

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 1153, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2011; 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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

(attached)

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2011; 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.

Alan L. Cropsey

Alma Wheeler Smith

Roger Kahn

Fred Durhal, Jr.

Liz Brater

John Proos

Conferees for the Senate

Conferees for the House

**SUBSTITUTE FOR
SENATE BILL NO. 1153**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2011; 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

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, 2011, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY

Average Michigan population	44,181	
Average population	1,320	
Full-time equated unclassified positions.....	21.0	
Full-time equated classified positions.....	15,856.5	
GROSS APPROPRIATION.....		\$ 2,007,983,600
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		915,400
ADJUSTED GROSS APPROPRIATION.....		\$ 2,007,068,200
Federal revenues:		
Total federal revenues.....		7,868,500
Special revenue funds:		
Total local revenues.....		443,100
Total private revenues.....		0
Total other state restricted revenues.....		80,327,100
State general fund/general purpose.....		\$ 1,918,429,500

Sec. 102. EXECUTIVE

Full-time equated unclassified positions.....	21.0
Full-time equated classified positions.....	52.0

1	Unclassified positions--21.0 FTE positions	\$	1,812,100
2	Executive direction--52.0 FTE positions		6,350,200
3	Neal, et al. settlement agreement		<u>10,000,000</u>
4	GROSS APPROPRIATION	\$	18,162,300
5	Appropriated from:		
6	State general fund/general purpose	\$	18,162,300
7	Sec. 103. PLANNING AND COMMUNITY SUPPORT		
8	Full-time equated classified positions..... 12.0		
9	Mental health awareness training	\$	100,000
10	MPRI residential stability		7,251,300
11	MPRI employment readiness		7,265,100
12	MPRI social support		4,861,000
13	MPRI health and behavioral health		3,357,700
14	MPRI operations support		3,848,400
15	MPRI other projects		27,126,200
16	MPRI federal grants		1,035,000
17	Substance abuse testing and treatment services--12.0		
18	FTE positions		24,071,900
19	Residential services		18,075,500
20	Community corrections comprehensive plans and services		13,958,000
21	Public education and training		50,000
22	Regional jail program		100
23	Felony drunk driver jail reduction and community		
24	treatment program		1,740,100
25	County jail reimbursement program		<u>16,572,100</u>
26	GROSS APPROPRIATION	\$	129,312,400
27	Appropriated from:		

1	Federal revenues:	
2	DOJ, office of justice programs, RSAT.....	143,900
3	DOJ, prisoner reintegration.....	1,035,000
4	Special revenue funds:	
5	Civil infraction fees.....	5,900,000
6	State general fund/general purpose.....	\$ 122,233,500
7	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION	
8	Full-time equated classified positions.....	163.9
9	Operations support administration--49.0 FTE positions	\$ 4,861,500
10	New custody staff training.....	3,623,800
11	Compensatory buyout and union leave bank.....	100
12	Worker's compensation.....	16,152,800
13	Bureau of fiscal management--97.9 FTE positions.....	9,437,300
14	Office of legal services--6.0 FTE positions.....	1,140,700
15	Internal affairs--11.0 FTE positions.....	1,169,700
16	Rent.....	2,095,200
17	Equipment and special maintenance.....	2,425,500
18	Administrative hearings officers.....	3,631,100
19	Judicial data warehouse user fees.....	50,000
20	Interdepartmental grant to judiciary.....	1,000,000
21	Interdepartmental grant to legislative auditor general	500,000
22	Interdepartmental grant to corrections ombudsman.....	250,000
23	Sheriffs' coordinating and training office.....	500,000
24	Prosecutorial and detainer expenses.....	<u>4,051,000</u>
25	GROSS APPROPRIATION.....	\$ 50,888,700
26	Appropriated from:	
27	Interdepartmental grant revenues:	

