

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 8

A bill to provide for the use of evidence-based supervision practices for probation and parole supervision; to prescribe the powers and duties of certain state departments and local agencies; to require the adoption of certain rules; to regulate the use of funds by certain state departments and local agencies; and to require certain reports.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Agency" means both of the following:

3 (i) The department of corrections.

4 (ii) Any regional, local, or county governmental agency that
5 receives state funding and that is responsible for supervising
6 individuals who are placed on probation or who are serving a period
7 of parole or postrelease supervision from a prison or jail.

1 Agency does not include a district court probation department
2 established under section 8314 of the revised judicature act of
3 1961, 1961 PA 236, MCL 600.8314.

4 (b) "Case plan" means an individualized accountability and
5 behavior change strategy for supervised individuals that does all
6 of the following:

7 (i) Targets and prioritizes the specific criminal risk factors
8 of the offender.

9 (ii) Matches programs to the offender's individual
10 characteristics, such as gender, culture, motivational stage,
11 developmental stage, or learning style.

12 (iii) Establishes a timetable for achieving specific
13 behavioral goals, including a schedule for payment of victim
14 restitution, child support, and other financial obligations. A
15 timetable established under this subparagraph for payment of victim
16 restitution, child support, and other financial obligations is
17 subject to an ability to pay determination.

18 (iv) Specifies positive and negative actions that will be
19 taken in response to the supervised individual's behaviors.

20 (c) "Community supervision" means the placement of an
21 individual under supervision after release from prison or jail,
22 with conditions imposed by the releasing authority for a specified
23 period of time.

24 (d) "Criminal risk factors" means characteristics and
25 behaviors that when addressed or changed affect an individual's
26 risk for committing crimes including antisocial attitudes, values,
27 and beliefs, poor impulse control, criminal personality, substance

1 abuse, criminal peers, dysfunctional family, or a lack of
2 employment or education.

3 (e) "Evidence-based practices" means supervision policies,
4 procedures, programs, and practices that scientific research
5 demonstrates reduce recidivism among individuals on probation,
6 parole, or postrelease supervision.

7 (f) "Program" means an intervention, other than medical
8 services, to which both of the following apply:

9 (i) It is intended to reduce recidivism by supervised
10 individuals.

11 (ii) It is funded in whole or in part by this state or is
12 administered by an agency of this state.

13 (g) "Recidivism" means the rearrest, reconviction, or
14 reincarceration in prison or jail for a felony or misdemeanor
15 offense or a probation or parole violation, of an individual as
16 measured first after 3 years and again after 5 years from the date
17 of his or her release from incarceration, placement on probation,
18 or conviction, whichever is later.

19 (h) "Supervised individual" means an individual placed on
20 probation or serving a period of parole.

21 (i) "Supervising agent" means an individual appointed or
22 employed by the agency to supervise individuals placed on community
23 supervision.

24 (j) "Technical parole violation" means a violation of the
25 terms of a parolee's parole order that is not a violation of a law
26 of this state, a political subdivision of this state, another
27 state, or the United States or of tribal law.

1 (k) "Technical probation violation" means a violation of the
2 terms of a probationer's probation order that is not a violation of
3 a law of this state, a political subdivision of this state, another
4 state, or the United States or of tribal law.

5 Sec. 2. (1) The agency shall adopt policies, rules, and
6 regulations that within 4 years after the effective date of this
7 act result in all supervised individuals being supervised in
8 accordance with evidence-based practices, or practices developed
9 based upon evidence-based practices, in order to improve the
10 success rates of and to reduce recidivism rates for supervised
11 individuals. The agency shall consult with and seek recommendations
12 from local law enforcement agencies, including sheriff's
13 departments, circuit courts, county prosecutor's offices, and
14 community corrections programs, in adopting policies, rules, and
15 regulations for evidence-based supervision practices.

16 (2) The policies, rules, and regulations adopted under
17 subsection (1) must include all of the following:

18 (a) The adoption, validation, and utilization of an objective
19 risk and needs assessment tool.

20 (b) The use of assessment scores and other objective criteria
21 to determine the risk level and program needs of each supervised
22 individual, prioritizing supervision and program resources for
23 offenders who are at higher risk to reoffend.

