

SENATE BILL No. 8

January 18, 2017, Introduced by Senators MACGREGOR, O'BRIEN, PROOS, KNOLLENBERG, BOOHER, COLBECK, JONES, HORN, SCHUITMAKER, BRANDENBURG, HANSEN, KOWALL, GREGORY, JOHNSON and WARREN and referred to the Committee on Michigan Competitiveness.

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:

Sec. 1. As used in this act:

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

(i) The department of corrections.

(ii) Any regional, local, or county governmental agency that receives state funding and that is responsible for supervising individuals who are placed on probation or who are serving a period

1 of parole or postrelease supervision from a prison or jail.
2 Agency does not include a district court probation department
3 established under section 8314 of the revised judicature act of
4 1961, 1961 PA 236, MCL 600.8314.

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

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

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

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

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

21 (c) "Community supervision" means either of the following:

22 (i) The placement of an individual under supervision with
23 conditions imposed for a specified period if both of the following
24 apply:

25 (A) Criminal proceedings against the individual are deferred
26 without an adjudication of guilt.

27 (B) A sentence of imprisonment or confinement, imprisonment

1 and a fine, or confinement and a fine are imposed as terms of
2 probation and the imposition of the sentence is suspended in whole
3 or in part.

4 (ii) The placement of an individual under supervision after
5 release from prison or jail, with conditions imposed by the
6 releasing authority for a specified period of time.

7 (d) "Criminal risk factors" means characteristics and
8 behaviors that when addressed or changed affect an individual's
9 risk for committing crimes including antisocial attitudes, values,
10 and beliefs, poor impulse control, criminal personality, substance
11 abuse, criminal peers, dysfunctional family, or a lack of
12 employment or education.

13 (e) "Evidence-based practices" means supervision policies,
14 procedures, programs, and practices that scientific research
15 demonstrates reduce recidivism among individuals on probation,
16 parole, or postrelease supervision.

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

19 (i) It is intended to reduce recidivism by supervised
20 individuals.

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

23 (g) "Recidivism" means the rearrest, reconviction, or
24 reincarceration in prison or jail for a felony or misdemeanor
25 offense or a probation or parole violation, or any combination of
26 those events, of an individual as measured first after 3 years and
27 again after 5 years from the date of his or her release from

1 incarceration, placement on probation, or conviction, whichever is
2 later.

3 (h) "Supervised individual" means an individual placed on
4 probation or serving a period of parole or postrelease supervision
5 from prison or jail.

6 (i) "Supervising officer" means an individual appointed or
7 employed by an agency to supervise individuals placed on community
8 supervision.

9 (j) "Technical parole violation" means a violation of the
10 terms of a parolee's parole order that is not in and of itself a
11 violation of a law of this state, a political subdivision of this
12 state, another state, or the United States or of tribal law.

13 (k) "Technical probation violation" means a violation of the
14 terms of a probationer's probation order that is not in and of
15 itself a violation of a law of this state, a political subdivision
16 of this state, another state, or the United States or of tribal
17 law.

18 Sec. 2. (1) The agency shall adopt policies, rules, and
19 regulations that within 4 years after the effective date of this
20 act result in all supervised individuals being supervised in
21 accordance with evidence-based practices, or practices developed
22 based upon evidence-based practices, in order to improve the
23 success rates of and to reduce recidivism rates for supervised
24 individuals. The agency shall consult with and seek recommendations
25 from local law enforcement agencies, including sheriff's
26 departments, circuit courts, county prosecutor's offices, and
27 community corrections programs, in adopting policies, rules, and

1 regulations for evidence-based supervision practices.

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

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

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

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

12 (d) The development of a case plan, based on the assessment
13 score, for each individual who is assessed to be moderate to high
14 risk. The case plan must allow a supervised individual options for
15 programming from which he or she may make a selection. If a
16 supervised individual exercises his or her option to choose
17 programming rather than having the programming selected by his or
18 her supervising officer, the selected programming shall not be less
19 rigorous than the programming that the supervised individual would
20 have otherwise been required to complete. A case plan developed
21 under this subdivision is subject to conditions of supervision, if
22 any, imposed by a court having jurisdiction over the supervised
23 individual.

24 (e) The development of a case plan, based on the assessment
25 score, for each individual who is assessed to be low risk. The case
26 plan must allow a supervised individual options for programming
27 from which he or she may make a selection. If a supervised

1 individual exercises his or her option to choose programming rather
2 than having the programming selected by his or her supervising
3 officer, the selected programming must not be less rigorous than
4 the programming that the supervised individual would have otherwise
5 been required to complete. A case plan developed under this
6 subdivision is subject to conditions of supervision, if any,
7 imposed by a court having jurisdiction over the supervised
8 individual.

9 (f) The identification of swift, certain, proportionate, and
10 graduated responses that an agency employee will apply in response
11 to a supervised individual's compliant and noncompliant behaviors.

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

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

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

23 (4) Not more then 4 years after the effective date of this
24 act, the agency shall eliminate supervision policies, procedures,
25 programs, and practices intended to reduce recidivism that
26 scientific research demonstrates do not reduce recidivism.

27 (5) Any data collected and maintained under this act regarding

1 recidivism rates must be collected and maintained in a manner that
2 separates the data regarding technical probation violations and
3 technical parole violations from data on new felony and misdemeanor
4 convictions.

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

8 (a) The payment by supervised individuals of victim
9 restitution and child support.

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

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

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

18 (e) Facilitating victim-offender dialogue if the victim is
19 willing.

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

23 (2) The training and professional development services
24 provided under subsection (1) shall include assessment techniques,
25 case planning, risk reduction and intervention strategies,
26 effective communication skills, substance abuse intervention
27 information, and other topics identified by the agency or its

1 employees.

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

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

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

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

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

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

19 (e) The results of victim satisfaction surveys administered
20 under section 3.

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

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

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