1	IDG-MDSP, Michigan justice training fund.....	298,400
2	Special revenue funds:	
3	Local corrections officer training fund.....	500,000
4	Correctional industries revolving fund.....	508,100
5	State general fund/general purpose.....	\$ 49,582,200
6	Sec. 105. FIELD OPERATIONS ADMINISTRATION	
7	Full-time equated classified positions.....	2,193.9
8	Field operations--2,023.9 FTE positions.....	\$ 178,661,200
9	Parole board operations--50.0 FTE positions.....	4,676,300
10	Parole/probation services.....	2,243,500
11	Community re-entry centers--59.0 FTE positions.....	14,762,600
12	Electronic monitoring center--61.0 FTE positions.....	<u>17,156,400</u>
13	GROSS APPROPRIATION.....	\$ 217,500,000
14	Appropriated from:	
15	Special revenue funds:	
16	Local - community tether program reimbursement.....	443,100
17	Re-entry center offender reimbursements.....	139,500
18	Parole and probation oversight fees.....	8,300,000
19	Parole and probation oversight fees set-aside.....	2,643,500
20	Public works user fees.....	249,400
21	Tether program participant contributions.....	3,033,800
22	State general fund/general purpose.....	\$ 202,690,700
23	Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION	
24	Full-time equated classified positions.....	1,402.8
25	Correctional facilities administration--29.0 FTE	
26	positions	\$ 8,796,800
27	Prison food service--414.0 FTE positions.....	67,632,700

1	Transportation--215.6 FTE positions	19,201,300
2	Central records--53.5 FTE positions	4,178,400
3	DOJ psychiatric plan - MDCH mental health services ...	40,527,800
4	DOJ psychiatric plan - MDOC staff and services--149.7	
5	FTE positions	17,837,800
6	Inmate legal services	715,900
7	Loans to parolees	179,400
8	Housing inmates in federal institutions	793,900
9	Prison store operations--75.0 FTE positions	5,070,000
10	Prison industries operations--214.0 FTE positions	20,699,600
11	Education services and federal education grants--10.0	
12	FTE positions	3,451,800
13	Federal school lunch program	712,800
14	Leased beds and alternatives to leased beds	100
15	Inmate housing fund	100
16	Education program--242.0 FTE positions	<u>30,223,100</u>
17	GROSS APPROPRIATION	\$ 220,021,500
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDG-MDCH, forensic center food service	617,000
21	Federal revenues:	
22	DAG-FNS, national school lunch	712,800
23	DED-OESE, title 1	529,100
24	DED-OVAE, adult education	903,600
25	DED-OSERS	109,300
26	DED, vocational education equipment	280,700
27	DED, youthful offender/Specter grant	1,307,400

1	DOJ-BOP, federal prisoner reimbursement	211,000
2	DOJ-OJP, serious and violent offender reintegration	
3	initiative	10,400
4	DOJ, prison rape elimination act grant	1,004,300
5	SSA-SSI, incentive payment	139,600
6	Special revenue funds:	
7	Correctional industries revolving fund	20,800,100
8	Resident stores	4,969,500
9	State general fund/general purpose	\$ 188,426,700
10	Sec. 107. HEALTH CARE	
11	Full-time equated classified positions.....	1,162.0
12	Health care administration--14.0 FTE positions	\$ 3,141,100
13	Prisoner health care services	90,095,500
14	Vaccination program	691,200
15	Interdepartmental grant to human services, eligibility	
16	specialists	100,000
17	Northern region clinical complexes--366.6 FTE	
18	positions	42,645,200
19	Southern region clinical complexes--781.4 FTE	
20	positions	<u>117,057,000</u>
21	GROSS APPROPRIATION	\$ 253,730,000
22	Appropriated from:	
23	Special revenue funds:	
24	Prisoner health care copayments	349,000
25	State general fund/general purpose	\$ 253,381,000
26	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	
27	Average Michigan population	18,744

1	Average out-of-state population.....	1,320	
2	Full-time equated classified positions.....	4,613.4	
3	Alger maximum correctional facility - Munising--268.0		
4	FTE positions		\$ 27,066,000
5	Average population	841	
6	Baraga maximum correctional facility - Baraga--332.1		
7	FTE positions		31,596,600
8	Average population	863	
9	Earnest C. Brooks correctional facility - Muskegon--		
10	453.0 FTE positions		45,554,500
11	Average population	2,365	
12	Chippewa correctional facility - Kincheloe--459.4 FTE		
13	positions		46,324,400
14	Average population	2,118	
15	Kinross correctional facility - Kincheloe--355.0 FTE		
16	positions		35,848,600
17	Average population	1,858	
18	Marquette branch prison - Marquette--350.1 FTE		
19	positions		37,750,200
20	Average population	1,158	
21	Muskegon correctional facility - Muskegon--238.0 FTE		
22	positions		29,871,600
23	Average population	1,320	
24	Newberry correctional facility - Newberry--270.9 FTE		
25	positions		26,290,600
26	Average population	1,066	
27	Oaks correctional facility - Eastlake--309.0 FTE		

