

HOUSE BILL No. 4380

EXECUTIVE BUDGET BILL

February 23, 2005, Introduced by Rep. Whitmer and referred to the Committee on Appropriations.

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:

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, 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	50,949	
Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	17,529.2	
GROSS APPROPRIATION.....	\$	1,883,642,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		1,043,800
ADJUSTED GROSS APPROPRIATION	\$	1,882,598,800
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.....		66,590,000
State general fund/general purpose.....	\$	1,805,280,300

Sec. 102. EXECUTIVE

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

1	Full-time equated classified positions.....	253.2	
2	Unclassified positions--16.0 FTE positions.....		\$ 1,368,800
3	Executive direction--32.0 FTE positions.....		3,779,000
4	Policy and strategic planning--52.0 FTE positions....		5,552,400
5	Prisoner reintegration programs--4.0 FTE positions...		12,878,700
6	Human resources--165.2 FTE positions.....		14,343,600
7	Human resources optimization user charges.....		1,299,200
8	Training.....		3,602,000
9	Worker's compensation.....		18,899,000
10	Sheriffs' coordinating and training office.....		<u>2,000,000</u>
11	GROSS APPROPRIATION.....		\$ 63,722,700
12	Appropriated from:		
13	Interdepartmental grant revenues:		
14	IDG-MDSP, Michigan justice training fund.....		523,800
15	Federal revenues:		
16	Federal revenues and reimbursements.....		1,035,000
17	Special revenue funds:		
18	State restricted revenues and reimbursements.....		2,000,000
19	State general fund/general purpose.....		\$ 60,163,900
20	Sec. 103. ADMINISTRATION AND PROGRAMS		
21	Full-time equated classified positions.....	290.9	
22	Administrative services--70.9 FTE positions.....		\$ 6,462,600
23	Substance abuse testing and treatment.....		19,686,400
24	Inmate legal services.....		314,900
25	Prison industries operations--220.0 FTE positions....		18,658,700
26	Rent.....		2,095,200
27	Equipment and special maintenance.....		2,054,000

1	Compensatory buyout and union leave bank	275,000
2	Prosecutorial and detainer expenses	<u>4,051,000</u>
3	GROSS APPROPRIATION	\$ 53,597,800
4	Appropriated from:	
5	Federal revenues:	
6	Federal revenues and reimbursements	729,400
7	Special revenue funds:	
8	State restricted revenues and reimbursements	18,758,700
9	State general fund/general purpose	\$ 34,109,700
10	Sec. 104. FIELD OPERATIONS ADMINISTRATION	
11	Average population	310
12	Full-time equated classified positions	1,978.4
13	Field operations--1,796.1 FTE positions	\$ 140,401,300
14	Parole board operations--29.0 FTE positions	2,452,100
15	Loans to parolees	294,400
16	Parole/probation services	2,867,300
17	Corrections centers--48.0 FTE positions	5,491,000
18	Average population	310
19	Electronic monitoring center--36.0 FTE positions	4,689,800
20	Technical rule violator program--69.3 FTE positions ..	<u>8,748,900</u>
21	GROSS APPROPRIATION	\$ 164,944,800
22	Appropriated from:	
23	Special revenue funds:	
24	Local - community tether program reimbursement	411,700
25	State restricted revenues and reimbursements	19,762,200
26	State general fund/general purpose	\$ 144,770,900
27	Sec. 105. COMMUNITY CORRECTIONS	

1	Full-time equated classified positions.....	16.0	
2	Community corrections administration--16.0 FTE		
3	positions		\$ 1,674,300
4	Residential services.....		16,328,400
5	Community corrections comprehensive plans and services		17,533,000
6	Jail capacity expansion program.....		1,000,000
7	Public education and training.....		50,000
8	Regional jail program.....		100
9	Alternatives to prison jail program.....		1,619,600
10	Alternatives to prison treatment program.....		400,000
11	Felony drunk driver jail reduction and community		
12	treatment program		2,097,400
13	County jail reimbursement program.....		<u>13,249,000</u>
14	GROSS APPROPRIATION.....		\$ 53,951,800
15	Appropriated from:		
16	Special revenue funds:		
17	State restricted revenues and reimbursements		19,689,500
18	State general fund/general purpose		\$ 34,262,300
19	Sec. 106. CONSENT DECREES		
20	Average population	200	
21	Full-time equated classified positions.....	471.3	
22	Hadix consent decree--138.0 FTE positions		\$ 10,085,500
23	DOJ consent decree--106.8 FTE positions		9,097,400
24	DOJ psychiatric plan - MDCH mental health services ...		72,048,800
25	DOJ psychiatric plan - MDOC staff and services--226.5		
26	FTE positions		<u>16,022,700</u>
27	GROSS APPROPRIATION.....		\$ 107,254,400

