

SENATE BILL No. 323

March 20, 2003, Introduced by Senator SWITALSKI 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, 2004; 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, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population	50,782
Full-time equated unclassified positions.....	16.0
Full-time equated classified positions.....	18,292.7
GROSS APPROPRIATION.....	\$1,723,507,200
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	3,253,600
ADJUSTED GROSS APPROPRIATION.....	\$1,720,253,600
Federal revenues:	
Total federal revenues.....	27,798,400
Special revenue funds:	
Total local revenues.....	391,100
Total private revenues.....	0
Total other state restricted revenues.....	59,748,800
State general fund/general purpose	\$1,632,315,300
Sec. 102. EXECUTIVE	
Full-time equated unclassified positions	16.0
Full-time equated classified positions.....	291.2

1	Unclassified positions--16.0 FTE positions	\$	1,317,200
2	Executive direction--76.5 FTE positions		7,564,400
3	Human resources--214.7 FTE positions		15,632,800
4	Training.....		3,000,000
5	Worker's compensation.....		<u>24,126,000</u>
6	GROSS APPROPRIATION.....	\$	51,640,400
7	Appropriated from:		
8	Interdepartmental grant revenues:		
9	IDG-MDSP, Michigan justice training fund.....		638,600
10	Special revenue fund:		
11	State general fund/general purpose.....	\$	51,001,800
12	Sec. 103. ADMINISTRATION AND PROGRAMS		
13	Average population	480	
14	Full-time equated classified positions.....	300.9	
15	Planning, research, and records--22.0 FTE positions ...	\$	1,525,000
16	Administrative services--57.9 FTE positions		4,656,900
17	Substance abuse testing and treatment.....		20,070,800
18	Inmate legal services.....		314,900
19	Prison industries operations--220.0 FTE positions		16,312,000
20	Rent		2,095,200
21	Equipment and special maintenance.....		2,054,000
22	Compensatory buyout and union leave bank.....		275,000
23	Michigan youth correctional facility - management		
24	services		13,568,300
25	Michigan youth correctional facility - administration--1.0		
26	FTE positions		145,600
27	Average population	480	

1	Michigan youth correctional facility - lease payments .	5,646,100
2	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
3	GROSS APPROPRIATION.....	\$ 70,714,800
4	Appropriated from:	
5	Federal revenues:	
6	Federal revenues and reimbursements.....	20,438,700
7	Special revenue funds:	
8	Correctional industries revolving fund.....	16,312,000
9	State general fund/general purpose.....	\$ 33,964,100
10	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
11	Average population	581
12	Full-time equated classified positions.....	2,217.9
13	Field operations--1,842.2 FTE positions.....	\$ 126,026,400
14	Parole board operations--29.0 FTE positions.....	2,178,800
15	Loans to parolees.....	294,400
16	Parole/probation services.....	3,867,300
17	Corrections centers--70.0 FTE positions.....	8,860,300
18	Electronic monitoring center--49.4 FTE positions.....	6,002,100
19	Technical rule violator program--96.3 FTE positions...	9,147,600
20	Special alternative incarceration program--131.0 FTE	
21	positions	<u>10,320,900</u>
22	GROSS APPROPRIATION.....	\$ 166,697,800
23	Appropriated from:	
24	Special revenue funds:	
25	Local restricted revenues and reimbursements.....	391,100
26	State restricted revenues and reimbursements.....	19,664,000
27	State general fund/general purpose.....	\$ 146,642,700