1	positions	34,067,400
2	Average population 1,074	
3	Ojibway correctional facility - Marenisco--208.9 FTE	
4	positions	19,409,400
5	Average population 1,079	
6	Pine River correctional facility - St. Louis--414.9	
7	FTE positions	39,675,800
8	Average population 2,400	
9	Pugsley correctional facility - Kingsley--224.0 FTE	
10	positions	20,894,600
11	Average population 1,329	
12	Saginaw correctional facility - Freeland--314.8 FTE	
13	positions	31,590,300
14	Average population 1,457	
15	St. Louis correctional facility - St. Louis--325.3 FTE	
16	positions	32,511,300
17	Average population 1,136	
18	Northern region administration and support--90.0 FTE	
19	positions	<u>7,023,500</u>
20	GROSS APPROPRIATION.....	\$ 465,474,800
21	Appropriated from:	
22	Special revenue funds:	
23	State restricted fees, out-of-state prisoners	29,871,600
24	Public works user fees.....	530,200
25	State general fund/general purpose.....	\$ 435,073,000
26	Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES	
27	Average population 25,437	

1	Full-time equated classified positions.....	6,256.5	
2	Bellamy Creek correctional facility - Ionia--	399.4 FTE	
3	positions		\$ 39,211,800
4	Average population	1,820	
5	Carson City correctional facility - Carson City--	458.1	
6	FTE positions		46,718,900
7	Average population	2,300	
8	Cooper street correctional facility - Jackson--	275.9	
9	FTE positions		28,744,600
10	Average population	1,725	
11	G. Robert Cotton correctional facility - Jackson--		
12	405.5 FTE positions		39,188,800
13	Average population	1,846	
14	Charles E. Egeler correctional facility - Jackson--		
15	358.3 FTE positions		39,368,200
16	Average population	1,208	
17	Richard A. Handlon correctional facility - Ionia--		
18	235.4 FTE positions		23,935,300
19	Average population	1,262	
20	Gus Harrison correctional facility - Adrian--	450.7 FTE	
21	positions		45,605,000
22	Average population	2,196	
23	Huron Valley correctional complex - Ypsilanti--	564.7	
24	FTE positions		58,047,600
25	Average population	1,790	
26	Ionia maximum correctional facility - Ionia--	306.7 FTE	
27	positions		30,727,100

1	Average population	654	
2	Lakeland correctional facility - Coldwater--474.8 FTE		
3	positions		46,453,600
4	Average population	2,466	
5	Macomb correctional facility - New Haven--307.3 FTE		
6	positions		29,853,100
7	Average population	1,244	
8	Maxey/Woodland Center correctional facility - Whitmore		
9	Lake--272.2 FTE positions		25,519,200
10	Average population	328	
11	Michigan reformatory - Ionia--323.1 FTE positions		32,613,000
12	Average population	1,261	
13	Mound correctional facility - Detroit--286.4 FTE		
14	positions		25,528,000
15	Average population	1,035	
16	Parnall correctional facility - Jackson--269.2 FTE		
17	positions		27,190,500
18	Average population	1,678	
19	Ryan correctional facility - Detroit--284.8 FTE		
20	positions		28,807,100
21	Average population	1,048	
22	Thumb correctional facility - Lapeer--288.0 FTE		
23	positions		29,427,800
24	Average population	1,176	
25	Special alternative incarceration program (Camp		
26	Cassidy Lake)--120.0 FTE positions.....		10,965,800
27	Average population	400	

