



SENATE BILL No. 242

February 21, 2001, Introduced by Senators NORTH, HOFFMAN, GOUGEON,
JOHNSON and MC MANUS and referred to the Committee on Appropriations.

EXECUTIVE BUDGET BILL

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 Sec. 101. Subject to the conditions set forth in this bill, the
4 amounts listed in this part are appropriated for the department of
5 corrections for the fiscal year ending September 30, 2002, from the
6 funds indicated in this part. The following is a summary of the
7 appropriations in this part:

8 DEPARTMENT OF CORRECTIONS

9 APPROPRIATION SUMMARY:

10	Average population	50,467
11	Full-time equated unclassified positions . .	16.0
12	Full-time equated classified positions .	19,497.0
13	GROSS APPROPRIATION	\$ 1,757,272,000
14	Interdepartmental grant revenues:	
15	Total interdepartmental grants and	
16	intradepartmental transfers	6,227,900
17	ADJUSTED GROSS APPROPRIATION	\$ 1,751,044,100
18	Federal revenues:	
19	Total federal revenues	26,532,400
20	Special revenue funds:	
21	Total local revenues	349,600
22	Total private revenues	0
23	Total other state restricted revenues	49,221,600
24	State general fund/general purpose	\$ 1,674,940,500
25	Sec. 102. EXECUTIVE	
26	Average population	480
27	Full-time equated unclassified positions . .	16.0
28	Full-time equated classified positions . . .	84.5
29	Unclassified positions--16.0 FTE positions . . .	\$ 1,316,700

1	Executive direction--82.5 FTE positions	8,101,700
2	Michigan youth correctional facility - management	
3	services	11,374,400
4	Michigan youth correctional facility - administration	
5	--2.0 FTE positions	196,100
6	Average population 480	
7	Michigan youth correctional facility - lease	
8	payments	<u>5,589,100</u>
9	GROSS APPROPRIATION	\$ 26,578,000
10	Appropriated from:	
11	Federal revenues:	
12	Federal revenues and reimbursement	17,159,600
13	Special revenue funds:	
14	State general fund/general purpose	\$ 9,418,400
15	Sec. 103. ADMINISTRATION AND PROGRAMS	
16	Full-time equated classified positions . . . 427.6	
17	Planning, research, and information services--83.5	
18	FTE positions	\$ 9,449,500
19	Program services and education grants--13.0 FTE	
20	positions	1,318,400
21	Administrative services--69.6 FTE positions . .	5,787,200
22	Substance abuse administration and testing . . .	21,075,500
23	MDOC, in-prison pilot drug treatment program . .	1,630,300
24	MDOC, technical violator pilot drug treatment	
25	program	1,000,000
26	Inmate legal services	314,900
27	Training	15,206,800
28	Training administration--37.5 FTE positions . .	4,104,700
29	Prison industries operations--224.0 FTE	

1	positions	15,793,800
2	Rent	2,240,800
3	Equipment and special maintenance	2,054,000
4	Worker's compensation	20,937,400
5	Compensatory buyout and union leave bank	275,000
6	Prosecutorial and detainer expenses	<u>4,051,000</u>
7	GROSS APPROPRIATION	\$ 105,239,300
8	Appropriated from:	
9	Interdepartmental grant revenues:	
10	IDG-MDSP, Michigan justice training fund	630,300
11	Federal revenues:	
12	Federal revenues and reimbursements	1,412,500
13	Special revenue funds:	
14	Correctional industries revolving fund	15,793,800
15	State general fund/general purpose	\$ 87,402,700
16	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
17	Average population	808
18	Full-time equated classified programs	2,333.7
19	Field programs	\$ 9,324,100
20	Personnel costs--1,560.0 FTE positions	99,412,600
21	Parole board operations--26.0 FTE positions . . .	2,133,000
22	Loans to parolees	265,000
23	Boot camp-phase III/intensive supervision--72.0	
24	FTE positions	3,342,100
25	Parole/probation services	2,286,500
26	Tether operations--167.3 FTE positions	8,489,700
27	Community residential programs--269.1 FTE	
28	positions	22,461,700
29	Technical rule violator program--104.3 FTE	

1	positions	9,562,300
2	Special alternative incarceration program--135.0	
3	FTE positions	<u>10,463,600</u>
4	GROSS APPROPRIATION	\$ 167,740,600
5	Appropriated from:	
6	Special revenue funds:	
7	Local restricted revenues and reimbursements . .	349,600
8	State restricted revenues and reimbursements . .	16,323,800
9	State general fund/general purpose	\$ 151,067,200
10	Sec. 105. COMMUNITY CORRECTIONS	
11	Full-time equated classified positions . . . 17.0	
12	Community corrections administration--17.0	
13	FTE positions	\$ 1,549,200
14	Probation residential centers	14,896,600
15	Community corrections comprehensive plans and	
16	services	13,033,000
17	Public education and training	50,000
18	Regional jail program	100
19	County jail reimbursement program	<u>18,500,000</u>
20	GROSS APPROPRIATION	\$ 48,028,900
21	Appropriated from:	
22	Special revenue funds:	
23	State restricted revenues and reimbursements . .	13,192,100
24	State general fund/general purpose	\$ 34,836,800
25	Sec. 106. CONSENT DECREES	
26	Average population 400	
27	Full-time equated classified positions . . . 577.4	
28	Hadix consent decree--157.0 FTE positions . . .	\$ 11,018,900
29	DOJ consent decree--166.5 FTE positions	11,343,300

1	DOJ psychiatric plan-MDCH mental health		
2	services		73,796,000
3	DOJ psychiatric plan-MDOC staff and services--253.9		
4	FTE positions		<u>15,732,800</u>
5	GROSS APPROPRIATION	\$	111,891,000
6	Appropriated from:		
7	State general fund/general purpose	\$	111,891,000
8	Sec. 107. HEALTH CARE		
9	Full-time equated classified positions . . .	969.7	
10	Health care administration--16.0 FTE positions .	\$	2,011,600
11	Hospital and speciality care services		47,692,100
12	Vaccination program		1,491,300
13	Northern region clinical complexes--238.4 FTE		
14	positions		23,108,800
15	Southeastern region clinical complexes--422.0 FTE		
16	positions		44,719,500
17	Southwestern region clinical complexes--293.3 FTE		
18	positions		<u>25,844,400</u>
19	GROSS APPROPRIATION	\$	144,867,700
20	Appropriated from:		
21	Federal revenues:		
22	Federal revenues and reimbursements		85,000
23	Special revenue funds:		
24	State general fund/general purpose	\$	144,782,700
25	Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION		
26	Full-time equated classified positions . . .	534.5	
27	Correctional facilities administration--33.0 FTE		
28	positions	\$	3,292,800
29	Housing inmates in federal institutions		494,000

1	Education services and federal education grants	
2	--23.0 FTE positions	4,598,400
3	Federal school lunch program	712,800
4	Leased beds	100
5	Inmate housing fund	100
6	Dental lab operations	102,300
7	Academic/vocational programs--478.5 FTE	
8	positions	<u>38,531,200</u>
9	GROSS APPROPRIATION	\$ 47,731,700
10	Appropriated from:	
11	Interdepartmental transfer revenues:	
12	IDT, dental lab user fee	102,300
13	Federal revenues:	
14	Federal revenues and reimbursements	5,331,000
15	Special revenue funds:	
16	State general fund/general purpose	\$ 42,298,400
17	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
18	Average population 14,330	
19	Full-time equated classified positions . . 4,497.2	
20	Alger maximum correctional facility-Munising	
21	--381.4 FTE positions	\$ 28,374,400
22	Average population 844	
23	Baraga maximum correctional facility-Baraga	
24	--448.2 FTE positions	32,295,700
25	Average population 1,084	
26	Chippewa correctional facility-Kincheloe	
27	--566.7 FTE positions	43,187,800
28	Average population 2,322	
29	Kinross correctional facility-Kincheloe	

1	--574.3 FTE positions	45,572,900
2	Average population	2,423
3	Marquette Branch prison-Marquette	
4	--429.8 FTE positions	35,016,200
5	Average population	1,129
6	Newberry correctional facility-Newberry	
7	--359.4 FTE positions	26,434,200
8	Average population	1,144
9	Oaks correctional facility-Eastlake	
10	--417.8 FTE positions	31,331,100
11	Average population	900
12	Ojibway correctional facility-Marenisco	
13	--295.4 FTE positions	20,586,700
14	Average population	1,196
15	Pugsley correctional facility-Kingsley	
16	--231.4 FTE positions	15,084,400
17	Average population	954
18	Saginaw correctional facility-Freeland	
19	--387.6 FTE positions	27,869,100
20	Average population	1,468
21	Standish maximum correctional facility-Standish	
22	--405.2 FTE positions	<u>30,405,400</u>
23	Average population	866
24	GROSS APPROPRIATION	\$ 336,157,900
25	Appropriated from:	
26	Special revenue funds:	
27	State restricted revenues and reimbursements . .	1,137,600
28	State general fund/general purpose	\$ 335,020,300
29	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	

1	Average population	17,692	
2	Full-time equated classified positions . .	5,576.0	
3	Cooper Street correctional facility-Jackson		
4	--285.2 FTE positions	\$	22,894,400
5	Average population	1,360	
6	G. Robert Cotton correctional facility-Jackson		
7	--467.5 FTE positions		35,810,400
8	Average population	1,842	
9	Charles E. Egeler correctional-Jackson		
10	--302.8 FTE positions		21,135,700
11	Average population	1,006	
12	Gus Harrison correctional facility-Adrian		
13	--542.6 FTE positions		40,770,900
14	Average population	2,200	
15	Huron Valley men's facility-Ypsilanti		
16	--292.8 FTE positions		21,842,500
17	Average population	497	
18	Jackson maximum correctional facility-Jackson		
19	--657.0 FTE positions		48,287,100
20	Average population	1,556	
21	Macomb correctional facility-New Haven		
22	--388.3 FTE positions		26,832,400
23	Average population	1,468	
24	Mound correctional facility-Detroit		
25	--355.4 FTE positions		25,588,300
26	Average population	1,044	
27	Parnall correctional facility-Jackson		
28	--298.0 FTE positions		23,437,000
29	Average population	1,448	

1	Ryan correctional facility-Detroit	
2	--346.3 FTE positions	25,887,400
3	Average population	1,044
4	Scott correctional facility-Plymouth	
5	--340.7 FTE positions	24,828,500
6	Average population	847
7	Southern Michigan correctional facility-Jackson	
8	--482.6 FTE positions	31,503,900
9	Average population	881
10	Thumb correctional facility-Lapeer	
11	--382.7 FTE positions	27,796,900
12	Average population	1,454
13	Western Wayne correctional facility-Plymouth	
14	--328.1 FTE positions	26,229,200
15	Average population	1,045
16	Jackson area support and services --106.0 FTE	
17	positions	<u>19,060,100</u>
18	GROSS APPROPRIATION	\$ 421,904,700
19	Appropriated from:	
20	Interdepartmental transfer revenues:	
21	IDT, surplus food user fees	262,200
22	IDT, production kitchen user fees	5,233,100
23	Federal revenues:	
24	Federal revenues and reimbursements	2,544,300
25	Special revenue funds:	
26	State restricted revenues and reimbursements	1,397,300
27	State general fund/general purpose	\$ 412,467,800
28	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
29	Average population	16,757

1	Full-time equated classified positions . .	4,479.4	
2	E.C. Brooks correctional facility-Muskegon		
3	--516.3 FTE positions		40,187,100
4	Average population	2,200	
5	Carson City correctional facility-Carson City		
6	--551.8 FTE positions		41,902,800
7	Average population	2,200	
8	Florence Crane correctional facility-Coldwater		
9	--398.8 FTE positions		30,402,700
10	Average population	1,350	
11	Richard A. Handlon Michigan training unit-Ionia		
12	--269.0 FTE positions		21,558,300
13	Average population	1,315	
14	Ionia maximum correctional facility-Ionia		
15	--371.0 FTE positions		27,034,000
16	Average population	636	
17	Ionia temporary correctional facility-Ionia		
18	--208.9 FTE positions		16,833,800
19	Average population	960	
20	Lakeland correctional facility-Coldwater		
21	--268.9 FTE positions		21,683,900
22	Average population	1,200	
23	Michigan reformatory-Ionia		
24	--392.1 FTE positions		33,181,700
25	Average population	1,338	
26	Muskegon correctional facility-Muskegon		
27	--310.4 FTE positions		25,050,200
28	Average population	1,310	
29	Pine River correctional facility-St. Louis		

1	--225.6 FTE positions	17,372,500
2	Average population 960	
3	Riverside correctional facility-Ionia	
4	--341.0 FTE positions	27,189,900
5	Average population 1,034	
6	St. Louis correctional facility-St. Louis	
7	--625.6 FTE positions	<u>45,735,300</u>
8	Average population 2,254	
9	GROSS APPROPRIATION	\$ 348,132,200
10	Appropriated from:	
11	Special revenue funds:	
12	State restricted revenues and reimbursements . .	1,377,000
13	State general fund/general purpose	\$ 346,755,200
14	Sec. 112. BUDGETARY SAVINGS	
15	Budgetary savings	<u>(1,000,000)</u>
16	GROSS APPROPRIATION	\$ (1,000,000)
17	Appropriated from:	
18	State general fund/general purpose	\$ (1,000,000)
19	PART 2	
20	PROVISIONS CONCERNING APPROPRIATIONS	
21	<u>GENERAL SECTIONS</u>	
22	Sec. 201. Pursuant to section 30 of article IX of the state	
23	constitution of 1963, total state spending from state resources under	
24	part 1 for fiscal year 2001-2002 is \$1,724,162,100.00 and state	
25	spending from state resources to be paid to local units of government	
26	for fiscal year 2001-2002 is \$81,743,400.00. The itemized statement	
27	below identifies appropriations from which spending to units of local	
28	government will occur:	
29	DEPARTMENT OF CORRECTIONS	

1	Field operations - assumption of county probation	
2	staff	\$ 36,381,700
3	Prosecutorial and detainer expenses	4,051,000
4	Public service work projects	13,331,000
5	Community corrections comprehensive plans and	
6	services	13,033,000
7	Community corrections probation residential	
8	centers	14,896,600
9	Community corrections public education and	
10	training	50,000
11	Regional jail program	<u>100</u>
12	TOTAL	\$ 81,743,400

13 Sec. 202. The appropriations authorized under this bill are
14 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to
15 18.1594.

16 Sec. 203. As used in this bill:

17 (a) "Department" or "MDOC" means the Michigan department of
18 corrections.

19 (b) "DOJ" means the United States department of justice.

20 (c) "FTE" means full-time equated position.

21 (d) "IDG" means interdepartmental grant.

22 (e) "IDT" means intradepartmental transfer.

23 (f) "MDCH" means the Michigan department of community health.

24 (g) "MDSP" means the Michigan department of state police.

25 Sec. 204. The department of civil service shall bill departments
26 and agencies at the end of the first fiscal quarter for the 1% charge
27 authorized by section 5 of article XI of the state constitution of
28 1963. Payments shall be made for the total amount of the billing by
29 the end of the second fiscal quarter.

30 Sec. 205. (1) In addition to the funds appropriated in part 1,

1 there is appropriated an amount not to exceed \$20,000,000.00 for
2 federal contingency funds. These funds are not available for
3 expenditure until they have been transferred to another line item in
4 this bill under section 393(2) of the management and budget act, 1984
5 PA 431, MCL 18.1393.

6 (2) In addition to the funds appropriated in part 1, there is
7 appropriated an amount not to exceed \$5,000,000.00 for state
8 restricted contingency funds. These funds are not available for
9 expenditure until they have been transferred to another line item in
10 this bill under section 393(2) of the management and budget act, 1984
11 PA 431, MCL 18.1393.

12 (3) In addition to the funds appropriated in part 1, there is
13 appropriated an amount not to exceed \$5,000,000.00 for local
14 contingency funds. These funds are not available for expenditure
15 until they have been transferred to another line item in this bill
16 under section 393(2) of the management and budget act, 1984 PA 431,
17 MCL 18.1393.

18 (4) In addition to the funds appropriated in part 1, there is
19 appropriated an amount not to exceed \$500,000.00 for private
20 contingency funds. These funds are not available for expenditure
21 until they have been transferred to another line item in this bill
22 under section 393(2) of the management and budget act, 1984 PA 431,
23 MCL 18.1393.

24 Sec. 206. Unless otherwise specified, the department shall use
25 the Internet to fulfill the reporting requirements of this bill. This
26 may include transmission of reports via electronic mail to the
27 recipients identified for each reporting requirement or it may include
28 placement of reports on an Internet or Intranet site. Quarterly, the
29 department shall provide to the appropriations subcommittee members,
30 state budget office, and the fiscal agencies an electronic and paper

1 copy listing of the reports submitted during the most recent 3-month
2 period along with the Internet or Intranet site of each report, if
3 any.

4 Sec. 207. (1) A hiring freeze is imposed on the state classified
5 civil service. State departments and agencies are prohibited from
6 hiring any new full-time state classified civil service employees and
7 prohibited from filling any vacant state classified civil service
8 positions. This hiring freeze does not apply to internal transfers of
9 classified employees from one position to another within a department.

10 (2) The state budget director shall grant exceptions to this
11 hiring freeze when the state budget director believes that the hiring
12 freeze will result in rendering a state department or agency unable to
13 deliver basic services, cause loss of revenue to the state, result in
14 the inability of the state to receive federal funds, or would
15 necessitate additional expenditures that exceed any savings from
16 maintaining a vacancy. The state budget director shall report by the
17 thirtieth of each month to the chairpersons of the senate and house
18 standing committees on appropriations the number of exceptions to the
19 hiring freeze approved during the previous month and the reasons to
20 justify the exception.

21 Sec. 208. (1) The negative appropriation for budgetary savings in
22 part 1 shall be satisfied by savings from the hiring freeze imposed in
23 Section 207 and, if necessary, by other savings identified by the
24 department director and approved by the state budget director.

25 (2) Appropriation authorizations shall be adjusted after the
26 approval of transfers by the legislature pursuant to section 393(2) of
27 the management and budget act, 1984 PA 431, MCL 18.1393.

28 Sec. 209. (1) Pursuant to the provisions of civil service rules
29 and regulations and applicable collective bargaining agreements,
30 individuals seeking employment with the department shall submit to a

1 controlled substance test. The test shall be administered by the
2 department.

3 (2) Individuals seeking employment with the department who refuse
4 to take a controlled substance test or who test positive for the
5 illicit use of a controlled substance on such a test shall be denied
6 employment.

7 Sec. 210. The department may charge fees and collect revenues in
8 excess of appropriations in part 1 not to exceed the cost of offender
9 services and programming, public works programs, custody escorts,
10 compassionate visits, academic/vocational services, employee meals,
11 union steward activities, and emergency services provided to units of
12 government. The revenues and fees collected shall be appropriated for
13 all expenses associated with these services and activities.

14 Sec. 211. Of the state general fund/general purpose revenue
15 appropriated in part 1, \$566,861,600.00 represents a state spending
16 increase over the amount provided to the department for the fiscal
17 year ending September 30, 1994, and may be used to meet state match
18 requirements of programs contained in the violent crime control and
19 law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or
20 successor grant programs, so that any additional federal funds
21 received shall supplement funding provided to the department in part
22 1.

23 Sec. 212. The department shall provide quarterly reports on the
24 Michigan youth correctional facility to the members of the senate and
25 house appropriations subcommittees on corrections, the senate and
26 house fiscal agencies, and the state budget director. The reports
27 shall provide information relevant to an assessment of the safety and
28 security of the institution, including, but not limited to,
29 information on the number of critical incidents by type occurring at
30 the facility, the number of custody staff at the facility, staff

1 turnover rates, staff vacancy rates, overtime reports, prisoner
2 grievances, and number and severity of assaults occurring at the
3 facility. The reports also shall provide information on programming
4 available at the facility and on program enrollments, including, but
5 not limited to, academic/vocational programs, counseling programs,
6 mental health treatment programs, substance abuse treatment programs,
7 and cognitive restructuring programs.

8 Sec. 213. By September 30, 2002 the department shall report to
9 the senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director the
11 amount of savings realized through the consolidation of special
12 alternative incarceration line items and of facility line items, and
13 how such savings were utilized within their respective line items.

14 **SUBSTANCE ABUSE TESTING AND TREATMENT**

15 Sec. 301. (1) The department shall screen and assess each
16 prisoner for alcohol and other drug involvement to determine the need
17 for further treatment. The assessment process shall be designed to
18 identify the severity of alcohol and other drug addiction and
19 determine the treatment plan, if appropriate.

20 (2) Subject to the availability of funding resources, the
21 department shall provide substance abuse treatment to prisoners with
22 priority given to those prisoners who are most in need of treatment
23 and who can best benefit from program intervention based on the
24 screening and assessment provided under subsection (1).

25 Sec. 302. (1) In expending residential substance abuse treatment
26 services funds appropriated by this bill, the department shall ensure
27 to the maximum extent possible that residential substance abuse
28 treatment services are available statewide.

29 (2) By September 30, 2002, the department shall report to the
30 house and senate appropriations subcommittees on corrections, the

1 state budget office, and the house and senate fiscal agencies on the
2 allocation, distribution, and expenditure of all funds appropriated by
3 the substance abuse administration and testing line item. Information
4 required by this subsection shall, where possible, be separated by
5 MDOC administrative region and by offender type, including at a
6 minimum a distinction between prisoners, parolees, and probationers.

7 Sec. 303. The amount appropriated in part 1 for the MDOC in-
8 prison drug treatment program shall be used by the department to
9 continue to implement a minimum of 2 in-prison drug treatment
10 programs, with at least 1 program being for male prisoners and 1 for
11 female prisoners.

12 Sec. 304. The amount appropriated in part 1 for the MDOC
13 technical violator pilot drug treatment program shall be used by the
14 department to continue to implement a pilot program aimed at reducing
15 parolee and probationer prison admissions for substance abuse related
16 technical violations or crimes.

17 Sec. 305. (1) The purpose of the substance abuse treatment pilot
18 programs funded under sections 304 and 305 and under 1998 PA 321 is to
19 evaluate and compare various substance abuse treatment modalities with
20 regard to cost and impact on prison admission, length of stay, jail
21 utilization, and offender relapse and recidivism and to provide for
22 continued monitoring of offenders and evaluation of program efficacy.

23 (2) Any funds appropriated under part 1 for the MDOC in-prison
24 drug treatment program and the MDOC technical violator pilot drug
25 treatment program that remain unexpended at the end of the fiscal year
26 shall not revert to the general fund but instead shall be placed in
27 separate work project accounts to be spent as provided under this
28 section and sections 304 and 305.

29 (3) The department shall contract with 1 or more independent third
30 parties for evaluation of alcohol and substance abuse programs

1 administered by the department, including in-prison programs and
2 programs provided through community placement or field programs. The
3 evaluation shall measure the impact of alcohol and other substance
4 abuse programs on prison admission, length of stay, jail utilization,
5 and offender relapse and recidivism. The evaluation of a program
6 funded under section 219(6) of 1998 PA 321 shall be consistent with
7 any requirements contained in the federal residential substance abuse
8 and treatment grant for that program. Evaluation of substance abuse
9 treatment pilot programs funded under sections 304 and 305 of this
10 bill and sections 220 and 221 of 1998 PA 321 shall be consistent with
11 recommendations developed and agreed to under section 222 of 1998 PA
12 321, and shall be structured so as to allow the pilot programs funded
13 under this bill and under 1998 PA 321 to be compared with each other.
14 Evaluations required by this section shall to the extent feasible
15 compare offenders treated under those programs with other offenders of
16 similar characteristics.

17 (4) The department shall report by April 1, 2002 to the house and
18 senate appropriations subcommittees on corrections and the house and
19 senate fiscal agencies and the state budget office on the progress on
20 implementation of the substance abuse treatment pilot programs funded
21 under this bill, 1999 PA 92, and 1998 PA 321 and on implementation of
22 evaluation and monitoring requirements provided by this section.

23 **EXECUTIVE**

24 Sec. 401. The department shall submit 3-year and 5-year prison
25 population projection updates by February 1, 2002 to the senate and
26 house appropriations subcommittees on corrections, the senate and
27 house fiscal agencies, and the state budget director.

28 Sec. 402. (1) The department shall prepare by April 1, 2002,
29 individual reports for, the technical rule violator program, the
30 community residential program, the electronic tether program, and the

1 special alternative to incarceration program. The reports will be
2 submitted to the house and senate appropriations subcommittees on
3 corrections, the house and senate fiscal agencies, and the state
4 budget director. The reports shall include the following:

5 (a) Monthly new participants.

6 (b) Monthly participant unsuccessful terminations, including
7 cause.

8 (c) Number of successful terminations.

9 (d) End month population by facility/program.

10 (e) Average length of placement.

11 (f) Return to prison statistics.

12 (g) Description of program location(s), capacity, and staffing.

13 (h) Sentencing guideline scores and actual sentence statistics for
14 participants, if applicable.

15 (i) Comparison with prior year statistics.

16 (j) Analysis of the impact on prison admissions and jail
17 utilization and the cost effectiveness of the program.

18 Sec. 403. From the funds appropriated in part 1, the department
19 shall continue to maintain county jail services staff sufficient to
20 enable the department to continue to fulfill its functions of
21 providing technical support, inspections of county jails, and
22 maintenance of the jail reimbursement program.

23 **ADMINISTRATION AND PROGRAMS**

24 Sec. 501. From the funds appropriated in part 1 for prosecutorial
25 and detainer expenses, the department shall reimburse counties for
26 housing and custody of parole violators and offenders being returned
27 by the department from community placement who are available for
28 return to institutional status and for prisoners who volunteer for
29 placement in a county jail.

30 **FIELD OPERATIONS ADMINISTRATION**

1 Sec. 601. (1) Of the amount appropriated in part 1 for personnel,
2 a sufficient amount shall be allocated for the community service work
3 program and shall be used for salaries and wages and fringe benefit
4 costs of community service coordinators employed by the department to
5 supervise offenders participating in work crew assignments. Funds
6 shall also be used to cover motor transport division rates on state
7 vehicles used to transport offenders to community service work project
8 sites.

9 (2) The community service work program shall provide offenders
10 with community service work of tangible benefit to a community while
11 fulfilling court-ordered community service work sanctions and other
12 postconviction obligations.

13 (3) As used in this section, "community service work" means work
14 performed by an offender in an unpaid position with a nonprofit or tax
15 supported or government agency for a specified number of hours of work
16 or service within a given time period.

17 Sec. 602. (1) All prisoners, probationers, and parolees involved
18 with the electronic tether program shall reimburse the department for
19 the equipment costs and telephone charges associated with their
20 participation in the program. The department may require community
21 service work reimbursement as a means of payment for those able-bodied
22 individuals unable to pay for the cost of the equipment.

23 (2) Program participant contributions and local community tether
24 program reimbursement for the electronic tether program appropriated
25 in section 104 are related to program expenditures and may be used to
26 offset expenditures for this purpose.

27 (3) Included in the appropriation in part 1 is adequate funding to
28 implement the community tether program to be administered by the
29 department. The community tether program is intended to provide
30 sentencing judges and county sheriffs in coordination with local

1 community corrections advisory boards access to the state's electronic
2 tether program to reduce prison admissions and improve local jail
3 utilization. The department shall determine the appropriate
4 distribution of the tether units throughout the state based upon
5 locally developed comprehensive corrections plans pursuant to the
6 community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

7 (4) For a fee determined by the department, the department will
8 provide counties with the tether equipment, replacement parts,
9 administrative oversight of the equipment's operation, notification of
10 violators, and periodic reports regarding county program participants.
11 Counties are responsible for tether equipment installation and service
12 and apprehension of program violators. For an additional fee as
13 determined by the department, the department will provide staff to
14 install and service the equipment. Counties are responsible for the
15 coordination and apprehension of program violators.

16 (5) Any county with tether charges outstanding over 60 days shall
17 be considered in violation of the community tether program agreement
18 and lose access to the program.

19 Sec. 603. Community-placement prisoners and parolees shall
20 reimburse the department for the operational costs of the program. As
21 an alternative method of payment, the department may develop a
22 community service work schedule for those individuals unable to meet
23 reimbursement requirements established by the department.

24 Sec. 604. The department shall establish a uniform rate to be
25 paid by agencies that benefit from public work services provided by
26 special alternative incarceration participants and prisoners.

27 Sec. 605. The department shall provide annual training in
28 universal precautions for airborne and bloodborne pathogens for all
29 field operations employees who conduct instant drug tests.

30 **COMMUNITY CORRECTIONS**

1 Sec. 701. The office of community corrections shall provide and
2 coordinate the delivery and implementation of services in communities
3 to facilitate successful offender reintegration into the community.
4 Programs and services to be offered shall include, but are not limited
5 to, technical assistance for comprehensive corrections plan
6 development, new program start-up funding, program funding for those
7 programs delivering services for eligible offenders in geographic
8 areas identified by the office of community corrections as having a
9 shortage of available services, technical assistance, referral
10 services for education, employment services, and substance abuse and
11 family counseling.

12 Sec. 702. (1) As part of the March biannual report specified
13 under section 12(2) of the community corrections act, 1988 PA 511, MCL
14 791.412, which requires an analysis of the impact of that act on
15 prison admissions and jail utilization, the department shall submit to
16 the senate and house appropriations subcommittees on corrections, the
17 senate and house fiscal agencies, and the state budget director the
18 following information for each county and counties consolidated for
19 comprehensive corrections plans:

20 (a) Approved technical assistance grants and comprehensive
21 corrections plans including each program and level of funding, the
22 utilization level of each program, and profile information of enrolled
23 offenders.

24 (b) If federal funds are made available, the number of
25 participants funded, the number served, the number successfully
26 completing the program, and a summary of the program activity.

27 (c) Status of the community corrections information system and the
28 jail population information system.

29 (d) Data on probation residential centers, including participant
30 data, participant sentencing guideline scores, program expenditures,

1 average length of stay, and bed utilization data.

2 (e) Offender disposition data by sentencing guideline range, by
3 disposition type, number and percent statewide and by county, current
4 year, and comparisons to prior 3 years.

5 (2) The report required under subsection (1) shall include the
6 total funding allocated, program expenditures, required program data,
7 and year-to-date totals.

8 Sec. 703. (1) The department shall identify and coordinate
9 information regarding the availability of and the demand for community
10 corrections programs, jail-based community corrections programs, and
11 basic state required jail data.