1	Appropriated from:		
2	State general fund/general purpose	\$	107,254,400
3	Sec. 107. HEALTH CARE		
4	Full-time equated classified positions.....	930.6	
5	Health care administration--21.0 FTE positions	\$	2,303,100
6	Hospital and specialty care services		58,409,100
7	Hepatitis C testing and treatment		1,150,000
8	Vaccination program		991,200
9	Northern region clinical complexes--242.4 FTE		
10	positions		27,032,600
11	Southeastern region clinical complexes--362.8 FTE		
12	positions		49,599,100
13	Southwestern region clinical complexes--304.4 FTE		
14	positions		<u>33,776,600</u>
15	GROSS APPROPRIATION	\$	173,261,700
16	Appropriated from:		
17	Special revenue funds:		
18	State restricted revenues and reimbursements		331,400
19	State general fund/general purpose	\$	172,930,300
20	Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION		
21	Average population	1,382	
22	Full-time equated classified positions.....	886.2	
23	Correctional facilities administration--44.0 FTE		
24	positions	\$	5,907,300
25	Housing inmates in federal institutions		552,600
26	Education services and federal education grants--10.0		
27	FTE positions		5,671,800

1	Federal school lunch program.....	712,800
2	Leased beds and alternatives to leased beds	100
3	Inmate housing fund--421.7 FTE positions	40,779,700
4	Average population	1,382
5	Academic/vocational programs--410.5 FTE positions	<u>34,181,100</u>
6	GROSS APPROPRIATION.....	\$ 87,805,400
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG-MDCH, forensic center food service	520,000
10	Federal revenues:	
11	Federal revenues and reimbursements	7,566,900
12	Special revenue funds:	
13	State restricted revenues and reimbursements	200,900
14	State general fund/general purpose	\$ 79,517,600
15	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
16	Average population	14,966
17	Full-time equated classified positions.....	4,169.2
18	Alger maximum correctional facility - Munising--343.0	
19	FTE positions	\$ 30,696,200
20	Average population	849
21	Baraga maximum correctional facility - Baraga--405.5	
22	FTE positions	35,460,500
23	Average population	1,084
24	Chippewa correctional facility - Kincheloe--509.3	
25	FTE positions	45,506,300
26	Average population	2,122
27	Kinross correctional facility - Kincheloe--581.3 FTE	

1	positions	54,343,200
2	Average population 2,719	
3	Marquette branch prison - Marquette--374.8 FTE	
4	positions	35,143,900
5	Average population 1,070	
6	Newberry correctional facility - Newberry--345.4 FTE	
7	positions	29,619,400
8	Average population 1,144	
9	Oaks correctional facility - Eastlake--349.5 FTE	
10	positions	35,215,200
11	Average population 1,156	
12	Ojibway correctional facility - Marenisco--281.2 FTE	
13	positions	24,875,200
14	Average population 1,282	
15	Pugsley correctional facility - Kingsley--220.4 FTE	
16	positions	18,630,200
17	Average population 954	
18	Saginaw correctional facility - Freeland--356.0 FTE	
19	positions	32,421,100
20	Average population 1,480	
21	Standish maximum correctional facility - Standish	
22	--402.8 FTE positions	<u>36,870,000</u>
23	Average population 1,106	
24	GROSS APPROPRIATION.....	\$ 378,781,200
25	Appropriated from:	
26	Special revenue funds:	
27	State restricted revenues and reimbursements	1,664,800