1	Southern region administration and support--176.0 FTE	
2	positions	<u>22,928,100</u>
3	GROSS APPROPRIATION.....	\$ 630,833,500
4	Appropriated from:	
5	Federal revenues:	
6	DOJ, state criminal alien assistance program.....	1,481,400
7	Special revenue funds:	
8	Public works user fees.....	1,754,000
9	State general fund/general purpose.....	\$ 627,598,100
10	Sec. 110. INFORMATION TECHNOLOGY	
11	Information technology services and projects	\$ <u>22,060,400</u>
12	GROSS APPROPRIATION.....	\$ 22,060,400
13	Appropriated from:	
14	Special revenue funds:	
15	Correctional industries revolving fund.....	158,400
16	Parole and probation oversight fees set-aside.....	620,000
17	State general fund/general purpose.....	\$ 21,282,000

18 PART 2

19 PROVISIONS CONCERNING APPROPRIATIONS

20 **GENERAL SECTIONS**

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

22 constitution of 1963, total state spending from state resources

23 under part 1 for fiscal year 2010-2011 is \$1,998,756,600.00 and

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

25 government for fiscal year 2010-2011 is \$92,562,700.00. The

itemized statement below identifies appropriations from which
 spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation	
staff	\$ 51,579,200
Public service work projects	5,140,200
Community corrections comprehensive plans and services	13,958,000
Community corrections residential services	18,075,500
Community corrections public education and training ..	50,000
Felony drunk driver jail reduction and community	
treatment program	1,740,100
Community re-entry centers	2,019,600
Regional jail program	<u>100</u>
TOTAL	\$ 92,562,700

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

Sec. 203. As used in this act:

(a) "Administrative segregation" means confinement for
 maintenance of order or discipline to a cell or room apart from
 accommodations provided for inmates who are participating in
 programs of the facility.

(b) "Cost per prisoner" means the sum total of the funds
 appropriated under part 1 for the following, divided by the
 projected prisoner population in fiscal year 2010-2011:

(i) Northern and southern region correctional facilities.

(ii) Northern and southern region administration and support.

- 1 (iii) Northern and southern region clinical complexes.
2 (iv) Prisoner health care services.
3 (v) Health care administration.
4 (vi) Vaccination program.
5 (vii) Prison food service and federal school lunch program.
6 (viii) Transportation.
7 (ix) Inmate legal services.
8 (x) Correctional facilities administration.
9 (xi) Central records.
10 (xii) DOJ psychiatric plan.
11 (xiii) Worker's compensation.
12 (xiv) New custody staff training.
13 (xv) Prison store operations.
14 (xvi) Education services and federal education grants.
15 (xvii) Education program.
16 (c) "DAG" means the United States department of agriculture.
17 (d) "DAG-FNS" means the DAG food and nutrition service.
18 (e) "DED" means the United States department of education.
19 (f) "DED-OESE" means the DED office of elementary and
20 secondary education.
21 (g) "DED-OSERS" means the DED office of special education and
22 rehabilitative services.
23 (h) "DED-OVAE" means the DED office of vocational and adult
24 education.
25 (i) "Department" or "MDOC" means the Michigan department of
26 corrections.
27 (j) "DOJ" means the United States department of justice.

1 (k) "DOJ-BOP" means the DOJ bureau of prisons.

2 (l) "DOJ-OJP" means the DOJ office of justice programs.

3 (m) "Evidence-based practices" or "EBP" means a decision-
4 making process that integrates the best available research,
5 clinician expertise, and client characteristics.

6 (n) "FTE" means full-time equated.

7 (o) "GED" means general educational development certificate.

8 (p) "Goal" means the intended or projected result of a
9 comprehensive corrections plan or community corrections program to
10 reduce repeat offending, criminogenic and high-risk behaviors,
11 prison commitment rates, to reduce the length of stay in a jail, or
12 to improve the utilization of a jail.

13 (q) "GPS" means global positioning system.

14 (r) "HIV" means human immunodeficiency virus.

15 (s) "IDG" means interdepartmental grant.

16 (t) "IDT" means intradepartmental transfer.

17 (u) "Jail" means a facility operated by a local unit of
18 government for the physical detention and correction of persons
19 charged with or convicted of criminal offenses.

20 (v) "MDCH" means the Michigan department of community health.

21 (w) "Medicaid benefit" means a benefit paid or payable under a
22 program for medical assistance under the social welfare act, 1939
23 PA 280, MCL 400.1 to 400.119b.

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

25 (y) "MPRI" means the Michigan prisoner reentry initiative.