1	Sec. 105. COMMUNITY CORRECTIONS		
2	Full-time equated classified positions.....	16.0	
3	Community corrections administration--16.0 FTE		
4	positions		\$ 1,394,300
5	Probation residential centers.....		15,034,500
6	Community corrections comprehensive plans and		
7	services		13,066,900
8	Public education and training.....		50,000
9	Regional jail program.....		100
10	Local facility expansion program.....		6,951,000
11	County jail reimbursement program.....		<u>10,749,000</u>
12	GROSS APPROPRIATION.....		\$ 47,245,800
13	Appropriated from:		
14	Special revenue funds:		
15	State restricted revenues and reimbursements.....		19,192,100
16	State general fund/general purpose.....		\$ 28,053,700
17	Sec. 106. CONSENT DECREES		
18	Average population	400	
19	Full-time equated classified positions.....	526.0	
20	Hadix consent decree--138.0 FTE positions.....		\$ 10,784,000
21	DOJ consent decree--161.5 FTE positions.....		11,329,900
22	DOJ psychiatric plan - MDCH mental health services....		68,120,600
23	DOJ psychiatric plan - MDOC staff and services--226.5		
24	FTE positions		<u>15,483,400</u>
25	GROSS APPROPRIATION.....		\$ 105,717,900
26	Appropriated from:		
27	State general fund/general purpose.....		\$ 105,717,900

1 Sec. 107. HEALTH CARE

2	Full-time equated classified positions.....	958.9	
3	Health care administration--18.0 FTE positions.....		\$ 2,153,800
4	Hospital and specialty care services.....		60,971,900
5	Vaccination program.....		991,200
6	Northern region clinical complexes--234.9 FTE		
7	positions		26,371,300
8	Southeastern region clinical complexes--397.6 FTE		
9	positions		50,327,700
10	Southwestern region clinical complexes--308.4 FTE		
11	positions		<u>30,419,800</u>
12	GROSS APPROPRIATION.....		\$ 171,235,700
13	Appropriated from:		

14 Special revenue funds:

15	State restricted revenues and reimbursements.....		191,200
16	State general fund/general purpose.....		\$ 171,044,500

17 Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION

18	Average population	485	
19	Full-time equated classified positions.....	588.5	
20	Correctional facilities administration--47.0 FTE		
21	positions		\$ 4,173,100
22	Housing inmates in federal institutions.....		554,100
23	Education services and federal education grants--10.0 FTE		
24	positions		5,615,700
25	Federal school lunch program.....		712,800
26	Leased beds and alternatives to leased beds.....		100
27	Inmate housing fund--109.0 FTE positions.....		1,983,600

1	Average population	485	
2	Academic/vocational programs--422.5 FTE		
3	positions		<u>33,826,300</u>
4	GROSS APPROPRIATION.....	\$	46,865,700
5	Appropriated from:		
6	Federal revenues:		
7	Federal revenues and reimbursements.....		6,498,800
8	State general fund/general purpose.....	\$	40,366,900
9	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES		
10	Average population	14,253	
11	Full-time equated classified positions.....	4,266.2	
12	Alger maximum correctional facility - Munising--362.8 FTE		
13	positions	\$	27,935,100
14	Average population	849	
15	Baraga maximum correctional facility - Baraga--425.4 FTE		
16	positions		31,418,200
17	Average population	1,084	
18	Chippewa correctional facility - Kincheloe--513.7 FTE		
19	positions		39,167,200
20	Average population	2,182	
21	Kinross correctional facility - Kincheloe--561.7 FTE		
22	positions		45,277,700
23	Average population	2,423	
24	Marquette branch prison - Marquette--405.4 FTE		
25	positions		32,708,700
26	Average population	1,129	
27	Newberry correctional facility - Newberry--345.4 FTE		

1	positions	25,962,200
2	Average population 1,144	
3	Oaks correctional facility - Eastlake--378.6 FTE	
4	positions	29,565,400
5	Average population 900	
6	Ojibway correctional facility - Marenisco--287.4 FTE	
7	positions	21,806,400
8	Average population 1,202	
9	Pugsley correctional facility - Kingsley--220.4 FTE	
10	positions	16,489,700
11	Average population 954	
12	Saginaw correctional facility - Freeland--360.8 FTE	
13	positions	28,525,800
14	Average population 1,480	
15	Standish maximum correctional facility - Standish--404.6	
16	FTE positions	<u>31,312,000</u>
17	Average population 906	
18	GROSS APPROPRIATION.....	\$ 330,168,400
19	Appropriated from:	
20	Special revenue funds:	
21	State restricted revenues and reimbursements.....	1,312,800
22	State general fund/general purpose.....	\$ 328,855,600
23	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
24	Average population 16,853	
25	Full-time equated classified positions..... 4,782.6	
26	Cooper Street correctional facility - Jackson--267.2 FTE	
27	positions	\$ 22,082,400

