

**SUBSTITUTE FOR  
SENATE BILL NO. 268**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

PART 1

2

LINE-ITEM APPROPRIATIONS

## Senate Bill No. 268 as amended June 15, 2005

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2006, 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..... <<51,425>>

Full-time equated unclassified positions..... 16.0

Full-time equated classified positions.. <<17,508.2>>

GROSS APPROPRIATION. . . . . \$<<1,854,358,900>>

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 1,043,800

ADJUSTED GROSS APPROPRIATION. . . . . \$<<1,853,315,100>>

Federal revenues:

Total federal revenues ..... 10,316,800

Special revenue funds:

Total local revenues ..... 411,700

Total private revenues ..... 0

Total other state restricted revenues ..... 66,442,400

State general fund/general purpose. . . . . \$<<1,776,144,200>>

**Sec. 102. EXECUTIVE**

Full-time equated unclassified positions..... 16.0

Full-time equated classified positions..... 227.2

Unclassified positions--16.0 FTE positions ..... \$ 1,368,800

Executive direction--32.0 FTE positions ..... 3,779,000

1	Policy and strategic planning--26.0 FTE positions ....	5,552,400
2	Prisoner reintegration programs--4.0 FTE positions ...	12,878,700
3	Human resources--165.2 FTE positions .....	14,253,600
4	Human resources optimization user charges .....	1,299,200
5	Training .....	802,000
6	Worker's compensation .....	18,899,000
7	Grant to legislative council .....	500,000
8	Sheriffs' coordinating and training office .....	<u>2,000,000</u>
9	GROSS APPROPRIATION .....	\$ 61,332,700
10	Appropriated from:	
11	Interdepartmental grant revenues:	
12	IDG-MDSP, Michigan justice training fund .....	523,800
13	Federal revenues:	
14	DOJ, prisoner reintegration .....	1,035,000
15	Special revenue funds:	
16	Local corrections officer training fund .....	2,000,000
17	State general fund/general purpose .....	\$ 57,773,900
18	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>	
19	Average population .....	480
20	Full-time equated classified positions .....	291.9
21	Administrative services--70.9 FTE positions .....	\$ 6,462,600
22	Substance abuse testing and treatment .....	19,686,400
23	Inmate legal services .....	314,900
24	Prison industries operations--220.0 FTE positions ....	18,658,700
25	Rent .....	2,095,200
26	Equipment and special maintenance .....	2,054,000
27	Michigan youth correctional facility - management	

1	services .....	12,592,800
2	Michigan youth correctional facility -	
3	administration--1.0 FTE positions.....	160,100
4	Average population..... 480	
5	Michigan youth correctional facility - lease payments	5,091,700
6	Prosecutorial and detainer expenses .....	<u>4,051,000</u>
7	GROSS APPROPRIATION.....	\$ 71,167,400
8	Appropriated from:	
9	Federal revenues:	
10	DOJ, office of justice programs, Byrne grants .....	729,400
11	Special revenue funds:	
12	Correctional industries revolving fund .....	18,758,700
13	State general fund/general purpose .....	\$ 51,679,300
14	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
15	Average population..... 310	
16	Full-time equated classified positions..... 1,976.4	
17	Field operations--1,796.1 FTE positions .....	\$ 140,151,300
18	Parole and probation special operations program .....	500,000
19	Parole board operations--27.0 FTE positions .....	2,452,100
20	Loans to parolees .....	294,400
21	Parole/probation services .....	2,867,300
22	Corrections centers--48.0 FTE positions .....	5,491,000
23	Average population..... 310	
24	Electronic monitoring center--36.0 FTE positions .....	4,689,800
25	Technical rule violator program--69.3 FTE positions ..	<u>8,748,900</u>
26	GROSS APPROPRIATION.....	\$ 165,194,800
27	Appropriated from:	

1	Special revenue funds:	
2	Local - community tether program reimbursement .....	411,700
3	Parole and probation oversight fees .....	9,905,100
4	Tether program, participant contributions .....	5,530,800
5	Parole and probation oversight fees set-aside .....	2,867,300
6	Corrections centers, resident contributions revenue ..	374,300
7	Technical rule violator program, public works user	
8	fees .....	182,100
9	Telephone fees and commissions .....	902,600
10	State general fund/general purpose .....	\$ 145,020,900
11	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
12	Full-time equated classified positions.....	17.0
13	Community corrections administration--17.0 FTE	
14	positions .....	\$ 1,674,300
15	Residential services .....	16,925,500
16	Community corrections comprehensive plans and services	12,533,000
17	Public education and training .....	50,000
18	Regional jail program .....	100
19	Alternatives to prison jail program .....	1,619,600
20	Alternatives to prison treatment program .....	400,000
21	Felony drunk driver jail reduction and community	
22	treatment program .....	2,097,400
23	County jail reimbursement program .....	<u>13,249,000</u>
24	GROSS APPROPRIATION .....	\$ 48,548,900
25	Appropriated from:	
26	Special revenue funds:	
27	Telephone fees and commissions .....	12,289,500

1	Civil infraction fees .....	7,000,000
2	Parole and probation oversight fees set-aside .....	400,000
3	State general fund/general purpose .....	\$ 28,859,400
4	<b>Sec. 106. CONSENT DECREES</b>	
5	Average population.....	200
6	Full-time equated classified positions.....	471.3
7	Hadix consent decree--138.0 FTE positions .....	\$ 10,085,500
8	DOJ, consent decree--106.8 FTE positions .....	9,097,400
9	DOJ, psychiatric plan - MDCH mental health services ..	67,048,800
10	DOJ, psychiatric plan - MDOC staff and	
11	services--226.5 FTE positions.....	<u>16,022,700</u>
12	GROSS APPROPRIATION .....	\$ 102,254,400
13	Appropriated from:	
14	State general fund/general purpose .....	\$ 102,254,400
15	<b>Sec. 107. HEALTH CARE</b>	
16	Full-time equated classified positions.....	930.6
17	Health care administration--21.0 FTE positions .....	\$ 2,303,100
18	Hospital and specialty care services .....	58,409,100
19	Vaccination program.....	991,200
20	Northern region clinical complexes--242.4 FTE	
21	positions .....	27,032,600
22	Southeastern region clinical complexes--362.8 FTE	
23	positions .....	49,599,100
24	Southwestern region clinical complexes--304.4 FTE	
25	positions .....	<u>33,776,600</u>
26	GROSS APPROPRIATION .....	\$ 172,111,700
27	Appropriated from:	