26 (z) "Objective risk and needs assessment" means an evaluation
27 of an offender's criminal history; the offender's noncriminal

1 history; and any other factors relevant to the risk the offender
2 would present to the public safety, including, but not limited to,
3 having demonstrated a pattern of violent behavior, and a criminal
4 record that indicates a pattern of violent offenses.

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

11 (bb) "Offender success" means that an offender has done all of
12 the following:

13 (i) Regularly reported to his or her assigned field agent.

14 (ii) Is participating in or has successfully completed all
15 required substance abuse, mental health, sex offender, or other
16 treatment as approved by the field agent.

17 (iii) Not sent or returned to prison for the conviction of a new
18 crime or the revocation of probation or parole.

19 (iv) Not been sentenced to a jail term for a new criminal
20 offense.

21 (v) Obtained employment, has enrolled or participated in a
22 program of education or job training, or has investigated all bona
23 fide employment opportunities.

24 (vi) Obtained housing.

25 (cc) "Offender target population" means felons or
26 misdemeanants who would likely be sentenced to imprisonment in a
27 state correctional facility or jail, who would not likely increase

1 the risk to the public safety based on an objective risk and needs
2 assessment that indicates that the offender can be safely treated
3 and supervised in the community.

4 (dd) "Offender who would likely be sentenced to imprisonment"
5 means either of the following:

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

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

14 (ee) "Programmatic success" means that the department program
15 or initiative has ensured that the offender has accomplished all of
16 the following:

17 (i) Obtained employment, has enrolled or participated in a
18 program of education or job training, or has investigated all bona
19 fide employment opportunities.

20 (ii) Obtained housing.

21 (iii) Obtained a state identification card.

22 (ff) "Recidivism" means any of the following:

23 (i) The arrest and conviction of a supervised individual for a
24 new offense while under community supervision.

25 (ii) The adjudication of a supervised individual for a
26 violation of the conditions of supervision while under community
27 supervision.

1 (iii) A sanction resulting from a violation of terms of
2 supervision that results in a return to prison without being
3 adjudicated.

4 (gg) "RSAT" means residential substance abuse treatment.

5 (hh) "Serious emotional disturbance" means that term as
6 defined in section 100d(2) of the mental health code, 1974 PA 328,
7 MCL 330.1100d.

8 (ii) "Serious mental illness" means that term as defined in
9 section 100d(3) of the mental health code, 1974 PA 328, MCL
10 330.1100d.

11 (jj) "SSA" means the United States social security
12 administration.

13 (kk) "SSA-SSI" means SSA supplemental security income.

14 Sec. 204. The civil service commission shall bill departments
15 and agencies at the end of the first fiscal quarter for the charges
16 authorized by section 5 of article XI of the state constitution of
17 1963. Payments shall be made for the total amount of the billing by
18 the end of the second fiscal quarter.

19 Sec. 204a. (1) The department shall collaborate with the civil
20 service commission and the department of civil service to review
21 the compensation rates for health care professionals who provide
22 direct health care services to prisoners within the corrections
23 system, including, but not limited to, doctors, all nursing
24 professionals, pharmacists, pharmacy technicians, and
25 psychologists. The review shall include health care professionals
26 employed by the state as well as those employed through state
27 contractors. These rates shall be compared to available data on

1 compensation rates for comparable medical professionals in the
2 private sectors who provide services to the general public to
3 estimate any disparity in compensation.

4 (2) Following the review, the department shall make
5 recommendations on changes needed to the state compensation plan
6 for health care professional positions and to department contracts
7 with health care providers so that compensation levels are
8 sufficient to ensure that needed health care professional positions
9 with vacancies are filled, that the department experiences adequate
10 retention levels for these positions, and that necessary health
11 care services are delivered in a timely manner to the prisoner
12 population. A report outlining these recommendations shall be
13 submitted to the senate and house appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget office by May 1, 2011.

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

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

1 funds, or necessitate additional expenditures that exceed any
2 savings from maintaining a vacancy. The state budget director shall
3 report quarterly to the chairpersons of the senate and house
4 standing committees on appropriations the number of exceptions to
5 the hiring freeze approved during the previous quarter and the
6 reasons to justify the exception.