1	Average population	1,360
2	G. Robert Cotton correctional facility - Jackson--431.7 FTE	
3	positions	33,393,300
4	Average population	1,734
5	Charles Egeler reception center - Jackson--414.2 FTE	
6	positions	32,508,500
7	Average population	1,106
8	Gus Harrison correctional facility - Adrian--500.0 FTE	
9	positions	39,002,100
10	Average population.....	2,200
11	Huron Valley correctional facility - Ypsilanti--277.6 FTE	
12	positions	21,070,200
13	Average population	510
14	Macomb correctional facility - New Haven--361.9 FTE	
15	positions	27,585,500
16	Average population	1,468
17	Mound correctional facility - Detroit--340.2 FTE	
18	positions	25,128,300
19	Average population	1,051
20	Parnall correctional facility - Jackson--265.0 FTE	
21	positions	21,744,600
22	Average population	1,378
23	Ryan correctional facility - Detroit--333.1 FTE	
24	positions	25,436,200
25	Average population	1,059
26	Robert Scott correctional facility - Plymouth--424.9 FTE	
27	positions	32,105,500

1	Average population	1,261	
2	Southern Michigan correctional facility - Jackson--420.0		
3	FTE positions		29,697,500
4	Average population	1,481	
5	Thumb correctional facility - Lapeer--375.3 FTE		
6	positions		29,584,800
7	Average population	1,467	
8	Western Wayne correctional facility - Plymouth--272.5		
9	FTE positions		21,826,500
10	Average population	778	
11	Jackson area support and services - Jackson--99.0 FTE		
12	positions		<u>16,487,800</u>
13	GROSS APPROPRIATION.....		\$ 377,653,200
14	Appropriated from:		
15	Intradepartmental transfer revenues:		
16	IDT, production kitchen user fees.....		2,615,000
17	Federal revenues:		
18	Federal revenues and reimbursements.....		860,900
19	Special revenue funds:		
20	State restricted revenues and reimbursements.....		1,566,200
21	State general fund/general purpose.....		\$ 372,611,100
22	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
23	Average population	17,730	
24	Full-time equated classified positions.....	4,344.5	
25	Bellamy Creek correctional facility - Ionia--451.8 FTE		
26	positions		\$ 33,857,400
27	Average population	1,830	

1	Earnest C. Brooks correctional facility - Muskegon--481.7	
2	FTE positions	38,465,800
3	Average population	2,200
4	Carson City correctional facility - Carson City--530.8 FTE	
5	positions	41,506,100
6	Average population	2,200
7	Florence Crane correctional facility - Coldwater--393.0 FTE	
8	positions	31,426,200
9	Average population	1,560
10	Deerfield correctional facility - Ionia--198.4 FTE	
11	positions	16,288,100
12	Average population	960
13	Richard A. Handlon correctional facility - Ionia--257.0 FTE	
14	positions	21,109,900
15	Average population	1,320
16	Ionia maximum correctional facility - Ionia--359.6 FTE	
17	positions	26,725,700
18	Average population	636
19	Lakeland correctional facility - Coldwater--283.5 FTE .	
20	positions	22,979,700
21	Average population	1,256
22	Muskegon correctional facility - Muskegon--265.4 FTE	
23	positions	22,442,000
24	Average population	1,310
25	Pine River correctional facility - St. Louis--215.6	
26	FTE positions	17,032,100
27	Average population	960