1	Special revenue funds:	
2	Prisoner health care copayments .....	331,400
3	State general fund/general purpose .....	\$ 171,780,300
4	<b>Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION</b>	
5	Average population.....	1,382
6	Full-time equated classified positions.....	886.2
7	Correctional facilities administration--44.0 FTE	
8	positions .....	\$ 5,907,300
9	Housing inmates in federal institutions .....	552,600
10	Education services and federal education	
11	grants--10.0 FTE positions.....	5,671,800
12	Federal school lunch program.....	712,800
13	Leased beds and alternatives to leased beds .....	100
14	Inmate housing fund--421.7 FTE positions .....	40,762,000
15	Average population.....	1,382
16	Academic/vocational programs--410.5 FTE positions ....	<u>34,181,100</u>
17	GROSS APPROPRIATION.....	\$ 87,787,700
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDG-MDCH, forensic center food service .....	520,000
21	Federal revenues:	
22	DOJ-BOP, federal prisoner reimbursement .....	372,600
23	DED-OESE, title I.....	517,700
24	DED-OVAE, adult education.....	1,877,800
25	DED, adult literacy grants.....	305,900
26	DED-OSERS.....	100,400
27	DED, vocational education equipment .....	275,200

## Senate Bill No. 268 as amended June 15, 2005

1	DED, youthful offender/Specter grant .....	1,279,400
2	DOJ-OJP, serious and violent offender	
3	reintegration initiative.....	1,010,000
4	DAG-FNS, national school lunch.....	712,800
5	SSA-SSI, incentive payment .....	115,100
6	Federal prison rape grant .....	1,000,000
7	Special revenue funds:	
8	Public works user fees .....	73,200
9	Resident stores .....	127,700
10	State general fund/general purpose .....	\$ 79,499,900
11	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
12	Average population.....	<<14,966>>
13	Full-time equated classified positions...	<<4,169.2>>
14	Alger maximum correctional facility -	
15	Munising--343.0 FTE positions.....	\$ 30,683,000
16	Average population.....	849
17	Baraga maximum correctional facility - Baraga--405.5	
18	FTE positions.....	35,443,700
19	Average population.....	1,084
20	Chippewa correctional facility - Kincheloe--509.3	
21	FTE positions.....	45,348,600
22	Average population.....	2,122
23	Kinross correctional facility - Kincheloe--581.3 FTE	
24	positions .....	54,305,700
25	Average population.....	2,719
26	Marquette branch prison - Marquette--374.8 FTE	
27	positions .....	35,126,500



## Senate Bill No. 268 as amended June 15, 2005

1	Average population.....	1,070	
	<<Newberry correctional facility - Newberry--		
	345.4 FTE positions.....	100	
	Average population.....	1,144>>	
2	Oaks correctional facility - Eastlake--349.5 FTE		
3	positions .....		34,445,100
4	Average population.....	1,156	
5	Ojibway correctional facility - Marenisco--281.2 FTE		
6	positions .....		24,856,600
7	Average population.....	1,282	
8	Pugsley correctional facility - Kingsley--220.4 FTE		
9	positions .....		18,615,500
10	Average population.....	954	
11	Saginaw correctional facility - Freeland--356.0 FTE		
12	positions .....		32,398,300
13	Average population.....	1,480	
14	Standish maximum correctional facility -		
15	Standish--402.8 FTE positions.....		<u>36,852,900</u>
16	Average population.....	1,106	
17	GROSS APPROPRIATION.....		\$<<348,076,000>>
18	Appropriated from:		
19	Special revenue funds:		
20	Public works user fees.....		452,700
21	Resident stores.....		1,064,500
22	State general fund/general purpose .....		\$<<346,558,800>>
23	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>		
24	Average population.....	15,733	
25	Full-time equated classified positions.....	4,194.9	
26	Cooper Street correctional facility - Jackson--267.8		
27	FTE positions.....		\$ 24,977,300

## Senate Bill No. 268 as amended June 15, 2005

1	Average population.....	1,360
2	G. Robert Cotton correctional facility -	
3	Jackson--429.3 FTE positions.....	38,372,900
4	Average population.....	1,854
5	Charles E. Egeler correctional facility -	
6	Jackson--530.4 FTE positions.....	51,064,100
7	Average population.....	1,591
8	Gus Harrison correctional facility - Adrian--515.8	
9	FTE positions.....	46,368,300
10	Average population.....	2,262
11	Macomb correctional facility - New Haven--321.5 FTE	
12	positions .....	28,078,900
13	Average population.....	1,228
14	Mound correctional facility - Detroit--284.8 FTE	
15	positions .....	25,683,600
16	Average population.....	1,051
17	Parnall correctional facility - Jackson--264.4 FTE	
18	positions .....	24,129,700
19	Average population.....	1,348
20	Ryan correctional facility - Detroit--309.8 FTE	
21	positions .....	27,908,500
22	Average population.....	1,059
23	Robert Scott correctional facility - Plymouth--332.5	
24	FTE positions.....	28,725,300
25	Average population.....	<<880>>
26	Southern Michigan correctional facility -	
27	Jackson--418.8 FTE positions.....	36,011,000

## Senate Bill No. 268 as amended June 15, 2005

1	Average population.....	<<1,481>>	
2	Thumb correctional facility - Lapeer--313.8 FTE		
3	positions .....		29,960,100
4	Average population.....	1,219	
5	Special alternative incarceration program - Cassidy		
6	Lake--126.0 FTE positions.....		10,935,900
7	Average population.....	400	
8	Jackson area support and services - Jackson--80.0		
9	FTE positions.....		<u>13,649,300</u>
10	GROSS APPROPRIATION.....	\$	385,864,900
11	Appropriated from:		
12	Intradepartmental transfer revenues:		
13	Federal revenues:		
14	DOJ, state criminal alien assistance program .....		985,500
15	Special revenue funds:		
16	Public works user fees .....		365,400
17	Resident stores .....		1,403,900
18	State general fund/general purpose .....	\$	383,110,100
19	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		
20	Average population.....	18,354	
21	Full-time equated classified positions.....	4,343.5	
22	Bellamy Creek correctional facility - Ionia--472.1		
23	FTE positions.....	\$	45,180,600
24	Average population.....	1,830	
25	Earnest C. Brooks correctional facility -		
26	Muskegon--478.9 FTE positions.....		43,722,600
27	Average population.....	2,200	