12 (2) The department shall be responsible for the collection,
13 analysis, and reporting of state required jail data.

14 (3) As a prerequisite to participation in the programs and
15 services offered through the department, counties shall provide basic
16 jail data to the department.

17 Sec. 704. (1) The department shall administer a county jail
18 reimbursement program from the funds appropriated in part 1 for the
19 purpose of reimbursing counties for housing in jails felons who
20 otherwise would have been sentenced to prison.

21 (2) The county jail reimbursement program shall reimburse counties
22 for housing and custody of convicted felons if the conviction was for
23 a crime committed before January 1, 1999 and 1 of the following
24 applies:

25 (a) The felon would otherwise have been sentenced to a state
26 prison term with a minimum sentencing guidelines range minimum of 12
27 months or more.

28 (b) The felon was convicted of operating a motor vehicle under the
29 influence of intoxicating liquor or a controlled substance, or a
30 combination of both, third or subsequent offense, under section

1 625(8)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or
2 its predecessor statute, punishable as a felony.

3 (c) The felon was sentenced under section 11 or 12 of chapter IX
4 of the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

5 (3) The county jail reimbursement program shall reimburse counties
6 for housing and custody of convicted felons if the conviction was for
7 a crime committed on or after January 1, 1999 and 1 of the following
8 applies:

9 (a) The felon was convicted of operating a motor vehicle under the
10 influence of intoxicating liquor or a controlled substance, or a
11 combination of both, third or subsequent offense, under section
12 625(8)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or
13 its predecessor statute, punishable as a felony.

14 (b) The felon's sentencing guidelines recommended range upper
15 limit is more than 18 months, the felon's sentencing guidelines
16 recommended range lower limit is 12 months or less, the felon's prior
17 record variable score is 35 or more points, and the felon's sentence
18 is not for commission of a crime in crime class G or crime class H
19 under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL
20 777.1 to 777.69.

21 (c) The felon's minimum sentencing guidelines range minimum is
22 more than 12 months.

23 (4) State reimbursement under this section for prisoner housing
24 and custody expenses per diverted offender shall be \$43.00 per diem
25 for up to an one-year total.

26 (5) From the funds appropriated in part 1 for the county jail
27 reimbursement program, the department shall contract for an ongoing
28 study to determine the impact of the new legislative sentencing
29 guidelines. The study shall analyze historical sentencing patterns of
30 jurisdictions as well as current and future patterns in order to

1 determine and quantify the population impact on prisons and jails of
2 the new guidelines as well as to identify and define felon or crime
3 characteristics or sentencing guidelines scores that indicate a felon
4 is a prison diversion. The department shall contract for a local and
5 statewide study for this purpose and provide periodic reports
6 regarding the status and findings of the study to the house and senate
7 appropriations subcommittees on corrections, the house and senate
8 fiscal agencies, and the state budget director.

9 (7) The department, the Michigan association of counties, and the
10 Michigan sheriffs' association shall review the periodic findings of
11 the study required in subsection (6) and, if appropriate, recommend
12 modification of the criteria for reimbursement contained in subsection
13 (3)(b) and (c). Any recommended modification shall be forwarded to
14 the house and senate appropriations subcommittees on corrections.

15 (8) The department shall reimburse counties for offenders in jail
16 based upon the reimbursement eligibility criteria in place on the date
17 the offender was originally sentenced for the reimburseable offense.

18 (9) County jail reimbursement program expenditures shall not
19 exceed the amount appropriated in part 1 for this purpose. Payments to
20 counties under the county jail reimbursement program shall be made in
21 the order in which properly documented requests for reimbursements are
22 received. A request shall be considered to be properly documented if
23 it meets MDOC requirements for documentation. As a condition of
24 expending funds under this section, the department shall by October
25 15, 2001 distribute the documentation requirements to all counties.

26 Sec. 705. (1) From the funds appropriated in part 1 for probation
27 residential centers, funds are allocated for the operation of a
28 probation detention program in a county that has adopted a charter
29 pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation
30 detention program shall have a capacity of 100 beds. The department

1 shall provide the program administrator monthly with 90-day
2 projections of the numbers of beds expected to be needed for
3 probationers and parolees in Phase II residential placement under
4 section 4(2) of the special alternative incarceration act, 1988 PA
5 287, MCL 798.14, and the program administrator shall make beds
6 available as necessary to house probationers and parolees entering
7 Phase II residential placement.

8 (2) Funds awarded for probation residential centers in part 1
9 shall provide for a per diem reimbursement of not more than \$43.00.

10 (3) Payments under this section for operation of the probation
11 detention program shall be made at the same rates applicable to
12 disbursement of other funds awarded under the probation residential
13 centers line item, not to exceed a total expenditure of \$1,569,500.00.

14 (4) The purpose of the probation detention program is to reduce
15 the admission to prison of probation violators by providing a
16 community punishment program within a secure environment with 24-hour
17 supervision and programming with an emphasis on structured daily
18 activities. Programming shall include, but need not be limited to,
19 the following components that may be provided directly or by referral:

20 (a) Orientation and assessment.

21 (b) Substance abuse counseling.

22 (c) Life skills counseling.

23 (d) Education.

24 (e) Employment preparation.

25 (f) Vocational training.

26 (g) Employment.

27 (h) Community service.