1	Riverside correctional facility - Ionia--309.5 FTE	
2	positions	26,558,700
3	Average population	1,244
4	St. Louis correctional facility - St. Louis--598.2 FTE	
5	positions	<u>44,854,600</u>
6	Average population	2,254
7	GROSS APPROPRIATION.....	\$ 343,246,300
8	Appropriated from:	
9	Special revenue funds:	
10	State restricted revenues and reimbursements.....	1,501,500
11	State general fund/general purpose.....	\$ 341,744,800
12	Sec. 112. INFORMATION TECHNOLOGY	
13	Information technology services and projects.....	<u>\$ 12,321,200</u>
14	GROSS APPROPRIATION.....	\$ 12,321,200
15	Appropriated from:	
16	Special revenue funds:	
17	Correctional industries revolving fund.....	9,000
18	State general fund/general purpose.....	\$ 12,312,200

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 2003-2004 is \$1,692,064,100.00 and state
 25 spending from state resources to be paid to units of local government
 26 for fiscal year 2003-2004 is \$84,723,800.00. 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 staff	\$ 37,313,900
4	Prosecutorial and detainer expenses.....	4,051,000
5	Public service work projects.....	9,100,600
6	Community corrections comprehensive plans and services	13,066,900
7	Community corrections probation residential centers...	15,034,500
8	Local facilities expansion program.....	6,106,800
9	Community corrections public education and training ..	50,000
10	Regional jail program.....	<u>100</u>
11	TOTAL	\$ 84,723,800

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

14 Sec. 203. As used in this bill:

15 (a) "Department" or "MDOC" means the Michigan department of
 16 corrections.

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

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

19 (d) "IDG" means interdepartmental grant.

20 (e) "IDT" means intradepartmental transfer.

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

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

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

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

1 end of the second fiscal quarter.

2 Sec. 205. (1) A hiring freeze is imposed on the state classified
3 civil service. State departments and agencies are prohibited from
4 hiring any new state classified civil service employees and prohibited
5 from filling any vacant state classified civil service positions. This
6 hiring freeze does not apply to internal transfers of classified
7 employees from 1 position to another within a department.

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

19 Sec. 206. Unless otherwise specified, the department shall use the
20 Internet to fulfill the reporting requirements of this bill. This
21 requirement may include transmission of reports via electronic mail to
22 the recipients identified for each reporting requirement, or it may
23 include placement of reports on an Internet or Intranet site.

24 Sec. 207. From the funds appropriated in part 1 for information
25 technology, the department shall pay user fees to the department of
26 information technology for technology-related services and projects.
27 Such user fees shall be subject to provisions of an interagency

1 agreement between the departments and agencies and the department of
2 information technology.

3 Sec. 208. Amounts appropriated in part 1 for information technology
4 may be designated as work projects and carried forward to support
5 department of corrections projects under the direction of the
6 department of information technology. Funds designated in this manner
7 are not available for expenditure until approved as work projects under
8 section 451a of the management and budget act, 1984 PA 431, MCL
9 18.1451a.

10 Sec. 209. (1) In addition to the funds appropriated in part 1, there
11 is appropriated an amount not to exceed \$20,000,000.00 for federal
12 contingency funds. These funds are not available for expenditure until
13 they have been transferred to another line item in this bill under
14 section 393(2) of the management and budget act, 1984 PA 431, MCL
15 18.1393.

16 (2) In addition to the funds appropriated in part 1, there is
17 appropriated an amount not to exceed \$5,000,000.00 for state restricted
18 contingency funds. These funds are not available for expenditure until
19 they have been transferred to another line item in this bill under
20 section 393(2) of the management and budget act, 1984 PA 431, MCL
21 18.1393.

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

27 (4) In addition to the funds appropriated in part 1, there is

1 appropriated an amount not to exceed \$500,000.00 for private
2 contingency funds. These funds are not available for expenditure until
3 they have been transferred to another line item in this bill under
4 section 393(2) of the management and budget act, 1984 PA 431, MCL
5 18.1393.

6 Sec. 210. (1) Pursuant to the provisions of civil service rules and
7 regulations and applicable collective bargaining agreements,
8 individuals seeking employment with the department shall submit to a
9 controlled substance test. The test shall be administered by the
10 department.