1	Carson City correctional facility - Carson	
2	City--502.6 FTE positions.....	46,190,400
3	Average population..... 2,200	
4	Richard A. Handlon correctional facility -	
5	Ionia--256.2 FTE positions.....	23,696,900
6	Average population..... 1,320	
7	Ionia maximum correctional facility - Ionia--323.8	
8	FTE positions.....	28,263,500
9	Average population..... 667	
10	Lakeland correctional facility - Coldwater--689.3	
11	FTE positions.....	62,691,100
12	Average population.....	2,992
13	Muskegon correctional facility - Muskegon--254.4 FTE	
14	positions .....	24,539,500
15	Average population..... 1,310	
16	Pine River correctional facility - St. Louis--231.6	
17	FTE positions.....	20,553,100
18	Average population..... 1,120	
19	Riverside correctional facility - Ionia--519.8 FTE	
20	positions .....	48,105,300
21	Average population..... 2,331	
22	St. Louis correctional facility - St. Louis--614.8	
23	FTE positions.....	<u>53,544,600</u>
24	Average population..... 2,384	
25	GROSS APPROPRIATION.....	\$ 396,487,600
26	Appropriated from:	
27	Special revenue funds:	

## Senate Bill No. 268 as amended June 15, 2005

1	Public works user fees .....	240,300
2	Resident stores .....	1,638,200
3	State general fund/general purpose .....	\$ 394,609,100
4	<b>Sec. 112. INFORMATION TECHNOLOGY</b>	
5	Information technology services and projects .....	\$ <<15,532,800>>
6	GROSS APPROPRIATION .....	\$ <<15,532,800>>
7	Appropriated from:	
8	Special revenue funds:	
9	Correctional industries revolving fund .....	11,200
10	Parole and probation oversight fees set-aside .....	523,500
11	State general fund/general purpose .....	\$ <<14,998,100>>

## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

15 Sec. 201. Pursuant to section 30 of article IX of the state  
 16 constitution of 1963, total state spending from state resources  
 17 under part 1 for fiscal year 2005-2006 is <<\$1,842,586,600.00>> and  
 18 state spending from state resources to be paid to local units of  
 19 government for fiscal year 2005-2006 is \$87,830,400.00. The  
 20 itemized statement below identifies appropriations from which  
 21 spending to local units of government will occur:

## DEPARTMENT OF CORRECTIONS

23	Field operations - assumption of county probation	
24	staff .....	\$ 43,561,000
25	Public service work projects .....	10,643,800
26	Community corrections comprehensive plans and	

1	services .....	12,533,000
2	Community corrections residential services .....	16,925,500
3	Community corrections public education and training ..	50,000
4	Felony drunk driver jail reduction and community	
5	treatment program.....	2,097,400
6	Alternatives to prison jail program.....	1,619,600
7	Alternatives to prison treatment program.....	400,000
8	Regional jail program.....	<u>100</u>
9	TOTAL.....	\$ 87,830,400

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

13       Sec. 203. As used in this act:

14       (a) "DAG" means the United States department of agriculture.

15       (b) "DAG - FNS" means the DAG food and nutrition service.

16       (c) "DED" means the United States department of education.

17       (d) "DED - OESE" means the DED office of elementary and secondary  
 18 education.

19       (e) "DED - OSERS" means the DED office of special education and  
 20 rehabilitative services.

21       (f) "DED - OVAE" means the DED office of vocational and adult  
 22 education.

23       (g) "Department" or "MDOC" means the Michigan department of  
 24 corrections.

25       (h) "DOJ" means the United States department of justice.

26       (i) "DOJ - BOP" means the DOJ bureau of prisons.

27       (j) "DOJ - OJP" means the DOJ office of justice programs.

1 (k) "FTE" means full-time equated.

2 (l) "IDG" means interdepartmental grant.

3 (m) "IDT" means intradepartmental transfer.

4 (n) "MDCH" means the Michigan department of community health.

5 (o) "MDSP" means the Michigan department of state police.

6 (p) "MPRI" means the Michigan prisoner reentry initiative.

7 (q) "OCC" means office of community corrections.

8 (r) "SSA" means the United States social security administration.

9 (s) "SSA - SSI" means SSA supplemental security income.

10 Sec. 204. The department of civil service shall bill departments  
11 and agencies at the end of the first fiscal quarter for the 1%  
12 charge authorized by section 5 of article XI of the state  
13 constitution of 1963. Payments shall be made for the total amount  
14 of the billing by the end of the second fiscal quarter.

15 Sec. 205. (1) A hiring freeze is imposed on the state classified  
16 civil service. State departments and agencies are prohibited from  
17 hiring any new full-time state classified civil service employees  
18 and prohibited from filling any vacant state classified civil  
19 service positions. This hiring freeze does not apply to internal  
20 transfers of classified employees from 1 position to another within  
21 a department.

22 (2) The state budget director may grant exceptions to this  
23 hiring freeze when the state budget director believes that the  
24 hiring freeze will result in rendering a state department or agency  
25 unable to deliver basic services, cause loss of revenue to the  
26 state, result in the inability of the state to receive federal  
27 funds, or necessitate additional expenditures that exceed any

1 savings from maintaining a vacancy. The state budget director shall  
2 report quarterly to the chairpersons of the senate and house of  
3 representatives standing committees on appropriations the number of  
4 exceptions to the hiring freeze approved during the previous  
5 quarter and the reasons to justify the exception.

6 Sec. 206. The department shall not take disciplinary action  
7 against an employee for communicating with a member of the  
8 legislature or his or her staff.

9 Sec. 207. At least 120 days before beginning any effort to  
10 privatize, the department shall submit a complete project plan to  
11 the appropriate senate and house of representatives appropriations  
12 subcommittees and the senate and house fiscal agencies. The plan  
13 shall include the criteria under which the privatization initiative  
14 will be evaluated. The evaluation shall be completed and submitted  
15 to the appropriate senate and house of representatives  
16 appropriations subcommittees and the senate and house fiscal  
17 agencies within 30 months.

18 Sec. 208. Unless otherwise specified, the department shall use  
19 the Internet to fulfill the reporting requirements of this act.  
20 This requirement may include transmission of reports via electronic  
21 mail to the recipients identified for each reporting requirement or  
22 it may include placement of reports on an Internet or Intranet  
23 site.

24 Sec. 209. Funds appropriated in part 1 shall not be used for the  
25 purchase of foreign goods or services, or both, if competitively  
26 priced and comparable quality American goods or services, or both,  
27 are available. Preference should be given to goods or services, or



1 both, manufactured or provided by Michigan businesses if they are  
2 competitively priced and of comparable quality.