24 (c) Definitions of low-, moderate-, and high-risk levels
25 during the period of supervision.

26 (d) The development of a case plan, based on the assessment
27 score, for each individual who is assessed to be moderate to high

1 risk. The case plan developed under this subdivision must allow a
2 supervised individual options for programming and is subject to
3 conditions of supervision, if any, imposed by a court having
4 jurisdiction over the supervised individual.

5 (e) The development of a case plan, based on the assessment
6 score, for each individual who is assessed to be low risk. The case
7 plan developed under this subdivision must allow a supervised
8 individual options for programming and is subject to conditions of
9 supervision, if any, imposed by a court having jurisdiction over
10 the supervised individual.

11 (f) The identification of swift, certain, proportionate, and
12 graduated responses that a supervising agent will apply in response
13 to a supervised individual's compliant and noncompliant behaviors.

14 (g) The adoption of caseload guidelines that are based on
15 offender risk levels and take into account agency resources and
16 employee and supervising agent workload.

17 (h) The establishment of protocols and standards that assess
18 the degree to which agency policies, procedures, programs, and
19 practices relating to offender recidivism reduction are evidence-
20 based.

21 (3) Not more than 4 years after the effective date of this
22 act, all state funds expended on programs must be for programs that
23 are in accordance with evidence-based practices or are developed
24 based upon evidence-based practices.

25 (4) Not more than 4 years after the effective date of this
26 act, the agency shall eliminate supervision policies, procedures,
27 programs, and practices intended to reduce recidivism that

1 scientific research demonstrates do not reduce recidivism.

2 (5) Any data collected and maintained under this act regarding
3 recidivism rates must be collected and maintained in a manner that
4 separates the data regarding technical probation violations and
5 technical parole violations from data on new felony and misdemeanor
6 convictions.

7 Sec. 3. The agency shall adopt policies, rules, and
8 regulations that improve crime victim satisfaction with the
9 criminal justice system, including all of the following:

10 (a) The payment by supervised individuals of victim
11 restitution and child support.

12 (b) The opportunity for victims to complete victim impact
13 statements or provide input into presentence investigation reports.

14 (c) Providing victims information about their rights and
15 services, and referrals to access those rights and services.

16 (d) Offering victims the opportunity to complete a "victim
17 satisfaction survey" with data used to measure agency performance.
18 The department of the attorney general shall develop a victim
19 satisfaction survey for use by the agency under this subdivision.

20 (e) Facilitating victim-offender dialogue if the victim is
21 willing.

22 Sec. 4. (1) The agency shall provide its employees and
23 supervising agents with intensive initial and ongoing training and
24 professional development services to support the implementation of
25 evidence-based practices.

26 (2) The training and professional development services
27 provided under subsection (1) must include assessment techniques,

1 case planning, risk reduction and intervention strategies,
2 effective communication skills, substance abuse intervention
3 information, and other topics identified by the agency or its
4 employees and supervising agents.

5 Sec. 5. The department of corrections may form partnerships or
6 enter into contracts with institutions of higher education or other
7 qualified organizations for assistance with data collection,
8 analysis, and research.

9 Sec. 6. (1) Beginning in 2018, by March 1 of each year the
10 agency shall submit to the governor, the secretary of the senate,
11 the clerk of the house of representatives, and the supreme court
12 administrative office a comprehensive report on its efforts to
13 implement this act. The report must include all of the following:

14 (a) The percentage and number of supervised individuals being
15 supervised in accordance with evidence-based practices.

16 (b) The amount of state funds expended for programs that are
17 evidence-based.

18 (c) A list of all programs, including an identification of all
19 programs that are evidence-based.

20 (d) An identification of all supervision policies, procedures,
21 programs, and practices that were eliminated.

22 (e) The results of victim satisfaction surveys administered
23 under section 3.

24 (f) The agency's recommendations for resource allocation, and
25 any additional collaboration with other state, regional, or local
26 public agencies, private entities, or faith-based or community
27 organizations.

1 (2) The agency shall make the full report required under
2 subsection (1) and an executive summary of that report available to
3 the general public on its website.

4 Enacting section 1. This act takes effect 90 days after the
5 date it is enacted into law.