11 (2) Individuals seeking employment with the department who refuse
12 to take a controlled substance test or who test positive for the
13 illicit use of a controlled substance on such a test shall be denied
14 employment.

15 Sec. 211. The department may charge fees and collect revenues in
16 excess of appropriations in part 1 not to exceed the cost of offender
17 services and programming, employee meals, academic/vocational services,
18 custody escorts, compassionate visits, union steward activities, public
19 work programs, and emergency services provided to units of government.
20 The revenues and fees collected shall be appropriated for all expenses
21 associated with these services and activities.

22 Sec. 212. Of the state general fund/general purpose revenue
23 appropriated in part 1, \$579,352,500.00 represents a state spending
24 increase over the amount provided to the department for the fiscal year
25 ending September 30, 1994, and may be used to meet state match
26 requirements of programs contained in the violent crime control and law
27 enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or

1 successor grant programs, so that any additional federal funds received
2 shall supplement funding provided to the department in part 1.

3 Sec. 213. The bureau of health care services shall develop
4 information on hepatitis C prevention and the risks associated with
5 exposure to hepatitis C, and the health care providers shall
6 disseminate this information verbally and in writing to each prisoner
7 at the health screening and full health appraisal conducted at
8 admissions, at the annual health care screening 1 week before or after
9 a prisoner's birthday, and prior to release to the community by parole,
10 transfer to community residential placement, or discharge on the
11 maximum.

12 Sec. 214. By April 1, 2004, the department shall report to the
13 senate and house appropriations subcommittees on corrections, the
14 senate and house fiscal agencies, and the state budget director on
15 academic/vocational programs for the most recently completed
16 appropriation year. The report shall provide information relevant to
17 an assessment of the department's academic and vocational programs,
18 including, but not limited to, the following:

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

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

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

27 (d) An identification of program outcomes for each academic and

1 vocational program.

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

4 Sec. 215. (1) In addition to the amounts appropriated in part 1, in
5 order to encourage administrative efficiencies, there is appropriated
6 to the department of corrections, an amount not to exceed one-half of
7 the unexpended, unreserved general fund portions of fiscal year 2002-
8 2003 appropriations made to the department for salaries and wages
9 expenses, contractual services, supplies and materials expenses,
10 information technology expenses and program operations costs.

11 (2) The appropriations contained in subsection 1 are subject to
12 the approval of the state budget director and shall be spent for the
13 same purposes for which the original appropriation was made in fiscal
14 year 2002-2003.

15 **SUBSTANCE ABUSE TESTING AND TREATMENT**

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

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

26 Sec. 302. (1) In expending residential substance abuse treatment
27 services funds appropriated by this bill, the department shall ensure

1 to the maximum extent possible that residential substance abuse
2 treatment services are available statewide.

3 (2) By July 1, 2004, the department shall report to the senate
4 and house appropriations subcommittees on corrections and the senate
5 and house fiscal agencies and the state budget office on the
6 allocation, distribution, and expenditure of all funds appropriated by
7 the substance abuse testing and treatment line item. The report shall
8 include, but not be limited to, an explanation of an anticipated year-
9 end balance, the number of participants in substance abuse programs,
10 and the number of offenders on waiting lists for residential substance
11 abuse programs. Information required by this subsection shall, where
12 possible, be separated by MDOC administrative region and by offender
13 type, including, but not limited to, a distinction between prisoners,
14 parolees, and probationers.

15 **EXECUTIVE**

16 Sec. 401. The department shall submit 3-year and 5-year prison
17 population projection updates by February 1, 2004 to the senate and
18 house appropriations subcommittees on corrections, the senate and house
19 fiscal agencies, and the state budget director.

20 Sec. 402. The department shall prepare by April 1, 2004 individual
21 reports for the technical rule violator program, the community
22 residential program, the electronic tether program, and the special
23 alternative to incarceration program. The reports shall be submitted
24 to the house and senate appropriations subcommittees on corrections,
25 the house and senate fiscal agencies, and the state budget director.
26 The reports shall include the following:

27 (a) Monthly new participants.

1 (b) Monthly participant unsuccessful terminations, including cause.