3 Sec. 210. The director shall take all reasonable steps to ensure  
4 businesses in deprived and depressed communities compete for and  
5 perform contracts to provide services or supplies, or both. The  
6 director shall strongly encourage firms with which the department  
7 contracts to subcontract with certified businesses in depressed and  
8 deprived communities for services, supplies, or both.

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

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

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

26 Sec. 214. Preference should be given to purchasing produce from  
27 Michigan growers and processors when their produce is competitively

1 priced and of comparable quality.

2       Sec. 216. By February 15, 2006, the department shall provide the  
3 members of the senate and house appropriations subcommittees on  
4 corrections, the senate and house fiscal agencies, and the state  
5 budget director with a report detailing nongeneral fund/general  
6 purpose sources of revenue, including, but not limited to, federal  
7 revenues, state restricted revenues, local and private revenues,  
8 offender reimbursements and other payments, revolving funds, and 1-  
9 time sources of revenue, whether or not such revenues were  
10 appropriated. The report shall include statements detailing for  
11 each account the total amount of revenue received during fiscal  
12 year 2004-2005, the amount by which the revenue exceeded any  
13 applicable appropriated fund source, the amount spent during fiscal  
14 year 2004-2005, the account balance at the close of fiscal year  
15 2004-2005, and the projected revenues and expenditures for fiscal  
16 year 2005-2006.

17       Sec. 217. From the funds appropriated in part 1 for information  
18 technology, the department shall pay user fees to the department of  
19 information technology for technology-related services and  
20 projects. Such user fees shall be subject to provisions of an  
21 interagency agreement between the departments and agencies and the  
22 department of information technology.

23       Sec. 218. Amounts appropriated in part 1 for information  
24 technology may be designated as work projects and carried forward  
25 to support department of corrections technology projects under the  
26 direction of the department of information technology. Funds  
27 designated in this manner are not available for expenditure until

1 approved as work projects under section 451a of the management and  
2 budget act, 1984 PA 431, MCL 18.1451a.

3 Sec. 221. (1) Due to the current budgetary problems in this  
4 state, except as provided in subsection (2), out-of-state travel  
5 for the fiscal year ending September 30, 2006 is limited to  
6 situations in which 1 or more of the following conditions apply:

7 (a) The travel is required by legal mandate or court order or  
8 for law enforcement purposes.

9 (b) The travel is necessary to protect the health or safety of  
10 Michigan citizens or visitors or to assist other states in similar  
11 circumstances.

12 (c) The travel is necessary to produce budgetary savings or to  
13 increase state revenues, including protecting existing federal  
14 funds or securing additional federal funds.

15 (d) The travel is necessary to comply with federal requirements.

16 (e) The travel is necessary to secure specialized training for  
17 staff that is not available within this state.

18 (f) The travel is financed entirely by federal or nonstate  
19 funds.

20 (2) If out-of-state travel is necessary but does not meet 1 or  
21 more of the conditions in subsection (1), the state budget director  
22 may grant an exception to allow the travel. Any exceptions granted  
23 by the state budget director shall be reported on a monthly basis  
24 to the house and senate appropriations committees.

25 (3) Not later than January 1 of each year, the department shall  
26 prepare a travel report listing all travel by classified and  
27 unclassified employees outside this state in the immediately

1 preceding fiscal year that was funded in whole or in part with  
2 funds appropriated in the department's budget. The report shall be  
3 submitted to the chairs and members of the house and senate  
4 appropriations committees, the fiscal agencies, and the state  
5 budget director. The report shall include the following  
6 information:

7 (a) The name of each person receiving reimbursement for travel  
8 outside this state or whose travel costs were paid by this state.

9 (b) The destination of each travel occurrence.

10 (c) The dates of each travel occurrence.

11 (d) A brief statement of the reason for each travel occurrence.

12 (e) The transportation and related costs of each travel  
13 occurrence, including the proportion funded with state general  
14 fund/general purpose revenues, the proportion funded with state  
15 restricted revenues, the proportion funded with federal revenues,  
16 and the proportion funded with other revenues.

17 (f) A total of all out-of-state travel funded for the  
18 immediately preceding fiscal year.

#### 19 **EXECUTIVE**

20 Sec. 401. The department shall submit 3-year and 5-year prison  
21 population projection updates by February 1, 2006 to the senate and  
22 house appropriations subcommittees on corrections, the senate and  
23 house fiscal agencies, and the state budget director.

24 Sec. 402. The department shall prepare by April 1, 2006  
25 individual reports for the technical rule violator program, the  
26 community residential program, the electronic tether program, and

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

5 (a) Monthly new participants.

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

8 (c) Number of successful terminations.

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

10 (e) Average length of placement.

11 (f) Return to prison statistics.

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

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

15 (i) Comparison with prior year statistics.

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

18 Sec. 404. The department shall report to the senate and house  
19 appropriations subcommittees on corrections, the senate and house  
20 fiscal agencies, and the state budget director by April 1, 2006 on  
21 the ratio of correctional officers to prisoners for each  
22 correctional institution, the ratio of shift command staff to line  
23 custody staff, and the ratio of noncustody institutional staff to  
24 prisoners for each correctional institution.

25 Sec. 405. (1) The department shall review and revise as  
26 necessary policy proposals that provide alternatives to prison for  
27 offenders being sentenced to prison as a result of technical

1 probation violations and technical parole violations. To the extent  
2 the department has insufficient policies or resources to affect the  
3 continued increase in prison commitments among these offender  
4 populations, the department shall explore other policy options to  
5 allow for program alternatives, including department or OCC-funded  
6 programs, local level programs, and programs available through  
7 private agencies that may be used as prison alternatives for these  
8 offenders.

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

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

22 (4) By May 1, 2006, the department shall report to the senate  
23 and house appropriations subcommittees on corrections, the senate  
24 and house fiscal agencies, and the state budget director the number  
25 of all parolees returned to prison and probationers sentenced to  
26 prison for either a technical violation or new sentence from  
27 October 1, 2005 through March 30, 2006 disaggregated by new offense

Senate Bill No. 268 as amended June 15, 2005

or violation type. After May 1, 2006, the department shall provide monthly reports.

Sec. 406. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification, recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council pursuant to the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 407. From the funds appropriated in part 1, the department shall maintain and make publicly accessible the files of all felony offenders even after an offender is no longer under the department's jurisdiction on the offender tracking information system in the same manner as files of current offenders.

