9, 2015

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2015**

**Introduced by Rep. Bumstead**

# **ENROLLED HOUSE BILL No. 4467**

AN ACT to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 20i (MCL 791.220i), as amended by 2012 PA 599.

*The People of the State of Michigan enact:*

Sec. 20i. (1) If the correctional facility described in section 20g is not utilized by the department for housing inmates or detainees under the terms of section 20g, the private contractor that operates that correctional facility may utilize the facility for housing, custody, and care of detainees or inmates from any of the following agencies, either by directly contracting with those local, state, or federal agencies or by having 1 or more local, state, or federal agencies enter into an interlocal agreement with the township or county in which the facility is located, or the county sheriff for the county in which the facility is located, who in turn may contract with the private contractor for services to be provided under the terms of the interlocal agreement, subject to the requirements of this section:

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

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

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

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

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

(i) Obtain accreditation of the facility by the American Correctional Association within 24 months after the private contractor commences operations at the facility and maintain that accreditation throughout the term of any contract for the use of the facility.

(ii) Operate the facility in compliance with the applicable standards of the American Correctional Association.

(b) The personnel employed by the private contractor in the operation of the facility shall meet the employment and training requirements set forth in the applicable standards of the American Correctional Association, and also shall meet any higher training and employment standards that may be mandated under a contract between the private contractor and a local, state, or federal agency that sends inmates or detainees to the facility.

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

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

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

(6) Personnel employed at the facility by the private contractor who have met the employment and training requirements set forth in the applicable standards of the American Correctional Association have full authority to perform their duties and responsibilities under law, including, but not limited to, exercising the use of force in the same manner and to the same extent as would be authorized if those personnel were employed in a correctional facility operated by the department.

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

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

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

(8) Inmates and detainees shall be transferred to and from the facility in a secure manner. Any inmate or detainee housed at the facility who was sent from another state, a local agency outside this state, or the federal government shall be returned to the agency that sent the inmate or detainee upon completion of the inmate's or detainee's term of incarceration in the facility and shall not be released from custody within this state.

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

(10) As used in this section:

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

(b) "Serious incident" means a disturbance at the facility involving 5 or more inmates or detainees, a death of an inmate or detainee, a felony or attempted felony committed within the facility, or an escape or attempted escape from the facility.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor