

HOUSE BILL No. 5617

February 26, 2004, Introduced by Rep. Whitmer 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, 2005; 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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2005, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATIONS SUMMARY:

Average population	51,169
Full-time equated unclassified positions.....	16.0
Full-time equated classified positions.....	17,788.6
GROSS APPROPRIATION	\$1,824,618,900
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	3,364,200
ADJUSTED GROSS APPROPRIATION.....	\$1,821,254,700
Federal revenues:	
Total federal revenues	9,808,000
Special revenue funds:	
Total local revenues	393,600
Total private revenues	0
Total other state restricted revenues.....	68,090,600
State general fund/general purpose.....	\$1,742,962,500
Sec. 102. EXECUTIVE	
Full-time equated unclassified positions.....	16.0

1	Full-time equated classified positions.....	263.7	
2	Unclassified positions--16.0 FTE positions.....		\$ 1,313,600
3	Executive direction--41.5 FTE positions.....		4,383,500
4	Policy and strategic planning--50.0 FTE positions.....		5,240,300
5	Human resources--172.2 FTE positions.....		15,134,900
6	Human resources optimization user charges.....		1,299,200
7	Training		4,308,800
8	Sheriffs' coordinating and training office.....		4,000,000
9	Worker's compensation		<u>21,577,000</u>
10	GROSS APPROPRIATION		\$ 57,257,300
11	Appropriated from:		
12	Interdepartmental grant revenues:		
13	IDG-MDSP, Michigan justice training fund.....		660,100
14	Special revenue funds:		
15	State restricted revenues and reimbursements.....		4,000,000
16	State general fund/general purpose.....		\$ 52,597,200
17	Sec. 103. ADMINISTRATION AND PROGRAMS		
18	Average population	480	
19	Full-time equated classified positions.....	284.9	
20	Administrative services--63.9 FTE positions.....		\$ 5,559,500
21	Substance abuse testing and treatment.....		20,016,300
22	Inmate legal services		314,900
23	Prison industries operations--220.0 FTE positions.....		17,532,400
24	Rent		2,095,200
25	Equipment and special maintenance.....		4,167,200
26	Compensatory buyout and union leave bank.....		275,000
27	Michigan youth correctional facility - management		

1	services	13,467,800
2	Michigan youth correctional facility -	
3	administration--1.0 FTE position	156,200
4	Average population 480	
5	Michigan youth correctional facility - lease	
6	payments	5,646,100
7	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
8	GROSS APPROPRIATION	\$ 73,281,600
9	Appropriated from:	
10	Federal revenues:	
11	Federal revenues and reimbursements.....	2,349,300
12	Special revenue funds:	
13	State restricted revenues and reimbursements.....	17,532,400
14	State general fund/general purpose.....	\$ 53,399,900
15	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
16	Average population 581	
17	Full-time equated classified positions..... 2,248.9	
18	Field operations--1,873.2 FTE positions.....	\$ 139,663,200
19	Parole board operations--29.0 FTE positions.....	2,321,600
20	Loans to parolees	294,400
21	Parole/probation services.....	2,867,300
22	Corrections centers--70.0 FTE positions.....	9,329,500
23	Average population 581	
24	Electronic monitoring center--49.4 FTE positions.....	6,215,900
25	Technical rule violator program--96.3 FTE positions...	9,691,400
26	Special alternative incarceration program--131.0 FTE	
27	positions	<u>10,733,600</u>

1	GROSS APPROPRIATION	\$ 181,116,900
2	Appropriated from:	
3	Special revenue funds:	
4	Local - community tether program reimbursement.....	393,600
5	State restricted revenues and reimbursements.....	19,876,800
6	State general fund/general purpose.....	\$ 160,846,500
7	Sec. 105. COMMUNITY CORRECTIONS	
8	Full-time equated classified positions.....	16.0
9	Community corrections administration--16.0 FTE	
10	positions	\$ 1,519,100
11	Probation residential centers.....	15,828,400
12	Community corrections comprehensive plans and	
13	services	13,033,000
14	Public education and training.....	50,000
15	Regional jail program	100
16	Sentencing guidelines jail crowding reduction program.	1,619,600
17	Sentencing guidelines treatment program.....	400,000
18	Felony drunk driver jail reduction and community	
19	treatment program	3,000,000
20	County jail reimbursement program.....	<u>13,249,000</u>
21	GROSS APPROPRIATION	\$ 48,699,200
22	Appropriated from:	
23	Special revenue funds:	
24	State restricted revenues and reimbursements.....	20,592,100
25	State general fund/general purpose.....	\$ 28,107,100
26	Sec. 106. CONSENT DECREES	
27	Average population	400

1	Full-time equated classified positions.....	471.3	
2	Hadix consent decree--138.0 FTE positions.....		\$ 11,529,200
3	DOJ, consent decree--106.8 FTE positions.....		8,638,800
4	DOJ, psychiatric plan - MDCH mental health services...		69,194,100
5	DOJ, psychiatric plan - MDOC staff and		
6	services--226.5 FTE positions		<u>15,616,200</u>
7	GROSS APPROPRIATION		\$ 104,978,300
8	Appropriated from:		
9	Special revenue funds:		
10	State general fund/general purpose.....		\$ 104,978,300
11	Sec. 107. HEALTH CARE		
12	Full-time equated classified positions.....	923.6	
13	Health care administration--18.0 FTE positions.....		\$ 2,326,800
14	Hospital and specialty care services.....		59,875,200
15	Hepatitis C testing and treatment.....		5,863,000
16	Vaccination program		991,200
17	Northern region clinical complexes--240.4 FTE		
18	positions		28,048,000
19	Southeastern region clinical complexes--360.8 FTE		
20	positions		49,187,200
21	Southwestern region clinical complexes--304.4 FTE		
22	positions		<u>31,432,500</u>
23	GROSS APPROPRIATION		\$ 177,723,900
24	Appropriated from:		
25	Special revenue funds:		
26	State restricted revenues and reimbursements.....		315,700
27	State general fund/general purpose.....		\$ 177,408,200

1	Sec. 108. CORRECTIONAL FACILITIES - ADMINISTRATION		
2	Average population	978	
3	Full-time equated classified positions.....	781.0	
4	Correctional facilities administration--45.0 FTE		
5	positions		\$ 4,507,700
6	Housing inmates in federal institutions.....		552,600
7	Education services and federal education		
8	grants--10.0 FTE positions		5,642,700
9	Federal school lunch program.....		712,800
10	Leased beds and alternatives to leased beds.....		100
11	Inmate housing fund--315.5 FTE positions.....		29,177,100
12	Average population	978	
13	Academic/vocational programs--410.5 FTE positions.....		<u>33,165,900</u>
14	GROSS APPROPRIATION		\$ 73,758,900
15	Appropriated from:		
16	Federal revenues:		
17	Federal revenues and reimbursements.....		6,532,500
18	Special revenue funds:		
19	State restricted revenues and reimbursements.....		102,800
20	State general fund/general purpose.....		\$ 67,123,600
21	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES		
22	Average population	14,805	
23	Full-time equated classified positions.....	4,171.2	
24	Alger maximum correctional facility -		
25	Munising--343.0 FTE positions.....		\$ 28,957,000
26	Average population	849	
27	Baraga maximum correctional facility - Baraga--405.5		

1	FTE positions	33,291,700
2	Average population 1,084	
3	Chippewa correctional facility - Kincheloe--512.3	
4	FTE positions	43,324,500
5	Average population 2,122	
6	Kinross correctional facility - Kincheloe--559.7 FTE	
7	positions	49,754,500
8	Average population 2,423	
9	Marquette branch prison - Marquette--386.6 FTE	
10	positions	34,184,500
11	Average population 1,129	
12	Newberry correctional facility - Newberry--345.4 FTE	
13	positions	27,827,000
14	Average population 1,144	
15	Oaks correctional facility - Eastlake--354.4 FTE	
16	positions	31,609,600
17	Average population 1,312	
18	Ojibway correctional facility - Marenisco--285.1 FTE	
19	positions	22,793,100
20	Average population 1,202	
21	Pugsley correctional facility - Kingsley--220.4 FTE	
22	positions	17,477,400
23	Average population 954	
24	Saginaw correctional facility - Freeland--356.0 FTE	
25	positions	30,789,900
26	Average population 1,480	
27	Standish maximum correctional facility -	

1	Standish--402.8 FTE positions	33,845,300
2	Average population	1,106
3	GROSS APPROPRIATION	\$ 353,854,500
4	Appropriated from:	
5	Special revenue funds:	
6	State restricted revenues and reimbursements.....	1,627,000
7	State general fund/general purpose.....	\$ 352,227,500
8	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
9	Average population	16,227
10	Full-time equated classified positions.....	4,304.7
11	Cooper Street correctional facility - Jackson--267.2	
12	FTE positions	\$ 23,781,400
13	Average population	1,360
14	G. Robert Cotton correctional facility -	
15	Jackson--429.3 FTE positions	35,792,600
16	Average population	1,734
17	Charles E. Egeler correctional facility -	
18	Jackson--578.6 FTE positions	51,017,200
19	Average population	2,071
20	Gus Harrison correctional facility - Adrian--494.2	
21	FTE positions	41,845,600
22	Average population	2,102
23	Macomb correctional facility - New Haven--325.5 FTE	
24	positions	26,555,200
25	Average population	1,228
26	Mound correctional facility - Detroit--311.5 FTE	
27	positions	25,193,100