Sec. 408. By March 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a list of the number of offenders and types of offenses committed by current prisoners who had previously served their maximum sentence and been released from prison.

<<Sec. 409. By January 1, 2006, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the potential for expansion of Michigan state industries clothing textile manufacturing and sales in the private market of clothing textiles not currently being manufactured in Michigan.>>

## **ADMINISTRATION AND PROGRAMS**

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders

1 being returned by the department from community placement who are  
2 available for return to institutional status and for prisoners who  
3 volunteer for placement in a county jail.

4 Sec. 502. (1) The department shall screen and assess each  
5 prisoner for alcohol and other drug involvement to determine the  
6 need for further treatment. The assessment process shall be  
7 designed to identify the severity of alcohol and other drug  
8 addiction and determine the treatment plan, if appropriate.

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

14 Sec. 503. (1) In expending residential substance abuse treatment  
15 services funds appropriated by this act, the department shall  
16 ensure to the maximum extent possible that residential substance  
17 abuse treatment services are available statewide.

18 (2) It is the intent of the legislature that the funds  
19 appropriated in part 1 for substance abuse testing and treatment be  
20 fully expended only for substance abuse testing and treatment.

21 (3) By April 1, 2006, the department shall report to the senate  
22 and house appropriations subcommittees on corrections, the senate  
23 and house fiscal agencies, and the state budget director on the  
24 allocation, distribution, and expenditure of all funds appropriated  
25 by the substance abuse testing and treatment line item during  
26 fiscal year 2004-2005 and projected for fiscal year 2005-2006. The  
27 report shall include, but not be limited to, an explanation of an



1 anticipated year-end balance, the number of participants in  
2 substance abuse programs, and the number of offenders on waiting  
3 lists for residential substance abuse programs. Information  
4 required by this subsection shall, where possible, be separated by  
5 MDOC administrative region and by offender type, including, but not  
6 limited to, a distinction between prisoners, parolees, and  
7 probationers.

8       Sec. 504. The department shall provide quarterly reports on the  
9 Michigan youth correctional facility to the members of the senate  
10 and house appropriations subcommittees on corrections, the senate  
11 and house fiscal agencies, and the state budget director. The  
12 reports shall provide information relevant to an assessment of the  
13 safety and security of the institution, including, but not limited  
14 to, information on the number of critical incidents by type  
15 occurring at the facility, the number of custody staff at the  
16 facility, staff turnover rates, staff vacancy rates, overtime  
17 reports, prisoner grievances, and number and severity of assaults  
18 occurring at the facility. The reports also shall provide  
19 information on programming available at the facility and on program  
20 enrollments, including, but not limited to, academic/vocational  
21 programs, counseling programs, mental health treatment programs,  
22 substance abuse treatment programs, and cognitive restructuring  
23 programs.

24       Sec. 505. The department shall require the contract monitor for  
25 the Michigan youth correctional facility to provide a manual to  
26 each prisoner at intake that details programs and services  
27 available at the facility, the processes by which prisoner

1 complaints and grievances can be pursued, and the identity of staff  
2 available at the facility to answer questions regarding the  
3 information in the manual. The contract monitor shall obtain  
4 written verification of receipt from each prisoner receiving the  
5 manual. The contract monitor also shall answer prisoner questions  
6 regarding facility programs, services, and grievance procedures.

7       Sec. 506. It is the intent of the legislature that the  
8 department of corrections renegotiate both the management and lease  
9 contracts with the GEO corporation for the Michigan youth  
10 correctional facility in order to achieve \$1,000,000.00 in savings  
11 for fiscal year 2005-2006 and each year thereafter. If reopened,  
12 the revised contract shall require that the Michigan youth  
13 correctional facility fulfill the same standards for operating and  
14 staffing guard towers as are in place in a department facility of  
15 the same security level.

16       Sec. 507. (1) The department shall develop and maintain a  
17 statewide waiting list for offenders referred for assessment for  
18 the assaultive offender program for parole eligibility and, if  
19 possible, shall transfer prisoners into facilities where assaultive  
20 offender programs are available in order to facilitate timely  
21 participation and completion prior to parole eligibility hearings.

22       (2) By March 1, 2006, the department shall identify all  
23 prisoners who have successfully completed assaultive offender  
24 therapy and have been denied parole despite positive therapy  
25 reports. The report shall provide the following information for  
26 each offender:

27       (a) A parole guideline score.

1 (b) The offense.

2 (c) The prior record.

3 (d) Institutional conduct.

4 (e) The number of years past earliest release date.

5 (f) The reason for denial of parole.

6 Sec. 508. (1) The department shall provide monthly reports to  
7 the senate and house appropriations subcommittees on corrections,  
8 the senate and house fiscal agencies, and the state budget director  
9 on the status and recidivism levels of offenders who participated  
10 in the MPRI and have been released. The data should be broken out  
11 by the following 4 offender types: drug, nonassaultive, assaultive,  
12 and sex.

13 (2) By September 30, 2006, 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 a  
16 comparison of the overall recidivism rates and length of time prior  
17 to prison return of offenders who participated in the MPRI with  
18 those of offenders who did not. The report should disaggregate the  
19 information by each pilot site in order to compare the practices  
20 and success rates of each pilot.

21 (3) If practicable, the department shall include prisoners  
22 nearing their maximum sentence in the prison phases of the MPRI.

23 Sec. 509. From the funds appropriated in part 1, the department  
24 shall provide training and materials developed with the receipt of  
25 the federal prison rape elimination grant to the staff and  
26 prisoners at the Michigan youth correctional facility in addition  
27 to the department's facilities.

1       Sec. 510. The department may contract with a nationally  
2 recognized, experienced agency within the state of Michigan to  
3 conduct a complete and thorough quantitative and qualitative study  
4 of youth in the juvenile and adult correction systems. The study  
5 shall include, but not be limited to, demographic characteristics  
6 including race, ethnicity, and gender; offenses; adjudication;  
7 programs available and utilization of those programs; outcomes; and  
8 aftercare. The department shall submit the results of this study to  
9 the senate and house appropriations subcommittees on corrections,  
10 the senate and house fiscal agencies, and the state budget director  
11 by October 30, 2006.

#### 12    FIELD OPERATIONS ADMINISTRATION

13       Sec. 601. From the funds appropriated in part 1, the department  
14 shall conduct a statewide caseload audit of field agents. The audit  
15 shall address public protection issues and assess the ability of  
16 the field agents to complete their professional duties. The results  
17 of the audit shall be submitted to the senate and house  
18 appropriations subcommittees on corrections and the senate and  
19 house fiscal agencies, and the state budget office by September 30,  
20 2006.