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

10 Sec. 207. At least 90 days before beginning any effort to
11 privatize, except for the current effort to privatize and contract
12 for prisoner mental health services that is necessitated by the
13 critical need for prisoner mental health treatment staff, the
14 department shall submit a complete project plan to the appropriate
15 senate and house appropriations subcommittees and the senate and
16 house fiscal agencies. The plan shall include the criteria under
17 which the privatization initiative will be evaluated. The
18 evaluation shall be completed and submitted to the appropriate
19 senate and house appropriations subcommittees and the senate and
20 house fiscal agencies within 30 months. In the case of the current
21 effort to privatize and contract for prisoner mental health
22 services, the department shall submit a complete project plan to
23 the appropriate senate and house appropriations committee chairs
24 and appropriate senate and house appropriations subcommittee chairs
25 as well as the senate and house fiscal agencies and state budget
26 office 10 days prior to beginning the effort.

27 Sec. 207a. (1) Before privatizing any services or activities

1 currently provided by state employees in the department, except for
2 the privatization of prisoner mental health services that is
3 necessitated by a critical shortage of mental health professional
4 staff, the department shall submit to the senate and house
5 appropriations committees a preprivatization cost-benefit analysis.
6 This analysis shall utilize accurate, reliable, and objective data.
7 Included in this analysis shall be a comparative estimate of the
8 costs that will be incurred by this state over the life of the
9 contract if 1 or both of the following occur:

10 (a) The service or activity continues to be provided by state
11 employees.

12 (b) The service or activity is privatized. The costs of
13 privatizing these services shall include the costs of all necessary
14 monitoring and oversight of the private entity by this state.

15 (2) The department shall not commence any efforts to privatize
16 the services or activities currently provided by state employees
17 under part 1, except for prisoner mental health services, until the
18 cost-benefit analysis prescribed by subsection (1) has been sent to
19 both the senate and house appropriations committees 14 days prior
20 to the efforts to privatize, and proves a cost savings equivalent
21 to the savings specified in civil service rules for disbursement
22 for personal services outside the civil service. Before awarding a
23 contract for the provision of prisoner mental health treatment
24 services, a cost-benefit analysis shall be completed as specified
25 in subsection (1) and submitted to the appropriate senate and house
26 appropriations committee chairs and appropriate senate and house
27 appropriations subcommittee chairs as well as the senate and house

1 fiscal agencies and state budget office not less than 7 days prior
2 to awarding a contract.

3 (3) In all cases in which a service or activity is privatized,
4 including the provision of prisoner mental health services, the
5 private entity shall be adequately bonded, so as not to expose the
6 state to any potential future liability or legal causes of action.

7 (4) A private contractor with a contract with this state that
8 expends state or federal tax dollars shall have all records
9 pertinent to state contracts, including all records detailing
10 compliance with section 209, be subject to disclosure to the
11 department or the department of management and budget.

12 (5) State employees shall be given the opportunity to bid on
13 contracts that privatize services that are or were provided by
14 state employees. If the contract is awarded to any state employee,
15 he or she ceases being an employee of the state.

16 Sec. 208. The department shall use the Internet to fulfill the
17 reporting requirements of this act. This requirement may include
18 transmission of reports via electronic mail to the recipients
19 identified for each reporting requirement or it may include
20 placement of reports on an Internet or Intranet site. There shall
21 be at least 1 separate and distinct electronic file for each
22 section that includes a reporting requirement.

23 Sec. 209. Funds appropriated in part 1 shall not be used for
24 the purchase of foreign goods or services, or both, if comparable
25 quality American goods or services, or both, that do not cost more
26 than 5% greater than foreign goods or services are available.
27 Preference shall be given to produce, goods or services, or both,

1 grown, processed, manufactured, or provided by Michigan businesses
2 if they are of comparable quality and do not cost more than 5%
3 greater than non-Michigan manufactured or provided goods or
4 services. In addition, preference shall be given to goods or
5 services, or both, that are manufactured or provided by Michigan
6 businesses owned and operated by veterans, if they are
7 competitively priced and of comparable quality.

8 Sec. 210. (1) Individuals seeking employment with the
9 department shall submit to a controlled substance test administered
10 by the department under civil service rules and regulations and
11 applicable collective bargaining agreements.

12 (2) The department shall deny employment to individuals
13 seeking employment with the department who violate subsection (1)
14 or who submit to testing under subsection (1) but test positive for
15 the illicit use of a controlled substance.