1	Average population	1,051	
2	Parnall correctional facility - Jackson--266.2 FTE		
3	positions		23,426,700
4	Average population	1,378	
5	Ryan correctional facility - Detroit--305.9 FTE		
6	positions		26,056,500
7	Average population	1,059	
8	Robert Scott correctional facility - Plymouth--435.7		
9	FTE positions		35,391,100
10	Average population	1,284	
11	Southern Michigan correctional facility - Jackson--		
12	418.8 FTE positions		33,758,900
13	Average population	1,481	
14	Thumb correctional facility - Lapeer--374.8 FTE		
15	positions		30,982,400
16	Average population	1,479	
17	Jackson area support and services--97.0 FTE		
18	positions		<u>17,784,900</u>
19	GROSS APPROPRIATION	\$	371,585,600
20	Appropriated from:		
21	Intradepartmental transfer revenues:		
22	IDT, production kitchen user fees.....		2,704,100
23	Federal revenues:		
24	Federal revenues and reimbursements.....		926,200
25	Special revenue funds:		
26	State restricted revenues and reimbursements.....		1,767,300
27	State general fund/general purpose.....	\$	366,188,000

1	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
2	Average population	17,698
3	Full-time equated classified positions.....	4,323.3
4	Bellamy Creek correctional facility - Ionia--503.1	
5	FTE positions	\$ 41,029,400
6	Average population	1,830
7	Earnest C. Brooks correctional facility -	
8	Muskegon--475.9 FTE positions	40,934,700
9	Average population	2,200
10	Carson City correctional facility - Carson	
11	City--527.4 FTE positions	44,394,500
12	Average population	2,200
13	Richard A. Handlon correctional facility -	
14	Ionia--254.2 FTE positions	22,464,100
15	Average population	1,320
16	Ionia maximum correctional facility - Ionia--322.8	
17	FTE positions	26,315,300
18	Average population	667
19	Lakeland correctional facility - Coldwater--673.1	
20	FTE positions	57,718,600
21	Average population	2,816
22	Muskegon correctional facility - Muskegon--259.4 FTE	
23	positions	23,357,200
24	Average population	1,310
25	Pine River correctional facility - St. Louis--214.4	
26	FTE positions	17,929,600
27	Average population	960

1	Riverside correctional facility - Ionia--498.2 FTE	
2	positions	44,614,800
3	Average population	2,171
4	St. Louis correctional facility - St. Louis--594.8	
5	FTE positions	<u>48,485,900</u>
6	Average population	2,224
7	GROSS APPROPRIATION	\$ 367,244,100
8	Appropriated from:	
9	Special revenue funds:	
10	State restricted revenues and reimbursements.....	1,767,000
11	State general fund/general purpose.....	\$ 365,477,100
12	Sec. 112. INFORMATION TECHNOLOGY	
13	Information technology services and projects.....	<u>\$ 15,118,600</u>
14	GROSS APPROPRIATION	\$ 15,118,600
15	Appropriated from:	
16	Special revenue funds:	
17	State restricted revenues and reimbursements.....	509,500
18	State general fund/general purpose.....	\$ 14,609,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

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 2004-2005 is \$1,811,053,100.00 and state
 25 spending from state resources to be paid to local units of government
 26 for fiscal year 2004-2005 is \$88,507,700.00. The itemized statement
 27 below identifies appropriations from which spending to units of local

1 government will occur:

2 **DEPARTMENT OF CORRECTIONS**

3	Field operations - assumption of county probation	
4	staff	\$ 40,605,000
5	Prosecutorial and detainer expenses.....	4,051,000
6	Public service work projects.....	9,920,600
7	Community corrections comprehensive plans and services	13,033,000
8	Community corrections probation residential centers...	15,828,400
9	Felony drunk driver jail reduction and community	
10	treatment program	3,000,000
11	Community corrections public education and training...	50,000
12	Sentencing guidelines jail crowding reduction program.	1,619,600
13	Sentencing guidelines treatment program.....	400,000
14	Regional jail program	<u>100</u>
15	TOTAL	\$ 88,507,700

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

18 Sec. 203. As used in this bill:

19 (a) "Department" or "MDOC" means the Michigan department of
 20 corrections.

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

22 (c) "FTE" means full-time equated.

23 (d) "IDG" means interdepartmental grant.

24 (e) "IDT" means intradepartmental transfer.

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

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

27 (h) "OCC" means office of community corrections.

1 Sec. 204. The department of civil service shall bill the department
2 at the end of the first fiscal quarter for the 1% charge authorized by
3 section 5 of article XI of the state constitution of 1963. Payments
4 shall be made for the total amount of the billing by the end of the
5 second fiscal quarter.

6 Sec. 208. Unless otherwise specified, the department shall use the
7 Internet to fulfill the reporting requirements of this bill. This
8 requirement may include transmission of reports via electronic mail to
9 the recipients identified for each reporting requirement or it may
10 include placement of reports on an Internet or Intranet site.

11 Sec. 211. (1) Pursuant to the provisions of civil service rules
12 and regulations and applicable collective bargaining agreements,
13 individuals seeking employment with the department shall submit to a
14 controlled substance test. The test shall be administered by the
15 department.

16 (2) Individuals seeking employment with the department who
17 refuse to take a controlled substance test or who test positive for the
18 illicit use of a controlled substance on such a test shall be denied
19 employment.

20 Sec. 212. The department may charge fees and collect revenues in
21 excess of appropriations in part 1 not to exceed the cost of offender
22 services and programming, employee meals, parolee loans,
23 academic/vocational services, custody escorts, compassionate visits,
24 union steward activities, public work programs, and emergency services
25 provided to units of government. The revenues and fees collected shall
26 be appropriated for all expenses associated with these services and
27 activities.

1 Sec. 213. Of the state general fund/general purpose revenue
2 appropriated in part 1, \$635,628,600.00 represents a state spending
3 increase over the amount provided to the department for the fiscal year
4 ending September 30, 1994, and may be used to meet state match
5 requirements of programs contained in the violent crime control and law
6 enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or
7 successor grant programs, so that any additional federal funds received
8 shall supplement funding provided to the department in part 1.

9 Sec. 222. From the funds appropriated in part 1 for information
10 technology, the department shall pay user fees to the department of
11 information technology for technology-related services and projects.
12 Such user fees shall be subject to provisions of an interagency
13 agreement between the departments and agencies and the department of
14 information technology.

15 Sec. 223. Amounts appropriated in part 1 for information technology
16 may be designated as work projects and carried forward to support
17 department of corrections technology projects under the direction of
18 the department of information technology. Funds designated in this
19 manner are not available for expenditure until approved as work
20 projects under section 451a of the management and budget act, 1984 PA
21 431, MCL 18.1451a.

22 Sec. 225. (1) In addition to the funds appropriated in part 1,
23 there is appropriated an amount not to exceed \$20,000,000.00 for
24 federal contingency funds. These funds are not available for
25 expenditure until they have been transferred to another line item in
26 this bill under section 393(2) of the management and budget act, 1984
27 PA 431, MCL 18.1393.

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

7 (3) In addition to the funds appropriated in part 1, there is
8 appropriated an amount not to exceed \$500,000.00 for local contingency
9 funds. These funds are not available for expenditure until they have
10 been transferred to another line item in this bill under section 393(2)
11 of the management and budget act, 1984 PA 431, MCL 18.1393.

12 (4) In addition to the funds appropriated in part 1, there is
13 appropriated an amount not to exceed \$500,000.00 for private
14 contingency funds. These funds are not available for expenditure until
15 they have been transferred to another line item in this bill under
16 section 393(2) of the management and budget act, 1984 PA 431, MCL
17 18.1393.

18 Sec. 225. Funds appropriated in part 1 shall not be used for the
19 purchase of foreign goods or services, or both, if competitively priced
20 and comparable quality American goods or services, or both, are
21 available. Preference should be given to goods and services or both,
22 manufactured or provided by Michigan businesses if they are
23 competitively priced and of comparable value.

24 **SUBSTANCE ABUSE TESTING AND TREATMENT**

25 Sec. 301. (1) The department shall screen and assess each prisoner
26 for alcohol and other drug involvement to determine the need for
27 further treatment. The assessment process shall be designed to

1 identify the severity of alcohol and other drug addiction and determine
2 the treatment plan, if appropriate.

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

8 Sec. 302. (1) In expending residential substance abuse treatment
9 services funds appropriated by this bill, the department shall ensure
10 to the maximum extent possible that residential substance abuse
11 treatment services are available statewide.

12 (3) By April 1, 2005, the department shall report to the senate
13 and house appropriations subcommittees on corrections, the senate and
14 house fiscal agencies, and the state budget director on the allocation,
15 distribution, and expenditure of all funds appropriated by the
16 substance abuse testing and treatment line item during fiscal year
17 2003-2004 and projected for fiscal year 2004-2005. The report shall
18 include, but not be limited to, an explanation of an anticipated year-
19 end balance, the number of participants in substance abuse programs,
20 and the number of offenders on waiting lists for residential substance
21 abuse programs. Information required by this subsection shall, where
22 possible, be separated by MDOC administrative region and by offender
23 type, including, but not limited to, a distinction between prisoners,
24 parolees, and probationers.

25 **EXECUTIVE**

26 Sec. 401. The department shall submit 3-year and 5-year prison
27 population projection updates within ten days after presentation of the

1 Governor's executive budget to the senate and house appropriations
2 subcommittees on corrections, the senate and house fiscal agencies, and
3 the state budget director.

4 Sec. 402. The department shall prepare by April 1, 2005 individual
5 reports for the technical rule violator program, the community
6 residential program, the electronic tether program, and the special
7 alternative to incarceration program. The reports shall be submitted
8 to the house and senate appropriations subcommittees on corrections,
9 the house and senate fiscal agencies, and the state budget director.
10 The reports shall include the following:

- 11 (a) Monthly new participants.
- 12 (b) Monthly participant unsuccessful terminations, including
13 cause.
- 14 (c) Number of successful terminations.
- 15 (d) End month population by facility/program.
- 16 (e) Average length of placement.
- 17 (f) Return to prison statistics.
- 18 (g) Description of program location(s), capacity, and staffing.
- 19 (h) Sentencing guideline scores and actual sentence statistics
20 for participants, if applicable.
- 21 (i) Comparison with prior year statistics.
- 22 (j) Analysis of the impact on prison admissions and jail
23 utilization and the cost effectiveness of the program.

24 Sec. 403. From the funds appropriated in part 1, the department
25 shall continue to maintain county jail services staff sufficient to
26 enable the department to continue to fulfill its functions of providing
27 technical support, inspections of county jails, and maintenance of the

1 jail reimbursement program.

2 Sec. 405. (1) The department shall review and revise as necessary
3 policy proposals that provide alternatives to prison for offenders
4 being sentenced to prison as a result of technical probation violations
5 and technical parole violations. To the extent the department has
6 insufficient policies or resources to affect the continued increase in
7 prison commitments among these offender populations, the department
8 shall explore other policy options to allow for program alternatives,
9 including department or OCC-funded programs, local level programs, and
10 programs available through private agencies that may be used as prison
11 alternatives for these offenders.

12 (2) To the extent policies or programs described in subsection
13 (1) are used, developed, or contracted for, the department may request
14 that funds appropriated in part 1 be transferred under section 393(2)
15 of the management and budget act, 1984 PA 431, MCL 18.1393, for their
16 operation.

17 (3) The department shall continue to utilize parole violator
18 processing guidelines that require parole agents to utilize all
19 available appropriate community-based, nonincarcerative postrelease
20 sanctions and services when appropriate. The department shall
21 periodically evaluate such guidelines for modification, in response to
22 emerging information from the pilot projects for substance abuse
23 treatment provided under this bill and applicable provisions of prior
24 budget acts for the department.

25 **ADMINISTRATION AND PROGRAMS**

26 Sec. 501. From the funds appropriated in part 1 for prosecutorial
27 and detainer expenses, the department shall reimburse counties for

1 housing and custody of parole violators and offenders being returned by
2 the department from community placement who are available for return to
3 institutional status and for prisoners who volunteer for placement in a
4 county jail.

5 **FIELD OPERATIONS ADMINISTRATION**

6 Sec. 601. From the funds appropriated in part 1, the department
7 shall conduct a statewide caseload audit of field agents. The audit
8 shall address public protection issues and assess the ability of the
9 field agents to complete their professional duties. The results of the
10 audit shall be submitted to the senate and house appropriations
11 subcommittees on corrections and the senate and house fiscal agencies,
12 and the state budget office by September 30, 2005.

13 Sec. 602. (1) Of the amount appropriated in part 1 for field
14 operations, a sufficient amount shall be allocated for the community
15 service work program and shall be used for salaries and wages and
16 fringe benefit costs of community service coordinators employed by the
17 department to supervise offenders participating in work crew
18 assignments. Funds shall also be used to cover motor transport
19 division rates on state vehicles used to transport offenders to
20 community service work project sites.

21 (2) The community service work program shall provide offenders
22 with community service work of tangible benefit to a community while
23 fulfilling court-ordered community service work sanctions and other
24 postconviction obligations.

25 (3) As used in this section, "community service work" means work
26 performed by an offender in an unpaid position with a nonprofit or tax-
27 supported or government agency for a specified number of hours of work

1 or service within a given time period.

2 Sec. 603. (1) All prisoners, probationers, and parolees involved
3 with the electronic tether program shall reimburse the department for
4 the equipment costs and telephone charges associated with their
5 participation in the program. The department may require community
6 service work reimbursement as a means of payment for those able-bodied
7 individuals unable to pay for the cost of the equipment.

8 (2) Program participant contributions and local community tether
9 program reimbursement for the electronic tether program appropriated in
10 part 1 are related to program expenditures and may be used to offset
11 expenditures for this purpose.

12 (3) Included in the appropriation in part 1 is adequate funding
13 to implement the community tether program to be administered by the
14 department. The community tether program is intended to provide
15 sentencing judges and county sheriffs in coordination with local
16 community corrections advisory boards access to the state's electronic
17 tether program to reduce prison admissions and improve local jail
18 utilization. The department shall determine the appropriate
19 distribution of the tether units throughout the state based upon
20 locally developed comprehensive corrections plans pursuant to the
21 community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

22 (4) For a fee determined by the department, the department shall
23 provide counties with the tether equipment, replacement parts,
24 administrative oversight of the equipment's operation, notification of
25 violators, and periodic reports regarding county program participants.
26 Counties are responsible for tether equipment installation and service.
27 For an additional fee as determined by the department, the department

1 shall provide staff to install and service the equipment. Counties are
2 responsible for the coordination and apprehension of program violators.

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

6 Sec. 604. Community-placement prisoners and parolees shall
7 reimburse the department for the operational costs of the program. As
8 an alternative method of payment, the department may develop a
9 community service work schedule for those individuals unable to meet
10 reimbursement requirements established by the department.

11 Sec. 605. The department shall establish a uniform rate to be paid
12 by agencies that benefit from public work services provided by special
13 alternative incarceration participants and prisoners.

14 **COMMUNITY CORRECTIONS**

15 Sec. 701. The office of community corrections shall provide and
16 coordinate the delivery and implementation of services in communities
17 to facilitate successful offender reintegration into the community.
18 Programs and services to be offered shall include, but are not limited
19 to, technical assistance for comprehensive corrections plan
20 development, new program start-up funding, program funding for those
21 programs delivering services for eligible offenders in geographic areas
22 identified by the office of community corrections as having a shortage
23 of available services, technical assistance, referral services for
24 education, employment services, and substance abuse and family
25 counseling. As used in this bill:

26 (a) "Alternative to incarceration in a state facility or jail"
27 means a program that involves offenders who receive a sentencing

1 disposition which appears to be in place of incarceration in a state
2 correctional facility or jail based on historical local sentencing
3 patterns or which amounts to a reduction in the length of sentence in a
4 jail.

5 (b) "Goal" means the intended or projected result of a
6 comprehensive corrections plan or community corrections program to
7 reduce prison commitment rates, to reduce the length of stay in a jail,
8 or to improve the utilization of a jail.

9 (c) "Jail" means a facility operated by a local unit of
10 government for the physical detention and correction of persons charged
11 with or convicted of criminal offenses.

12 (d) "Offender eligibility criteria" means particular criminal
13 violations, state felony sentencing guidelines descriptors, and
14 offender characteristics developed by advisory boards and approved by
15 local units of government that identify the offenders suitable for
16 community corrections programs funded through the office of community
17 corrections.

18 (e) "Offender target population" means felons or misdemeanants
19 who would likely be sentenced to imprisonment in a state correctional
20 facility or jail, who would not increase the risk to the public safety,
21 who have not demonstrated a pattern of violent behavior, and who do not
22 have criminal records that indicate a pattern of violent offenses.

23 (f) "Offender who would likely be sentenced to imprisonment"
24 means either of the following:

25 (i) A felon or misdemeanor who receives a sentencing disposition
26 that appears to be in place of incarceration in a state correctional
27 facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse

1 violations

2 (2) The award of community corrections comprehensive plans and
3 probation residential centers funds shall be based on criteria that
4 include, but are not limited to, the prison commitment rate by category
5 of offenders, trends in prison commitment rates and jail utilization,
6 historical trends in community corrections program capacity and program
7 utilization, and the projected impact and outcome of annual policies
8 and procedures of programs on prison commitment rates and jail
9 utilization and the projected impact of sentencing guidelines
10 revisions.

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

13 Sec. 703. The comprehensive corrections plans shall also include,
14 where appropriate, descriptive information on the full range of
15 sanctions and services which are available and utilized within the
16 local jurisdiction and an explanation of how jail beds, probation
17 residential services, the special alternative incarceration program
18 (boot camp), probation detention centers, the electronic monitoring
19 program for probationers, and treatment and rehabilitative services
20 will be utilized to support the objectives and priorities of the
21 comprehensive corrections plan and the purposes and priorities of
22 section 8(4) of the community corrections act, 1988 PA 511, MCL
23 791.408. The plans shall also include, where appropriate, provisions
24 that detail how the local communities plan to respond to sentencing
25 guidelines found in chapter XVII of the code of criminal procedure,
26 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail
27 reimbursement program pursuant to section 706 of this bill. The state

1 community corrections board shall encourage local community corrections
2 boards to include in their comprehensive corrections plans strategies
3 to collaborate with local alcohol and drug treatment agencies of the
4 department of community health for the provision of alcohol and drug
5 screening, assessment, case management planning, and delivery of
6 treatment to alcohol- and drug-involved offenders, including, but not
7 limited to, probation and parole violators who are at risk of
8 revocation.

9 Sec. 704. (1) As part of the March biannual report specified under
10 section 12(2) of the community corrections act, 1988 PA 511, MCL
11 791.412, which requires an analysis of the impact of that act on prison
12 admissions and jail utilization, the department shall submit to the
13 senate and house appropriations subcommittees on corrections, the
14 senate and house fiscal agencies, and the state budget director the
15 following information for each county and counties consolidated for
16 comprehensive corrections plans:

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

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

24 (c) Status of the community corrections information system and
25 the jail population information system.

26 (d) Data on probation residential centers, including participant
27 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. 705. (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. 706. (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
22 counties for housing and custody of convicted felons if the conviction
23 was for a crime committed on or after January 1, 1999 and 1 of the
24 following applies:

25 (a) The felon's sentencing guidelines recommended range upper
26 limit is more than 18 months, the felon's sentencing guidelines
27 recommended range lower limit is 12 months or less, the felon's prior

1 record variable score is 35 or more points, and the felon's sentence is
2 not for commission of a crime in crime class G or crime class H under
3 chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1
4 to 777.69.