2 (c) Number of successful terminations.

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

4 (e) Average length of placement.

5 (f) Return to prison statistics.

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

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

9 (i) Comparison with prior year statistics.

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

12 Sec. 403. From the funds appropriated in part 1, the department
13 shall continue to maintain county jail services staff sufficient to
14 enable the department to continue to fulfill its functions of providing
15 technical support, inspections of county jails, and maintenance of the
16 jail reimbursement program.

17 Sec. 404. (1) The department shall review and revise as necessary
18 policy proposals that provide alternatives to prison for offenders
19 being sentenced to prison as a result of technical probation violations
20 and technical parole violations. To the extent the department has
21 insufficient policies or resources to affect the continued increase in
22 prison commitments among these offender populations, the department
23 shall explore other policy options to allow for program alternatives,
24 including department or OCC-funded programs, local level programs, and
25 programs available through private agencies that may be used as prison
26 alternatives for these offenders.

27 (2) To the extent policies or programs described in subsection

1 (1) are used, developed, or contracted for, the department may request
2 that funds appropriated in part 1 be transferred under section 393(2)
3 of the management and budget act, 1984 PA 431, MCL 18.1393, for their
4 operation.

5 (3) The department shall continue to utilize parole violator
6 processing guidelines that require parole agents to utilize all
7 available appropriate community-based, nonincarcerative postrelease
8 sanctions and services when appropriate. The department shall
9 periodically evaluate such guidelines for modification, in response to
10 emerging information from the
11 pilot projects for substance abuse treatment provided under this bill
12 and applicable provisions of prior budget acts for the department.

13 (4) By March 1, 2004, the department shall report to the senate
14 and house appropriations subcommittees on corrections, senate and house
15 fiscal agencies, and state budget director on the effect that any
16 recommended policy changes for technical violators of parole and
17 technical violators of probation would have on admission to prison and
18 jail and the impact on other program alternatives.

19 **ADMINISTRATION AND PROGRAMS**

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

26 **FIELD OPERATIONS ADMINISTRATION**

27 Sec. 601. From the funds appropriated in part 1, the department

1 shall conduct a statewide caseload audit of field agents. The audit
2 shall address public protection issues and assess the ability of the
3 field agents to complete their professional duties. The results of the
4 audit shall be submitted to the senate and house appropriations
5 subcommittees on corrections and the senate and house fiscal agencies,
6 and the state budget office by September 30, 2004.

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

15 (2) The community service work program shall provide offenders
16 with community service work of tangible benefit to a community while
17 fulfilling court-ordered community service work sanctions and other
18 postconviction obligations.

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

23 Sec. 603. (1) All prisoners, probationers, and parolees involved
24 with the electronic tether program shall reimburse the department for
25 the equipment costs and telephone charges associated with their
26 participation in the program. The department may require community
27 service work reimbursement as a means of payment for those able-bodied

1 individuals unable to pay for the cost of the equipment.

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

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

16 (4) For a fee determined by the department, the department will
17 provide counties with the tether equipment, replacement parts,
18 administrative oversight of the equipment's operation, notification of
19 violators, and periodic reports regarding county program participants.
20 Counties are responsible for tether equipment installation and service.
21 For an additional fee as determined by the department, the department
22 will provide staff to install and service the equipment. Counties are
23 responsible for the coordination and apprehension of program violators.

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

27 Sec. 604. Community-placement prisoners and parolees shall reimburse

1 the department for the operational costs of the program. As an
2 alternative method of payment, the department may develop a community
3 service work schedule for those individuals unable to meet
4 reimbursement requirements established by the department.

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

8 **COMMUNITY CORRECTIONS**

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

20 (a) "Alternative to incarceration in a state facility or jail"
21 means a program that involves offenders who receive a sentencing
22 disposition which appears to be in place of incarceration in a state
23 correctional facility or jail based on historical local sentencing
24 patterns or which amounts to a reduction in the length of sentence in a
25 jail.