21       Sec. 602. (1) Of the amount appropriated in part 1 for field  
22 operations, a sufficient amount shall be allocated for the  
23 community service work program and shall be used for salaries and  
24 wages and fringe benefit costs of community service coordinators  
25 employed by the department to supervise offenders participating in  
26 work crew assignments. Funds shall also be used to cover motor

1 transport division rates on state vehicles used to transport  
2 offenders to community service work project sites.

3 (2) The community service work program shall provide offenders  
4 with community service work of tangible benefit to a community  
5 while fulfilling court-ordered community service work sanctions and  
6 other postconviction obligations.

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

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

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

21 (3) Included in the appropriation in part 1 is adequate funding  
22 to implement the community tether program to be administered by the  
23 department. The community tether program is intended to provide  
24 sentencing judges and county sheriffs in coordination with local  
25 community corrections advisory boards access to the state's  
26 electronic tether program to reduce prison admissions and improve  
27 local jail utilization. The department shall determine the

1 appropriate distribution of the tether units throughout the state  
2 based upon locally developed comprehensive corrections plans  
3 pursuant to the community corrections act, 1988 PA 511, MCL 791.401  
4 to 791.414.

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

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

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

22 Sec. 606. (1) The department shall conduct or contract for a  
23 study of parole and probation agent workloads. The study shall  
24 analyze agent workloads, caseloads, and responsibilities and  
25 provide recommendations for changes to workload computations and  
26 offender-agent workload or caseload ratios.

27 (2) By April 1, 2006, the department shall report to the senate

Senate Bill No. 268 as amended June 15, 2005

1 and house appropriations subcommittees on corrections, the senate  
2 and house fiscal agencies, and the state budget director on the  
3 progress of the study, including information on study timelines,  
4 objectives, and methodology.

5       Sec. 608. (1) Funds appropriated in part 1 for the parole and  
6 probation special operations program are appropriated for the  
7 purpose of funding law enforcement officer escorts for field agents  
8 making unscheduled visits to verify offenders' whereabouts and  
9 activities in selected precincts in cities with a population of  
10 more than 750,000 according to the most recent United States  
11 decennial census. As used in this section, "unscheduled visits"  
12 means visits to locations other than governmental offices between  
13 the hours of 5 p.m. and 8 a.m. and made without appointment with  
14 the supervised offender.

15       (2) It is the intent of the legislature that in the course of  
16 expending funds appropriated under part 1 for field operations, the  
17 department shall cooperate with the department of attorney general  
18 and law enforcement agencies <<either located in or with jurisdiction  
>>in cities with a population of more  
19 than 750,000 according to the most recent United States decennial  
20 census in assigning field agents to conduct unscheduled visits in  
21 selected police precincts in cities with a population of more than  
22 750,000 according to the most recent United States decennial  
23 census.

24 **COMMUNITY CORRECTIONS**

25       Sec. 701. (1) The office of community corrections shall provide  
26 and coordinate the delivery and implementation of services in

1 communities to facilitate successful offender reintegration into  
2 the community. The programs and services that shall be offered  
3 include, but are not limited to, all of the following:

4 (a) Technical assistance for comprehensive corrections plan  
5 development.

6 (b) New program start-up funding.

7 (c) Program funding for those programs delivering services for  
8 eligible offenders in geographic areas identified by the office of  
9 community corrections as having a shortage of available services.

10 (d) Technical assistance.

11 (e) Referral services for education.

12 (f) Employment services.

13 (g) Substance abuse.

14 (h) Family counseling.

15 (2) As used in this act:

16 (a) "Alternative to incarceration in a state facility or jail"  
17 means a program that involves offenders who receive a sentencing  
18 disposition that appears to be in place of incarceration in a state  
19 correctional facility or jail based on historical local sentencing  
20 patterns or that constitutes a reduction in the length of sentence  
21 in a jail.

22 (b) "Goal" means the intended or projected result of a  
23 comprehensive corrections plan or community corrections program to  
24 reduce prison commitment rates, to reduce the length of stay in a  
25 jail, or to improve the utilization of a jail.

26 (c) "Jail" means a facility operated by a local unit of  
27 government for the physical detention and correction of persons



1 charged with or convicted of criminal offenses.

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

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

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

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

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

24 Sec. 702. (1) The funds included in part 1 for community  
25 corrections comprehensive plans and services are to encourage,  
26 through technical assistance grants, the development,  
27 implementation, and operation of community corrections programs

1 that serve as an alternative to incarceration in a state facility  
2 or jail. The comprehensive corrections plans shall include an  
3 explanation of all of the following:

4 (a) How the public safety will be maintained.

5 (b) The goals for the local jurisdiction.

6 (c) The offender target populations intended to be affected.

7 (d) Offender eligibility criteria for purposes outlined in the  
8 plan.

9 (e) How the plans will meet the following objectives, consistent  
10 with section 8(4) of the community corrections act, 1988 PA 511,  
11 MCL 791.408:

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

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

20 (iii) Open jail beds through the increase of pretrial release  
21 options.

22 (iv) Reduce the readmission to prison of parole violators.

23 (v) Reduce the admission or readmission to prison of offenders,  
24 including probation violators and parole violators, for substance  
25 abuse violations.

26 (2) The award of community corrections comprehensive plans and  
27 residential services funds shall be based on criteria that include,

1 but are not limited to, all of the following:

2 (a) The prison commitment rate by category of offenders.

3 (b) Trends in prison commitment rates and jail utilization.

4 (c) Historical trends in community corrections program capacity  
5 and program utilization.

6 (d) The projected impact and outcome of annual policies and  
7 procedures of programs on prison commitment rates and jail  
8 utilization.

9 (3) Funds awarded for residential services in part 1 shall  
10 provide for a per diem reimbursement of \$47.50.

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

1 corrections plans strategies to collaborate with local alcohol and  
2 drug treatment agencies of the department of community health for  
3 providing alcohol and drug screening, assessment, case management  
4 planning, and delivery of treatment to alcohol- and drug-involved  
5 offenders, including, but not limited to, probation and parole  
6 violators who are at risk of revocation.

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

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

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

22 (c) Status of the community corrections information system and  
23 the jail population information system.

24 (d) Data on residential services, including participant data,  
25 participant sentencing guideline scores, program expenditures,  
26 average length of stay, and bed utilization data.