1	State general fund/general purpose.....	\$	377,116,400
2	Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES		
3	Average population		15,737
4	Full-time equated classified positions.....		4,189.9
5	Cooper Street correctional facility - Jackson--267.8		
6	FTE positions	\$	24,998,300
7	Average population		1,360
8	G. Robert Cotton correctional facility - Jackson--429.3		
9	FTE positions		38,399,600
10	Average population		1,854
11	Charles E. Egeler reception center - Jackson--525.4		
12	FTE positions		51,095,900
13	Average population		1,591
14	Gus Harrison correctional facility - Adrian--515.8		
15	FTE positions		46,400,700
16	Average population		2,262
17	Macomb correctional facility - New Haven--321.5 FTE		
18	positions		28,097,800
19	Average population		1,228
20	Mound correctional facility - Detroit--284.8 FTE		
21	positions		25,719,800
22	Average population		1,051
23	Parnall correctional facility - Jackson--264.4 FTE		
24	positions		24,149,800
25	Average population		1,348
26	Ryan correctional facility - Detroit--309.8 FTE		
27	positions		27,964,700

1	Average population	1,059	
2	Robert Scott correctional facility - Plymouth--332.5		
3	FTE positions		28,738,800
4	Average population	884	
5	Southern Michigan correctional facility - Jackson--		
6	418.8 FTE positions		36,033,800
7	Average population	1,481	
8	Thumb correctional facility - Lapeer--313.8 FTE		
9	positions		31,357,900
10	Average population	1,219	
11	Special alternative incarceration program - Cassidy		
12	Lake--126.0 FTE positions		10,942,200
13	Average population	400	
14	Jackson area support and services - Jackson--80.0		
15	FTE positions		<u>13,649,300</u>
16	GROSS APPROPRIATION.....	\$	387,548,600
17	Appropriated from:		
18	Federal revenues:		
19	Federal revenues and reimbursements.....		985,500
20	Special revenue funds:		
21	State restricted revenues and reimbursements.....		1,769,300
22	State general fund/general purpose.....	\$	384,793,800
23	Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES		
24	Average population	18,354	
25	Full-time equated classified positions.....	4,343.5	
26	Bellamy Creek correctional facility - Ionia--472.1		
27	FTE positions	\$	45,208,800

1	Average population	1,830
2	Earnest C. Brooks correctional facility - Muskegon--	
3	478.9 FTE positions	43,781,500
4	Average population	2,200
5	Carson City correctional facility - Carson City--502.6	
6	FTE positions	46,224,300
7	Average population	2,200
8	Richard A. Handlon correctional facility - Ionia--	
9	256.2 FTE positions	23,717,300
10	Average population	1,320
11	Ionia maximum correctional facility - Ionia--323.8	
12	FTE positions	28,273,700
13	Average population	667
14	Lakeland correctional facility - Coldwater--689.3	
15	FTE positions	62,734,600
16	Average population	2,992
17	Muskegon correctional facility - Muskegon--254.4	
18	FTE positions	24,619,600
19	Average population	1,310
20	Pine River correctional facility - St. Louis--231.6	
21	FTE positions	20,617,800
22	Average population	1,120
23	Riverside correctional facility - Ionia--519.8	
24	FTE positions	48,138,900
25	Average population	2,331
26	St. Louis correctional facility - St. Louis--614.8	
27	FTE positions	<u>53,618,800</u>

1	Average population	2,384	
2	GROSS APPROPRIATION.....	\$	396,935,300
3	Appropriated from:		
4	Special revenue funds:		
5	State restricted revenues and reimbursements		1,878,500
6	State general fund/general purpose	\$	395,056,800
7	Sec. 112. INFORMATION TECHNOLOGY		
8	Information technology services and projects	\$	<u>15,838,900</u>
9	GROSS APPROPRIATION.....	\$	15,838,900
10	Appropriated from:		
11	Special revenue funds:		
12	State restricted revenues and reimbursements		534,700
13	State general fund/general purpose	\$	15,304,200