5 (b) The felon's minimum sentencing guidelines range minimum is
6 more than 12 months.

7 (3) State reimbursement under this section for prisoner housing
8 and custody expenses per diverted offender shall be \$43.50 per diem for
9 up to a 1-year total.

10 (4) From the funds appropriated in part 1 for the county jail
11 reimbursement program, the department shall contract for an ongoing
12 study to determine the impact of the new legislative sentencing
13 guidelines. The study shall analyze sentencing patterns of
14 jurisdictions as well as future patterns in order to determine and
15 quantify the population impact on prisons and jails of the new
16 guidelines as well as to identify and define felon or crime
17 characteristics or sentencing guidelines scores that indicate a felon
18 is a prison diversion. The department shall contract for a local and
19 statewide study for this purpose and provide periodic reports regarding
20 the status and findings of the study to the house and senate
21 appropriations subcommittees on corrections, the house and senate
22 fiscal agencies, and the state budget director.

23 (5) The department, the Michigan association of counties, and
24 the Michigan sheriffs' association shall review the periodic findings
25 of the study required in subsection (4) and, if appropriate, recommend
26 modification of the criteria for reimbursement contained in subsection
27 (3). Any recommended modification shall be forwarded to the house and

1 senate appropriations subcommittees on corrections and the state budget
2 office.

3 (6) The department shall reimburse counties for offenders in
4 jail based upon the reimbursement eligibility criteria in place on the
5 date the offender was originally sentenced for the reimbursable
6 offense.

7 (7) County jail reimbursement program expenditures shall not
8 exceed the amount appropriated in part 1 for this purpose. Payments to
9 counties under the county jail reimbursement program shall be made in
10 the order in which properly documented requests for reimbursements are
11 received. A request shall be considered to be properly documented if
12 it meets MDOC requirements for documentation. The department shall by
13 October 15, 2004 distribute the documentation requirements to all
14 counties.

15 Sec. 710. (1) Funds included in part 1 for the felony drunk driver
16 jail reduction and community treatment program are appropriated for and
17 may be expended for any of the following purposes:

18 (a) To increase availability of treatment options to reduce
19 drunk driving and drunk driving-related deaths by addressing the
20 alcohol addiction of felony drunk drivers who otherwise likely would be
21 sentenced to jail or a combination of jail and other sanctions.

22 (b) To divert from jail sentences or to reduce the length of
23 jail sentences for felony drunk drivers who otherwise would have been
24 sentenced to jail and whose recommended minimum sentence ranges under
25 sentencing guidelines have upper limits of 18 months or less, through
26 funding programs that may be used in lieu of incarceration and that
27 increase the likelihood of rehabilitation.

1 (c) To provide a policy and funding framework to make additional
2 jail space available for housing convicted felons whose recommended
3 minimum sentence ranges under sentencing guidelines have lower limits
4 of 12 months or less and who likely otherwise would be sentenced to
5 prison, with the aim of enabling counties to meet or exceed amounts
6 received through the county jail reimbursement program during fiscal
7 year 2002-2003 and reducing the numbers of felons sentenced to prison.

8 (2) Expenditure of funds included in part 1 for the felony drunk
9 driver jail reduction and community treatment program shall be by grant
10 awards consistent with standards developed by a committee of the state
11 community corrections advisory board. The chairperson of the committee
12 shall be the board member representing county sheriffs. Remaining
13 members of the committee shall be appointed by the chairperson of the
14 board.

15 (3) In developing annual standards, the committee shall consult
16 with interested agencies and associations. Standards developed by the
17 committee shall include application criteria, performance objectives
18 and measures, funding allocations, and allowable uses of the fund,
19 consistent with the purposes specified in this section.

20 (4) Allowable uses of the fund shall include reimbursing
21 counties for transportation, treatment costs, and housing felony drunk
22 drivers during a period of assessment for treatment and case planning.
23 Reimbursements for housing during the assessment process shall be at
24 the rate of \$43.50 per day per offender, up to a maximum of 5 days per
25 offender.

26 (5) The standards developed by the committee shall assign each
27 county a maximum funding allocation based on the amount the county

1 received under the county jail reimbursement program in fiscal year
2 2001-2002 for housing felony drunk drivers whose sentencing guidelines
3 recommended minimum sentence ranges had upper limits of 18 months or
4 less.

5 (6) Awards of funding under this section shall be provided
6 consistent with the local comprehensive corrections plans developed
7 under the community corrections act, 1988 PA 511, MCL 791.401 to
8 791.414. Funds awarded under this section may be used in conjunction
9 with funds awarded under grant programs established under that act.
10 Due to the need for felony drunk drivers to be transitioned from county
11 jails to community treatment services, it is the intent of the
12 legislature that local units of government utilize funds received under
13 this section to support county sheriff departments.

