

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 11

A bill to create the criminal justice data collection and management program act; to describe the criminal justice data collection and management program; to provide for certain grants; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "criminal justice data collection and management program act".

3 Sec. 2. As used in this act:

4 (a) "County jail" means a facility operated by a county for
5 the physical detention and correction of individuals charged with
6 or convicted of criminal offenses and ordinance violations,
7 individuals found guilty of civil or criminal contempt, and
8 juveniles detained by court order.

1 (b) "County operations team" means a group of individuals, or
2 an individual, selected by the governing body of a county
3 participating in the criminal justice data collection and
4 management program to work in coordination with the state project
5 and state operations teams to implement the criminal justice data
6 collection and management program.

7 (c) "Criminal justice data collection and management program"
8 or "program" means the program created under section 3.

9 (d) "Offense type" means the category of a criminal offense as
10 categorized by the department of corrections.

11 (e) "Rearrest recidivism" means the rearrest of an offender as
12 measured first after 3 years and again after 5 years from the date
13 of his or her release from incarceration, placement on probation,
14 or conviction for a criminal offense, whichever is later, for a new
15 felony or misdemeanor offense, or for a parole or probation
16 violation.

17 (f) "Reconviction recidivism" means the reconviction of an
18 offender as measured first after 3 years and again after 5 years
19 from the date of his or her release from incarceration, placement
20 on probation, or conviction for a criminal offense, whichever is
21 later, for a new felony or misdemeanor offense, or for a parole or
22 probation violation.

23 (g) "Reincarceration recidivism" means the reincarceration in
24 jail or prison of an offender as measured first after 3 years and
25 again after 5 years from the date of his or her release from
26 incarceration, placement on probation, or conviction for a criminal
27 offense, whichever is later, for a new felony or misdemeanor

1 offense, or for a parole or probation violation.

2 (h) "Report" means aggregated data and statistics collected
3 under this act. A report does not include any data that contain
4 uniquely identifying information that is not already available to
5 the public or any information that could reasonably lead to the
6 disclosure of nonpublic information as determined by the state
7 operations team.

8 (i) "State correctional facility" means any facility that
9 houses prisoners under the jurisdiction of the department of
10 corrections.

11 (j) "State operations team" means a group of individuals, or
12 an individual, employed by the legislative council as an at-will,
13 nontenured employee, employed by a third party under contract with
14 the legislative council, or under contract with the legislative
15 council, to execute state-level data collection processes and
16 criminal justice data collection processes and to manage the
17 collection of data from counties participating in the criminal
18 justice data collection and management program and from state
19 agencies and departments, including, but not limited to, the state
20 court administrative office, the department of technology,
21 management, and budget, and the department of corrections.

22 (k) "State project team" means a group of individuals, or an
23 individual, employed by the legislative council as an at-will,
24 nontenured employee, employed by a third party under contract with
25 the legislative council, or under contract with the legislative
26 council, to develop and assist in the implementation of processes
27 and technology improvements that facilitate the collection of

1 criminal justice data from the counties participating in the
2 criminal justice data collection and management program and from
3 state agencies and departments, including, but not limited to, the
4 state court administrative office, the department of technology,
5 management, and budget, and the department of corrections.

6 Sec. 3. (1) Subject to appropriation, a criminal justice data
7 collection and management program is created within the legislative
8 council. The program must be implemented in not fewer than 1
9 county, selected by the legislative council in consultation with
10 the county's governing body, and must work in coordination with
11 state agencies and departments, including, but not limited to, the
12 state court administrative office, the department of technology,
13 management, and budget, and the department of corrections.

14 (2) Subject to appropriation, the legislative council shall
15 assign a state operations team to oversee the work activities of
16 the state project team and the county operations teams.

17 (3) Subject to appropriation, the state court administrative
18 office and the department of corrections must be provided any
19 necessary and available funding to implement technological changes
20 and additional data collection or new data collection practices to
21 the state court administrative office and the department of
22 corrections' data collection systems based upon the recommendation
23 of the state operations team.

24 (4) Subject to appropriation, the counties participating in
25 the criminal justice data collection and management program must be
26 provided any necessary and available funding to implement
27 technological changes to county data collection systems based upon

1 the recommendation of the state operations team.

2 (5) Subject to appropriation, the counties participating in
3 the criminal justice data collection and management program must be
4 provided any necessary and available funding to implement
5 additional data collection and new data collection practices based
6 upon the recommendation of the state operations team.

7 (6) The department of technology, management, and budget shall
8 distribute the funds, based upon the recommendations of the state
9 operations team, that are appropriated for the state court
10 administrative office, the department of corrections, and the
11 counties participating in the criminal justice data collection and
12 management program under subsections (3), (4), and (5).

13 (7) The counties participating in the criminal justice data
14 collection and management program shall, through their county
15 operations teams, collect and provide data to the state operations
16 team that support the determination of all of the following:

- 17 (a) County jail capacity.
- 18 (b) Rearrest recidivism.
- 19 (c) Reconviction recidivism.
- 20 (d) Reincarceration recidivism.
- 21 (e) The application of sentencing guidelines.

22 (8) The state court administrative office and department of
23 corrections shall collect and provide data to the state operations
24 team that support the determination of all of the following:

- 25 (a) State correctional facility capacity.
- 26 (b) Rearrest recidivism.
- 27 (c) Reconviction recidivism.

1 (d) Reincarceration recidivism.

2 (e) The application of sentencing guidelines.

3 (9) The state operations team shall collect the data under
4 subsections (7) and (8) and provide that data to the department of
5 technology, management, and budget.

6 (10) The department of technology, management, and budget
7 shall house and maintain the data collected under subsections (7),
8 (8), and (9).

9 (11) Subject to appropriation, the department of technology,
10 management, and budget shall charge the legislative council for a
11 service provided by the department of technology, management, and
12 budget to the legislative council under this act. The rate charged
13 under this subsection must reflect the actual cost for the service
14 provided and the department of technology, management, and budget
15 shall provide the legislative council with an invoice detailing
16 actual costs of the service provided upon a request for payment.

17 Sec. 4. (1) Except as otherwise provided in this section, the
18 data collected under this act is confidential and is not subject to
19 disclosure under the freedom of information act, 1976 PA 442, MCL
20 15.231 to 15.246.

21 (2) The department of technology, management, and budget shall
22 only allow access to the data collected under this act by members
23 of the department of technology, management, and budget and the
24 state operations team and shall provide the state operations team
25 access to the data collected under this act.

26 (3) The legislative council may request the state operations
27 team to generate a report from the data collected under this act. A

1 member of the legislature may request the legislative council to
2 make a request for a report under this subsection.

3 (4) A report created by the state operations team under
4 subsection (3) is subject to the freedom of information act, 1976
5 PA 442, MCL 15.231 to 15.246.

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