26 (b) "Goal" means the intended or projected result of a
27 comprehensive corrections plan or community corrections program to

1 reduce prison commitment rates, to reduce the length of stay in a jail,
2 or to improve the utilization of a jail.

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

6 (d) "Offender eligibility criteria" means particular criminal
7 violations, state felony sentencing guidelines descriptors, and
8 offender characteristics developed by advisory boards and approved by
9 local units of government that identify the offenders suitable for
10 community corrections programs funded through the office of community
11 corrections.

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

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

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

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

26 Sec. 702. (1) The funds included in part 1 for community corrections
27 comprehensive plans and services are to encourage the development

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

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

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

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

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

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

23 (2) The award of community corrections comprehensive plans funds
24 shall be based on criteria that include, but are not limited to, the
25 prison commitment rate by category of offenders, trends in prison
26 commitment rates and jail utilization, historical trends in community
27 corrections program capacity and program utilization, and the projected

1 impact and outcome of annual policies and procedures of programs on
2 prison commitment rates and jail utilization.

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

5 Sec. 703. The comprehensive corrections plans shall also include,
6 where appropriate, descriptive information on the full range of
7 sanctions and services which are available and utilized within the
8 local jurisdiction and an explanation of how jail beds, probation
9 residential services, the special alternative incarceration program
10 (boot camp), probation detention centers, the electronic monitoring
11 program for probationers, and treatment and rehabilitative services
12 will be utilized to support the objectives and priorities of the
13 comprehensive corrections plan and the purposes and priorities of
14 section 8(4) of the community corrections act, 1988 PA 511, MCL
15 791.408. The plans shall also include, where appropriate, provisions
16 that detail how the local communities plan to respond to sentencing
17 guidelines found in chapter XVII of the code of criminal procedure,
18 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail
19 reimbursement program pursuant to section 706 of this bill. The state
20 community corrections board shall encourage local community corrections
21 boards to include in their comprehensive corrections plans strategies
22 to collaborate with local alcohol and drug treatment agencies of the
23 department of community health for the provision of alcohol and drug
24 screening, assessment, case management planning, and delivery of
25 treatment to alcohol- and drug-involved offenders, including, but not
26 limited to, probation and parole violators who are at risk of
27 revocation.

1 Sec. 704. (1) As part of the March biannual report specified under
2 section 12(2) of the community corrections act, 1988 PA 511, MCL
3 791.412, which requires an analysis of the impact of that act on prison
4 admissions and jail utilization, the department shall submit to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house fiscal agencies, and the state budget director the
7 following information for each county and counties consolidated for
8 comprehensive corrections plans:

9 (a) Approved technical assistance grants and comprehensive
10 corrections plans including each program and level of funding, the
11 utilization level of each program, and profile information of enrolled
12 offenders.

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

16 (c) Status of the community corrections information system and
17 the jail population information system.

18 (d) Data on probation residential centers, including participant
19 data, participant sentencing guideline scores, program expenditures,
20 average length of stay, and bed utilization data.

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

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

27 Sec. 705. (1) The department shall identify and coordinate

1 information regarding the availability of and the demand for community
2 corrections programs, jail-based community corrections programs, and
3 basic state-required jail data.

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

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

9 Sec. 706. (1) The department shall administer a county jail
10 reimbursement program from the funds appropriated in part 1 for the
11 purpose of reimbursing counties for housing in jails felons who
12 otherwise would have been sentenced to prison.

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

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

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

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

26 (a) The felon's sentencing guidelines recommended range upper
27 limit is more than 18 months, the felon's sentencing guidelines

1 recommended range lower limit is 12 months or less, the felon's prior
2 record variable score is 35 or more points, and the felon's sentence is
3 not for commission of a crime in crime class G or crime class H under
4 chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1
5 to 777.69.

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

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

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

24 (6) The department, the Michigan association of counties, and the
25 Michigan sheriffs' association shall review the periodic findings of
26 the study required in subsection (5) and, if appropriate, recommend
27 modification of the criteria for reimbursement contained in subsection

1 (3)(b) and (c). Any recommended modification shall be forwarded to the
2 house and senate appropriations subcommittees on corrections and the
3 state budget office.