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 **GENERAL SECTIONS**

17 Sec. 201. Pursuant to section 30 of article IX of the state

18 constitution of 1963, total state spending from state resources

19 under part 1 for fiscal year 2005-2006 is \$1,871,870,300.00 and

20 state spending from state resources to be paid to local units of

21 government for fiscal year 2005-2006 is \$93,233,300.00. The

22 itemized statement below identifies appropriations from which

23 spending to units of local government will occur:

24 DEPARTMENT OF CORRECTIONS

25 Field operations - assumption of county probation

1	staff	\$	43,561,000
2	Public service work projects		10,643,800
3	Community corrections comprehensive plans and		
4	services		17,533,000
5	Jail capacity expansion program		1,000,000
6	Community corrections residential services		16,328,400
7	Community corrections public education and training ..		50,000
8	Felony drunk driver jail reduction and community		
9	treatment program		2,097,400
10	Alternatives to prison jail program		1,619,600
11	Alternatives to prison treatment program		400,000
12	Regional jail program		<u>100</u>
13	TOTAL	\$	93,233,300

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

17 Sec. 203. As used in this bill:

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

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

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

22 (d) "IDG" means interdepartmental grant.

23 (e) "IDT" means intradepartmental transfer.

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

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

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

27 Sec. 204. The department of civil service shall bill

1 departments and agencies at the end of the first fiscal quarter for
2 the 1% charge authorized by section 5 of article XI of the state
3 constitution of 1963. Payments shall be made for the total amount
4 of the billing by the end of the second fiscal quarter.

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

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

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

1 site.

2 Sec. 207. Funds appropriated in part 1 shall not be used for
3 the purchase of foreign goods or services, or both, if
4 competitively priced and comparable quality American goods or
5 services, or both, are available. Preference should be given to
6 goods or services, or both, manufactured or provided by Michigan
7 businesses if they are competitively priced and of comparable
8 quality.

9 Sec. 208. The director shall take all reasonable steps to
10 ensure businesses in deprived and depressed communities compete for
11 and perform contracts to provide services or supplies, or both.
12 The director shall strongly encourage firms with which the
13 department contracts to subcontract with certified businesses in
14 depressed and deprived communities for services, supplies, or both.

15 Sec. 209. From the funds appropriated in part 1 for information
16 technology, departments and agencies shall pay user fees to the
17 department of information technology for technology-related
18 services and projects. Such user fees shall be subject to
19 provisions of an interagency agreement between the departments and
20 agencies and the department of information technology.

21 Sec. 210. Amounts appropriated in part 1 for information
22 technology may be designated as work projects and carried forward
23 to support technology projects under the direction of the
24 department of information technology. Funds designated in this
25 manner are not available for expenditure until approved as work
26 projects under section 451a of the management and budget act, 1984
27 PA 431, MCL 18.1451a.

1 Sec. 211. (1) Due to the current budgetary problems in this
2 state, out-of-state travel for the fiscal year ending September 30,
3 2006 shall be limited to situations in which 1 or more of the
4 following conditions apply:

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

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

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

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

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

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

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

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

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

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Sec. 212. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this bill under section 393(2) of the department of management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for

1 expenditure until they have been transferred to another line item
2 in this bill under section 393(2) of the department of management
3 and budget act, 1984 PA 431, MCL 18.1393.

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

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

16 Sec. 213. (1) Pursuant to the provisions of civil service rules
17 and regulations and applicable collective bargaining agreements,
18 individuals seeking employment with the department shall submit to
19 a controlled substance test. The test shall be administered by the
20 department.

21 (2) Individuals seeking employment with the department who
22 refuse to take a controlled substance test or who test positive for
23 the illicit use of a controlled substance on such a test shall be
24 denied employment.

25 Sec. 214. The department may charge fees and collect revenues
26 in excess of appropriations in part 1 not to exceed the cost of
27 offender services and programming, employee meals, parolee loans,

1 academic/ vocational services, custody escorts, compassionate
2 visits, union steward activities, public work programs, and
3 emergency services provided to units of government. The revenues
4 and fees collected shall be appropriated for all expenses
5 associated with these services and activities.