28 (i) Physical training.

29 (j) Cognitive skill training.

30 (5) The probation detention program shall reduce the admission to

1 prison of probation violators directly or indirectly by providing a
2 program for direct sentencing of felony probation violators who likely
3 would be prison-bound based on historical local sentencing practices
4 or by removing probation violators from jail with a resulting increase
5 in the number of jail beds available and used for felons who otherwise
6 would be likely to be sentenced to prison based on historical local
7 sentencing practices.

8 (6) The operation of the probation detention program shall be
9 included in an approved community corrections comprehensive plan for
10 the county described in subsection (1) pursuant to the community
11 corrections act, 1988 PA 511, MCL 791.401 to 791.414, and shall be
12 consistent with sections 701, 702, 703, and 706.

13 (7) The comprehensive plan shall specify the programs, eligibility
14 criteria, referral, and enrollment process, the assessment and client-
15 specific planning case management process, a program design that
16 includes a variable length of stay based on assessed need, and the
17 evaluation methodology to show the impact of the program on prison
18 admissions and recidivism.

19 (8) The length of stay for a probationer or parolee in Phase II
20 residential placement shall be at the department's discretion based on
21 the offender assessment and client-specific planning case management
22 process and the offender's progress at meeting the case management
23 objectives, but shall not exceed 120 days.

24 (9) The department shall require the program administrator to
25 report not later than September 30, 2002 to the state budget director,
26 the senate and house fiscal agencies, and the senate and house
27 appropriations subcommittees on corrections concerning the program's
28 impact on prison admissions and recidivism including, but not limited
29 to, the numbers of offenders released from the probation detention
30 program who are arrested for a felony offense within 1 year of their

1 termination from the program.

2 **CONSENT DECREES**

3 Sec. 801. Funding appropriated in part 1 for consent decree line
4 items is appropriated into separate control accounts created for each
5 line item. Funding in each control account shall be distributed as
6 necessary into separate accounts created for the purpose of separately
7 identifying costs and expenditures associated with each consent
8 decree.

9 **HEALTH CARE**

10 Sec. 901. The department shall not expend funds appropriated
11 under part 1 for any surgery, procedure, or treatment to provide or
12 maintain a prisoner's sex change unless it is determined medically
13 necessary by a physician.

14 **INSTITUTIONAL OPERATIONS**

15 Sec. 1001. As a condition of expenditure of the funds
16 appropriated in part 1, the department shall ensure that smoking areas
17 are designated for use by prisoners and staff at each facility. At a
18 minimum, all outdoor areas within each facility's perimeter shall be
19 designated for smoking, except that smoking may be forbidden within 20
20 feet of any building designated as nonsmoking or smoke-free.

21 Sec. 1002. From the funds appropriated in part 1, the department
22 shall allocate sufficient funds to develop a pilot children's
23 visitation program. The pilot program shall teach parenting skills
24 and arrange for day visitation at these facilities for parents and
25 their children, except for the families of prisoners convicted of a
26 crime involving criminal sexual conduct in which the victim was less
27 than 18 years of age or involving child abuse.

28 Sec. 1003. The department shall prohibit prisoners access to or
29 use of the Internet or any similar system.

30 Sec. 1004. Any department employee who, in the course of his or

1 her job, is determined by a physician to have had a potential exposure
2 to the hepatitis B virus, shall receive a hepatitis B vaccination upon
3 request.

4 Sec. 1005. From the funds appropriated in part 1, the department
5 shall contract for or perform its own evaluation of Project RESTART
6 and Project CHANGE to determine whether funding for these programs
7 should be continued. A report on the results of the study shall be
8 submitted to the house and senate appropriations subcommittees on
9 corrections and the house and senate fiscal agencies by September 30,
10 2002. The study shall measure cognitive changes and recidivism rates,
11 if appropriate, and track the security level changes for participants
12 in comparison to the participant's skills and abilities upon entry to
13 the program, to a control group of prisoners who would have been
14 eligible for the program, but could not participate due to relocation,
15 parole, or other like situations, and to the general population.

16 Sec. 1006. (1) The inmate housing fund shall be used for the
17 custody, treatment, clinical, and administrative costs associated with
18 the housing of prisoners other than those specifically budgeted for
19 elsewhere in this bill. Funding in the inmate housing fund is
20 appropriated into a separate control account. Funding in the control
21 account shall be distributed as necessary into separate accounts
22 created to separately identify costs for specific purposes.

23 (2) Quarterly reports on all expenditures from the inmate housing
24 fund shall be submitted by the department to the state budget
25 director, the senate and house appropriations subcommittees on
26 corrections, and the senate and house fiscal agencies.

27 Sec. 1007. The department shall provide programs that allow
28 prisoners to self-rehabilitate for successful reintegration into the
29 community. The department shall report to the senate and house of
30 representatives appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director, the
2 number of prisoners enrolled as of September 30, 2001 in each
3 academic/vocational program offered, the number of prisoners
4 completing the program during fiscal year 2000-2001, and the number of
5 prisoners on waiting lists. The report shall include information on
6 Michigan prison build program outcomes, including, but not limited to,
7 the number of prisoners who participated in the program during fiscal
8 year 2000-2001; the number of houses/components completed; facilities
9 included in the program.