14 (7) As used in this section, "felony drunk driver" means a felon
15 convicted of operating a motor vehicle under the influence of
16 intoxicating liquor or a controlled substance, or both, third or
17 subsequent offense, under section 625(8)(c) of the Michigan vehicle
18 code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable
19 as a felony.

20 Sec. 711. (1) Included in part 1 is funding for the sentencing
21 guidelines reinvestment program which may be expended for the projected
22 impact on counties of revisions to sentencing guidelines as passed by
23 the legislature.

24 (2) Expenditure of funds included in part 1 for the sentencing
25 guidelines reinvestment program shall be by grant awards consistent
26 with standards developed by a committee of the state community
27 corrections advisory board. The co-chairpersons of the committee shall

1 be the board members representing prosecutors and county sheriffs.
2 Remaining members of the committee shall be appointed by the
3 chairperson of the board.

4 (3) In developing standards, the committee shall consult with
5 interested agencies and associations. Standards developed by the
6 committee shall include application criteria, performance objectives
7 and measures, and allowable uses of funds, consistent with the purposes
8 specified in this section.

9 (4) Allowable uses of funding shall include:

10 (a) The reduction of jail crowding and

11 (b) Treatment options for offenders including, but not limited
12 to, residential treatment programs, mental health programs, and alcohol
13 and substance abuse programs.

14 (5) The standards developed by the committee shall assign each
15 county a maximum funding allocation based on the department's
16 projection of the impact on each county of legislatively enacted
17 revisions to sentencing guidelines. These allocations shall be made in
18 three distinct appropriations:

19 (a) Sentencing guidelines jail crowding reduction program.

20 (b) Sentencing guidelines treatment program.

21 (c) Increased appropriations in the funding for probation
22 residential services.

23 (6) Award of funding under this section shall be provided
24 consistent with approved local comprehensive corrections plans
25 developed under the community corrections act, 1988 Public Act 511.
26 Funds awarded under this section may be used in conjunction with funds
27 awarded under grant programs established under the community

1 corrections act.

2 (7) Due to the need for sufficient jail space for felons who
3 will be sentenced locally as a result of the revisions to the
4 sentencing guidelines, it is intended that local units of government
5 utilize funds received under section 4(a) to support county sheriff
6 departments.

7 **CONSENT DECREES**

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

13 **HEALTH CARE**

14 Sec. 901. The department shall not expend funds appropriated under
15 part 1 for any surgery, procedure, or treatment to provide or maintain
16 a prisoner's sex change unless it is determined medically necessary by
17 the chief medical officer of the department.

18 Sec. 908. The bureau of health care services shall develop
19 information on Hepatitis C prevention and the risks associated with
20 exposure to Hepatitis C, and the health care providers shall
21 disseminate this information verbally and in writing to each prisoner
22 at the health screening and full health appraisal conducted at
23 admissions, at the annual health care screening 1 week before or after
24 a prisoner's birthday, and prior to release to the community by parole,
25 transfer to community residential placement, or discharge on the
26 maximum.

27 Sec. 909. From the funds appropriated in part 1, the department

1 shall offer an alanine aminotransferase (ALT) test to each prisoner who
2 has received positive parole action. An explanation of results of the
3 test shall be provided confidentially to the prisoner prior to release
4 on parole, and if appropriate based on the test results, the prisoner
5 shall also be provided a recommendation to seek follow-up medical
6 attention in the community. The test shall be voluntary; if the
7 prisoner refuses to be tested, that decision shall not affect parole
8 release, conditions of parole, or parole supervision.

9 **INSTITUTIONAL OPERATIONS**

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

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

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

25 Sec. 1004. Any department employee who, in the course of his or her
26 job, is determined by a physician to have had a potential exposure to
27 the Hepatitis B virus, shall receive a Hepatitis B vaccination upon

1 request.

2 Sec. 1006. (1) The inmate housing fund shall be used for the
3 custody, treatment, clinical, and administrative costs associated with
4 the housing of prisoners other than those specifically budgeted for
5 elsewhere in this bill. Funding in the inmate housing fund is
6 appropriated into a separate control account. Funding in the control
7 account shall be distributed as necessary into separate accounts
8 created to separately identify costs for specific purposes.

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

13 Sec. 1009. By April 1, 2004, the department shall report to the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house fiscal agencies, and the state budget director on
16 academic/vocational programs for the most recently completed
17 appropriation year. The report shall provide information relevant to
18 an assessment of the department's academic and vocational programs,
19 including, but not limited to, the following:

20 (a) The number of prisoners enrolled in each program, the number
21 of prisoners completing each program, and the number of prisoners on
22 waiting lists for each program.

23 (b) The steps the department has undertaken to improve programs
24 and reduce waiting lists.

25 (c) An explanation of the value and purpose of each program,
26 e.g., to improve employability, reduce recidivism, reduce prisoner
27 idleness, or some combination of these and other factors.

1 (d) An identification of program outcomes for each academic and
2 vocational program.

3 (e) An explanation of the department's plans for academic and
4 vocational programs.