6 **SUBSTANCE ABUSE TESTING AND TREATMENT**

7 Sec. 301. (1) The department shall screen and assess each
8 prisoner for alcohol and other drug involvement to determine the
9 need for further treatment. The assessment process shall be
10 designed to identify the severity of alcohol and other drug
11 addiction and determine the treatment plan, if appropriate.

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

17 **EXECUTIVE**

18 Sec. 401. The department shall submit 3-year and 5-year prison
19 population projection updates by February 15, 2006 to the senate
20 and house appropriations subcommittees on corrections, the senate
21 and house fiscal agencies, and the state budget director.

22 Sec. 402. The department shall prepare by April 1, 2006
23 individual reports for the technical rule violator program, the
24 community residential program, the electronic tether program, and
25 the special alternative to incarceration program. The reports
26 shall be submitted to the house and senate appropriations
27 subcommittees on corrections, the house and senate fiscal agencies,

1 and the state budget director. The reports shall include the
2 following:

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

16 Sec. 405. (1) The department shall review and revise as
17 necessary policy proposals that provide alternatives to prison for
18 offenders being sentenced to prison as a result of technical
19 probation violations and technical parole violations. To the
20 extent the department has insufficient policies or resources to
21 affect the continued increase in prison commitments among these
22 offender populations, the department shall explore other policy
23 options to allow for program alternatives, including department or
24 OCC-funded programs, local level programs, and programs available
25 through private agencies that may be used as prison alternatives
26 for these offenders.

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

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

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

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

FIELD OPERATIONS ADMINISTRATION

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

1 2006.

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

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

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

18 Sec. 603. (1) All prisoners, probationers, and parolees
19 involved with the electronic tether program shall reimburse the
20 department for the equipment costs and telephone charges associated
21 with their participation in the program. The department may
22 require community service work reimbursement as a means of payment
23 for those able-bodied individuals unable to pay for the cost of the
24 equipment.

25 (2) Program participant contributions and local community tether
26 program reimbursement for the electronic tether program
27 appropriated in part 1 are related to program expenditures and may

1 be used to offset expenditures for this purpose.

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

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

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

25 Sec. 604. Community-placement prisoners and parolees shall
26 reimburse the department for the total costs of the program. As an
27 alternative method of payment, the department may develop a

1 community service work schedule for those individuals unable to
2 meet reimbursement requirements established by the department.

3 Sec. 606. (1) The department shall conduct or contract for a
4 study of parole and probation agent workloads. The study shall
5 analyze agent workloads, caseloads, and responsibilities and
6 provide recommendations for changes to workload computations and
7 offender-agent workload or caseload ratios.

8 (2) By April 1, 2006, the department shall report to the senate
9 and house appropriations subcommittees on corrections, the senate
10 and house fiscal agencies, and the state budget director on the
11 progress of the study, including information on study timelines,
12 objectives, and methodology.

13 COMMUNITY CORRECTIONS

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

25 (a) "Alternative to incarceration in a state facility or jail"
26 means a program that involves offenders who receive a sentencing
27 disposition which appears to be in place of incarceration in a

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

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

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

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

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

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

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

1 sentencing patterns.

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

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

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

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

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

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

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

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

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

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

1 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the
2 county jail reimbursement program pursuant to section 706 of this
3 bill. The state community corrections board shall encourage local
4 community corrections boards to include in their comprehensive
5 corrections plans strategies to collaborate with local alcohol and
6 drug treatment agencies of the department of community health for
7 the provision of alcohol and drug screening, assessment, case
8 management planning, and delivery of treatment to alcohol- and
9 drug-involved offenders, including, but not limited to, probation
10 and parole violators who are at risk of revocation.

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

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

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

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

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

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

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

10 Sec. 705. (1) The department shall identify and coordinate
11 information regarding the availability of and the demand for
12 community corrections programs, jail-based community corrections
13 programs, and basic state-required jail data.

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

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

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

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

27 (a) The felon's sentencing guidelines recommended range upper

1 limit is more than 18 months, the felon's sentencing guidelines
2 recommended range lower limit is 12 months or less, the felon's
3 prior record variable score is 35 or more points, and the felon's
4 sentence is not for commission of a crime in crime class G or crime
5 class H under chapter XVII of the code of criminal procedure, 1927
6 PA 175, MCL 777.1 to 777.69.