16 Sec. 211. (1) The department may charge fees and collect
17 revenues in excess of appropriations in part 1 not to exceed the
18 cost of offender services and programming, employee meals, parolee
19 loans, academic/vocational services, custody escorts, compassionate
20 visits, and union steward activities. The revenues and fees
21 collected are appropriated for all expenses associated with these
22 services and activities.

23 (2) If a parolee or probationer has been ordered to pay
24 restitution, the department shall ensure that payment is a
25 condition of his or her community supervision. Restitution payments
26 shall be made as provided in section 22 of chapter XV of the code
27 of criminal procedure, 1927 PA 175, MCL 775.22. The department

1 shall collect not more than 50% of all money collected from
2 parolees and probationers for payments other than victim payments,
3 as that term is defined in section 22 of chapter XV of the code of
4 criminal procedure, 1927 PA 175, MCL 775.22.

5 Sec. 212. (1) On a quarterly basis, each executive branch
6 department and agency receiving appropriations in part 1 shall
7 report on the number of full-time equated positions in pay status
8 by civil service classification to the senate and house
9 appropriations subcommittees on corrections and the senate and
10 house fiscal agencies.

11 (2) From the funds appropriated in part 1, each executive
12 branch department and agency shall develop, post, and maintain on a
13 user-friendly and publicly accessible Internet site all
14 expenditures made by the departments and agencies within a fiscal
15 year. The posting shall include the purpose for which each
16 expenditure is made. Funds appropriated in part 1 from the federal
17 American recovery and reinvestment act of 2009, Public Law 111-5,
18 shall also be included on a publicly accessible website maintained
19 by the Michigan economic recovery office. Departments and agencies
20 shall not provide financial information on their websites under
21 this section if doing so would violate a federal or state law,
22 rule, regulation, or guideline that establishes privacy or security
23 standards applicable to that section.

24 Sec. 213. By February 15, 2011, the department shall provide
25 the members of the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, and the state
27 budget director with a report detailing non-general fund/general

1 purpose sources of revenue, including, but not limited to, federal
2 revenues, state restricted revenues, local and private revenues,
3 offender reimbursements and other payments, revolving funds, and 1-
4 time sources of revenue, whether or not those revenues were
5 appropriated. The report shall include statements detailing for
6 each account the total amount of revenue received during fiscal
7 year 2009-2010, the amount by which the revenue exceeded any
8 applicable appropriated fund source, the amount spent during fiscal
9 year 2009-2010, the account balance at the close of fiscal year
10 2009-2010, and the projected revenues and expenditures for fiscal
11 year 2010-2011.

12 Sec. 214. From the funds appropriated in part 1 for
13 information technology, the department shall pay user fees to the
14 department of technology, management, and budget for technology-
15 related services and projects. These user fees shall be subject to
16 provisions of an interagency agreement between the department and
17 the department of technology, management, and budget.

18 Sec. 215. Amounts appropriated in part 1 for information
19 technology may be designated as work projects and carried forward
20 to support department of corrections technology projects under the
21 direction of the department of information technology. Funds
22 designated in this manner are not available for expenditure until
23 approved as work projects under section 451a of the management and
24 budget act, 1984 PA 431, MCL 18.1451a.

25 Sec. 216. (1) Due to the current budgetary problems of this
26 state, out-of-state travel for the fiscal year ending September 30,
27 2011 shall be limited to situations in which 1 or more of the

1 following conditions apply:

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

4 (b) The travel is necessary to protect the health or safety of
5 Michigan citizens or visitors or to assist other states for similar
6 reasons.

7 (c) The travel is necessary to produce budgetary savings or to
8 increase state revenues, or both, including protecting existing
9 federal funds or securing additional federal funds.

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

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

14 (f) The travel is financed entirely by federal or nonstate
15 funds.

16 (2) Not later than January 1, 2011, each department shall
17 prepare a travel report listing all travel by classified and
18 unclassified employees outside this state in the immediately
19 preceding fiscal year that was funded in whole or in part with
20 funds appropriated in the department's budget. The report shall be
21 submitted to the senate and house standing committees on
22 appropriations, the senate and house fiscal agencies, and the state
23 budget director. The report shall include the following
24 information:

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

27 (b) The destination of each travel occurrence.