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

7 (8) 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, 2003 distribute the documentation requirements to all
14 counties.

15 Sec. 707. (1) The funds appropriated in section 105 for the local
16 facility expansion program are provided for both of the following:

17 (a) Allow local units of government to directly expand local
18 capacities to house felons,

19 (b) reimburse local units of government for housing state
20 prisoners.

21 (2) Based upon approved applications received from local units of
22 government as recommended by local community corrections advisory
23 boards, the funding may be allocated by the office of community
24 corrections for construction or renovation projects serving single
25 counties or multi-county regions. An application approved by the local
26 unit of government as recommended by the local community corrections
27 advisory board shall be included as part of the local comprehensive

1 corrections plan. Applications shall clearly identify target
2 populations and clearly document how and when the expansion in local
3 bed space would be used to house state prisoners.

4 (3) Local facility expansion program funds included as part of
5 approved comprehensive corrections plans shall be awarded pursuant to
6 guidelines and priorities, which shall be developed by the department
7 consistent with this section. Funds shall be awarded to eligible
8 program applicants pursuant to the guidelines and priorities developed
9 by the department consistent with this section.

10 (4) Approved projects may receive up to \$7,000.00 per bed in
11 actual construction or renovation costs.

12 (5) Funds appropriated in section 105 for the local facility
13 expansion program that remain unexpended at the end of the fiscal year
14 shall not revert to the general fund, but shall be retained for
15 expenditure in subsequent years as provided by this section.

16 (6) By April 1, 2004 and each 6 months after that, the department
17 shall report to the house and senate appropriations committees, the
18 house and senate appropriations subcommittees on corrections, the house
19 and senate fiscal agencies, and the state budget director on the
20 disbursement of funds under this section. Reports shall include, at a
21 minimum, descriptions of projects funded under this section, and the
22 amounts received and expended by each local unit of government.

23 Sec. 708. (1) From the funds appropriated in part 1 for probation
24 residential centers, funds are allocated for the operation of a
25 probation detention program in a county that has adopted a charter
26 pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation detention
27 program shall have a capacity of 100 beds. The department shall

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

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

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

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

19 (a) Orientation and assessment.

20 (b) Substance abuse counseling.

21 (c) Life skills counseling.

22 (d) Education.

23 (e) Employment preparation.

24 (f) Vocational training.

25 (g) Employment.

26 (h) Community service.

27 (i) Physical training.

1 (j) Cognitive skill training.

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

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

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

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

26 (9) The department shall require the program administrator to
27 report not later than March 1, 2004 to the state budget director, the

1 senate and house fiscal agencies, and the senate and house
2 appropriations subcommittees on corrections concerning the program's
3 impact on prison admissions and recidivism including, but not limited
4 to, the numbers of offenders released from the probation detention
5 program who are arrested for a felony offense within 1 year of their
6 termination from the program.

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 a physician.

18 **INSTITUTIONAL OPERATIONS**

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

25 Sec. 1002. From the funds appropriated in part 1, the department
26 shall allocate sufficient funds to develop a pilot children's
27 visitation program. The pilot program shall teach parenting skills and

1 arrange for day visitation at these facilities for parents and their
2 children, except for the families of prisoners convicted of a crime
3 involving criminal sexual conduct in which the victim was less than 18
4 years of age or involving child abuse.

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

7 Sec. 1004. Any department employee who, in the course of his or her
8 job, is determined by a physician to have had a potential exposure to
9 the hepatitis B virus, shall receive a hepatitis B vaccination upon
10 request.

11 Sec. 1005. (1) The inmate housing fund shall be used for the
12 custody, treatment, clinical, and administrative costs associated with
13 the housing of prisoners other than those specifically budgeted for
14 elsewhere in this bill. Funding in the inmate housing fund is
15 appropriated into a separate control account. Funding in the control
16 account shall be distributed as necessary into separate accounts
17 created to separately identify costs for specific purposes.

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