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

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

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

25 (5) The department, the Michigan association of counties, and
26 the Michigan sheriffs' association shall review the periodic
27 findings of the study required in subsection (4) and, if

1 appropriate, recommend modification of the criteria for
2 reimbursement contained in subsection (2). Any recommended
3 modification shall be forwarded to the house and senate
4 appropriations subcommittees on corrections and the state budget
5 office.

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

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

18 Sec. 708. (1) Funds included in part 1 for the felony drunk
19 driver jail reduction and community treatment program are
20 appropriated for and may be expended for any of the following
21 purposes:

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

27 (b) To divert from jail sentences or to reduce the length of

1 jail sentences for felony drunk drivers who otherwise would have
2 been sentenced to jail and whose recommended minimum sentence
3 ranges under sentencing guidelines have upper limits of 18 months
4 or less, through funding programs that may be used in lieu of
5 incarceration and that increase the likelihood of rehabilitation.

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

14 (2) Expenditure of funds included in part 1 for the felony drunk
15 driver jail reduction and community treatment program shall be by
16 grant awards consistent with standards developed by a committee of
17 the state community corrections advisory board. The chairperson of
18 the committee shall be the board member representing county
19 sheriffs. Remaining members of the committee shall be appointed by
20 the chairperson of the board.

21 (3) In developing annual standards, the committee shall consult
22 with interested agencies and associations. Standards developed by
23 the committee shall include application criteria, performance
24 objectives and measures, funding allocations, and allowable uses of
25 the fund, consistent with the purposes specified in this section.

26 (4) Allowable uses of the fund shall include reimbursing
27 counties for transportation, treatment costs, and housing felony

1 drunk drivers during a period of assessment for treatment and case
2 planning. Reimbursements for housing during the assessment process
3 shall be at the rate of \$43.50 per day per offender, up to a
4 maximum of 5 days per offender.

5 (5) The standards developed by the committee shall assign each
6 county a maximum funding allocation based on the amount the county
7 received under the county jail reimbursement program in fiscal year
8 2001-2002 for housing felony drunk drivers whose sentencing
9 guidelines recommended minimum sentence ranges had upper limits of
10 18 months or less.

11 (6) Awards of funding under this section shall be provided
12 consistent with the local comprehensive corrections plans developed
13 under the community corrections act, 1988 PA 511, MCL 791.401 to
14 791.414. Funds awarded under this section may be used in
15 conjunction with funds awarded under grant programs established
16 under that act. Due to the need for felony drunk drivers to be
17 transitioned from county jails to community treatment services, it
18 is the intent of the legislature that local units of government
19 utilize funds received under this section to support county sheriff
20 departments.

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

27 **CONSENT DECREES**

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

7 HEALTH CARE

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

12 Sec. 907. The bureau of health care services shall develop
13 information on Hepatitis C prevention and the risks associated with
14 exposure to Hepatitis C, and the health care providers shall
15 disseminate this information verbally and in writing to each
16 prisoner at the health screening and full health appraisal
17 conducted at admissions, at the annual health care screening 1 week
18 before or after a prisoner's birthday, and prior to release to the
19 community by parole, transfer to community residential placement,
20 or discharge on the maximum.

21 Sec. 908. From the funds appropriated in part 1, the department
22 shall offer an alanine aminotransferase (ALT) test to each prisoner
23 who has received positive parole action. An explanation of results
24 of the test shall be provided confidentially to the prisoner prior
25 to release on parole, and if appropriate based on the test results,
26 the prisoner shall also be provided a recommendation to seek
27 follow-up medical attention in the community. The test shall be

1 voluntary; if the prisoner refuses to be tested, that decision
2 shall not affect parole release, conditions of parole, or parole
3 supervision.

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

7 **INSTITUTIONAL OPERATIONS**

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

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

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

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

1 vaccination upon request.

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

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

14 Sec. 1007. The department shall establish a uniform rate to be
15 paid by agencies that benefit from public work services provided by
16 prisoners and boot camp participants.