27 (e) Offender disposition data by sentencing guideline range, by

1 disposition type, number, and percent statewide and by county,  
2 current year, and comparisons to the immediately previous 3 years.

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

6 Sec. 705. (1) The department shall identify and coordinate  
7 information regarding the availability of and the demand for  
8 community corrections programs, jail-based community corrections  
9 programs, and basic state-required jail data.

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

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

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

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

23 (a) The felon's sentencing guidelines recommended range upper  
24 limit is more than 18 months, the felon's sentencing guidelines  
25 recommended range lower limit is 12 months or less, the felon's  
26 prior record variable score is 35 or more points, and the felon's  
27 sentence is not for commission of a crime in crime class G or crime

1 class H under chapter XVII of the code of criminal procedure, 1927  
2 PA 175, MCL 777.1 to 777.69.

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

5 (3) State reimbursement under this section for prisoner housing  
6 and custody expenses per diverted offender shall be \$43.50 per diem  
7 for not more than a total of 1 year.

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

21 (5) The department, the Michigan association of counties, and  
22 the Michigan sheriffs' association shall review the periodic  
23 findings of the study required in subsection (4) and, if  
24 appropriate, recommend modification of the criteria for  
25 reimbursement contained in subsection (2). Any recommended  
26 modification shall be forwarded to the house and senate  
27 appropriations subcommittees on corrections and the state budget

1 office.

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

6 (7) County jail reimbursement program expenditures shall not  
7 exceed the amount appropriated in part 1 for this purpose. Payments  
8 to counties under the county jail reimbursement program shall be  
9 made in the order in which properly documented requests for  
10 reimbursements are received. A request shall be considered to be  
11 properly documented if it meets MDOC requirements for  
12 documentation. The department shall by October 15, 2005 distribute  
13 the documentation requirements to all counties.

14 Sec. 707. (1) As a condition of receipt of the funds  
15 appropriated in part 1 for community corrections plans and services  
16 and probation residential centers, the department shall only award  
17 those funds requested under a properly prepared and approved  
18 comprehensive corrections plan submitted under section 8 of the  
19 community corrections act, 1988 PA 511, MCL 791.408, or directly  
20 applied for under section 10 of the community corrections act, 1988  
21 PA 511, MCL 791.410.

22 (2) The department shall only halt funding for an entity funded  
23 under section 8 of the community corrections act, 1988 PA 511, MCL  
24 791.408, in instances of substantial noncompliance during the  
25 period covered by the plan.

26 Sec. 708. (1) Funds included in part 1 for the felony drunk  
27 driver jail reduction and community treatment program are

1 appropriated for and may be expended for any of the following  
2 purposes:

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

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

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

22 (2) Expenditure of funds included in part 1 for the felony drunk  
23 driver jail reduction and community treatment program shall be by  
24 grant awards consistent with standards developed by a committee of  
25 the state community corrections advisory board. The chairperson of  
26 the committee shall be the board member representing county  
27 sheriffs. Remaining members of the committee shall be appointed by



1 the chairperson of the board.

2 (3) In developing annual standards, the committee shall consult  
3 with interested agencies and associations. The committee shall  
4 develop standards consistent with the purposes specified in this  
5 section, including application criteria, performance objectives and  
6 measures, funding allocations, and allowable uses of the fund.

7 (4) Allowable uses of the fund include reimbursing counties for  
8 transportation, treatment costs, and housing felony drunk drivers  
9 during a period of assessment for treatment and case planning.  
10 Reimbursements for housing during the assessment process shall be  
11 at the rate of \$43.50 per day per offender for not more than 5 days  
12 per offender.

13 (5) The standards developed by the committee shall assign each  
14 county a maximum funding allocation based on the amount the county  
15 received under the county jail reimbursement program in fiscal year  
16 2001-2002 for housing felony drunk drivers whose sentencing  
17 guidelines recommended minimum sentence ranges had upper limits of  
18 18 months or less.

19 (6) Awards of funding under this section shall be provided  
20 consistent with the local comprehensive corrections plans developed  
21 under the community corrections act, 1988 PA 511, MCL 791.401 to  
22 791.414. Funds awarded under this section may be used in  
23 conjunction with funds awarded under grant programs established  
24 under that act. Due to the need for felony drunk drivers to be  
25 transitioned from county jails to community treatment services, it  
26 is the intent of the legislature that local units of government  
27 utilize funds received under this section to support county sheriff

1 departments.

2 (7) As used in this section, "felony drunk driver" means a felon  
3 convicted of operating a motor vehicle under the influence of  
4 intoxicating liquor or a controlled substance, or both, third or  
5 subsequent offense, under section 625(9)(c) of the Michigan vehicle  
6 code, 1949 PA 300, MCL 257.625, or its predecessor statute,  
7 punishable as a felony.

8 Sec. 709. By March 1, 2006, the department shall provide a  
9 report to the senate and house appropriations subcommittees on  
10 corrections, the senate and house fiscal agencies, and the state  
11 budget director concerning the number of prison diversions  
12 accomplished through each of the following:

13 (a) The county jail reimbursement program.

14 (b) Community corrections comprehensive plans and services.

15 (c) Residential services.

16 (d) The felony drunk driver jail reduction and community  
17 treatment program.

18 (e) The alternatives to prison jail program.

19 (f) The alternatives to prison treatment program.

20 **CONSENT DECREES**

21 Sec. 801. Funding appropriated in part 1 for consent decree line  
22 items is appropriated into separate control accounts created for  
23 each line item. Funding in each control account shall be  
24 distributed as necessary into separate accounts created for the  
25 purpose of separately identifying costs and expenditures associated  
26 with each consent decree.

1    **HEALTH CARE**

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

6           Sec. 902. (1) As a condition of expenditure of the funds  
7 appropriated in part 1, the department shall report to the senate  
8 and house appropriations subcommittees on corrections on January 1,  
9 2006 and July 1, 2006 the status of payments from contractors to  
10 vendors for health care services provided to prisoners, as well as  
11 the status of the contracts, and an assessment of prisoner health  
12 care quality.

13          (2) It is the intent of the legislature that in the interest of  
14 providing the most efficient and cost-effective delivery of health  
15 care, local health care providers shall be considered and given an  
16 opportunity to competitively bid as vendors under future managed  
17 care contracts.

18          Sec. 903. There are sufficient funds and FTEs appropriated in  
19 part 1 to provide a full complement of nurses for clinical  
20 complexes working regular pay hours and it is the intent of the  
21 legislature that sufficient nurses be hired or retained to limit  
22 the use of overtime other-than-holiday pay.

23          Sec. 904. From the funds allocated in part 1 for health care  
24 services, the department shall conduct a 1-year cost/benefit  
25 analysis of privatizing pharmacy services and shall report the  
26 findings of this 1-year cost/benefit analysis to the senate and

1 house appropriations subcommittees on corrections and the senate  
2 and house fiscal agencies not less than 120 days before any effort  
3 to privatize pharmacy services, unless a report is completed before  
4 October 1, 2005.

5 Sec. 905. It is the intent of the legislature that, with the  
6 funds appropriated in part 1 for hospital and specialty care  
7 services, the department shall ensure that local providers of  
8 ambulance services to prisoners be reimbursed within 60 days of the  
9 filing of any uncontested claim for service.

10 Sec. 906. (1) The department shall identify and manage prisoners  
11 who abuse the availability of medical services by obtaining  
12 transportation to off-site medical care when unnecessary or  
13 reasonably avoidable. In doing this, the department shall, when  
14 appropriate, consult with off-site medical facilities on how to  
15 accomplish this goal.

16 (2) By April 1, 2006, the department shall report to the senate  
17 and house appropriations subcommittees on corrections, the senate  
18 and house fiscal agencies, and the state budget director on its  
19 activities and progress in implementing this section.

20 Sec. 907. The bureau of health care services shall develop  
21 information on hepatitis C prevention and the risks associated with  
22 exposure to hepatitis C, and the health care providers shall  
23 disseminate this information verbally and in writing to each  
24 prisoner at the health screening and full health appraisal  
25 conducted at admissions, at the annual health care screening 1 week  
26 before or after a prisoner's birthday, and prior to release to the  
27 community by parole, transfer to community residential placement,

1 or discharge on the maximum.

2       Sec. 908. From the funds appropriated in part 1, the department  
3 shall offer an alanine aminotransferase (ALT) test to each prisoner  
4 who has received positive parole action. An explanation of results  
5 of the test shall be provided confidentially to the prisoner prior  
6 to release on parole, and if appropriate based on the test results,  
7 the prisoner shall also be provided a recommendation to seek  
8 follow-up medical attention in the community. The test shall be  
9 voluntary; if the prisoner refuses to be tested, that decision  
10 shall not affect parole release, conditions of parole, or parole  
11 supervision.

12       Sec. 909. The department shall ensure that all medications for a  
13 prisoner be transported with that prisoner when the prisoner is  
14 transferred from 1 correctional facility to another.

15       Sec. 910. The department shall attempt to collect reimbursement  
16 from health insurance providers for the health care of prisoners  
17 who have retirement health insurance benefits. By April 1, 2006,  
18 the department shall provide the members of the senate and house  
19 appropriations subcommittees on corrections, the senate and house  
20 fiscal agencies, and the state budget director with a status report  
21 on its efforts and the amount of reimbursement successfully  
22 collected.

### 23   INSTITUTIONAL OPERATIONS

24       Sec. 1001. As a condition of expenditure of the funds  
25 appropriated in part 1, the department shall ensure that smoking  
26 areas are designated for use by prisoners and staff at each

1 facility. At a minimum, all outdoor areas within each facility's  
2 perimeter shall be designated for smoking, except that smoking may  
3 be forbidden within 20 feet of any building designated as  
4 nonsmoking or smoke-free.

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

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

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

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

26 (2) The department shall submit quarterly reports on all  
27 expenditures from the inmate housing fund to the state budget

1 director, the senate and house appropriations subcommittees on  
2 corrections, and the senate and house fiscal agencies.

3 Sec. 1007. The department shall establish a uniform rate to be  
4 paid by agencies that benefit from public work services provided by  
5 special alternative incarceration participants and prisoners.

6 Sec. 1009. By April 1, 2006, the department shall report to the  
7 senate and house appropriations subcommittees on corrections, the  
8 senate and house fiscal agencies, and the state budget director on  
9 academic/vocational programs for the most recently completed  
10 appropriation year. The report shall provide information relevant  
11 to an assessment of the department's academic and vocational  
12 programs, including, but not limited to, the following:

13 (a) The number of prisoners enrolled in each program, the number  
14 of prisoners completing each program, and the number of prisoners  
15 on waiting lists for each program.

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

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

21 (d) An identification of program outcomes for each academic and  
22 vocational program.

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

25 Sec. 1010. (1) By February 1, 2006, the department shall report  
26 to the senate and house appropriations subcommittees on  
27 corrections, the senate and house fiscal agencies, and the state

1 budget director, the percent of offenders included in the prison  
2 population intake for fiscal years 2003-2004 and 2004-2005 who have  
3 a high school diploma or a general educational development (G.E.D.)  
4 certificate.

5 (2) By February 1, 2006, the department shall provide the senate  
6 and house appropriations subcommittees on corrections, the senate  
7 and house fiscal agencies, and the state budget director with  
8 statistical reports on the efficacy of both department-provided  
9 prison general education and vocational education programs in  
10 reducing offender recidivism rates. At a minimum, the report should  
11 compare the recidivism rates of the following groups of offenders:

12 (a) Offenders who completed a GED while in prison and  
13 participated in the MPRI.

14 (b) Offenders who completed a GED while in prison but did not  
15 participate in the MPRI.

16 (c) Offenders who completed a vocational education program while  
17 in prison and participated in the MPRI.

18 (d) Offenders who competed a vocational education program while  
19 in prison but did not participate in the MPRI.

20 Sec. 1011. The department shall maintain the Michigan Braille  
21 transcribing service at its current location at the correctional  
22 complex located in Jackson.

23 Sec. 1012. By February 1, 2006, the department shall report to  
24 the senate and house appropriations subcommittees on corrections,  
25 the senate and house fiscal agencies, and the state budget director  
26 the number of critical incidents occurring each month by type and  
27 the number and severity of assaults occurring each month at each



1 facility during calendar year 2005.

2 Sec. 1013. (1) The department shall implement a plan to remove  
3 male corrections staff from the housing units in female prisons.

4 (2) The departments shall make the process of filing a claim of  
5 sexual assault or harassment less intimidating by designating a  
6 staff person in each facility to assist prisoners in filing a  
7 complaint to ensure that it is not illegible or vague and does not  
8 contain extraneous information.

9 (3) The department shall refer all complaints of criminal  
10 conduct to the Michigan state police.