1 (c) The dates of each travel occurrence.

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

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

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

11 Sec. 217. The director shall take all reasonable steps to
12 ensure businesses in deprived and depressed communities compete for
13 and perform contracts to provide services or supplies, or both. The
14 director shall strongly encourage firms with which the department
15 contracts to subcontract with certified businesses in deprived and
16 depressed communities for services, supplies, or both. The director
17 of the department shall strongly encourage certified firms with
18 which the department contracts to provide services or supplies, or
19 both, in deprived and depressed communities to help parolees or
20 probationers progress to success by hiring, participating with MPRI
21 training programs, or assisting with other community involvement
22 opportunities.

23 Sec. 219. Any contract for prisoner telephone services entered
24 into after the effective date of this act shall include a condition
25 that fee schedules for prisoner telephone calls, including rates
26 and any surcharges other than those necessary to meet special
27 equipment costs, be the same as fee schedules for calls placed from

1 outside of correctional facilities.

2 Sec. 222. Funds appropriated in part 1 shall not be used by a
3 principal executive department, state agency, or authority to hire
4 a person to provide legal services that are the responsibility of
5 the attorney general. This prohibition does not apply to legal
6 services for bonding activities and for those activities that the
7 attorney general authorizes. If outside counsel is utilized, the
8 department shall provide a detailed report to the legislature
9 specifying expenditures incurred.

10 Sec. 223. (1) In addition to the funds appropriated in part 1,
11 there is appropriated an amount not to exceed \$10,000,000.00 for
12 federal contingency funds. These funds are not available for
13 expenditure until they have been transferred to another line item
14 in this act under section 393(2) of the management and budget act,
15 1984 PA 431, MCL 18.1393.

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

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

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

7 Sec. 224. By March 1, 2011, the department shall provide a
8 litigation report to the senate and house appropriations
9 subcommittees on corrections, the senate and house fiscal agencies,
10 and the state budget director. The report shall identify all
11 lawsuits adjudicated through the trial court phase in which the
12 department or an employee acting on behalf of the department was a
13 defendant and in which trial court proceedings resulted in a
14 decision of \$250,000.00 or more against the department.

15 Sec. 225. (1) The department shall make every effort to place
16 employees displaced by any reductions in force within other
17 positions in the department.

18 (2) It is the intent of the legislature that all employees
19 displaced by any reductions in force who are not placed within
20 other positions in the department be given priority in state
21 programs for job retraining or education, such as the no worker
22 left behind program.

23 Sec. 230. (1) From the funds appropriated in part 1, the
24 department shall complete the study required by section 230 of 2008
25 PA 245. The study shall cover at least 1 county jail in each of the
26 department's 3 administrative regions within the state and at a
27 minimum shall be based on a representative random sample of county

1 jail inmates. To the extent that such information would not
2 conflict with state law on confidentiality for inmates included in
3 the study, at a minimum, the study shall be sufficient to provide
4 all of the information required by subsection (2). In the process
5 of study design, development, and implementation, the department
6 shall assure involvement of and consultation from counties,
7 sheriffs, prosecutors, victims, and consumer, family, advocacy,
8 provider, and professional groups concerned with mental health and
9 justice issues. The methodological basis for the study shall
10 include all of the following:

11 (a) Diagnostic clinical interviews with all of the inmates in
12 the study.

13 (b) Reviews of the criminal history records of all of the
14 inmates in the study.

15 (c) Reviews of the medical and mental health records of all of
16 the inmates in the study, as available.

17 (2) By September 1, 2011, the department shall report to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house appropriations subcommittees on community health,
20 the senate and house fiscal agencies, and the state budget director
21 on the results and findings of the study, including, at a minimum,
22 information on all of the following, to the extent that the
23 information does not conflict with state law on confidentiality for
24 the inmates included in the study:

25 (a) Study methodology, including information on the sample
26 size and counties sampled.

27 (b) The proportion of county jail inmates with a primary

1 diagnosis of mental illness, the proportion of inmates with a
2 primary diagnosis of addiction disorder, and the proportion of
3 inmates with a dual diagnosis of mental illness and addiction
4 disorder.

5 (c) For each category of inmates listed in subdivision (b),
6 all of the following information:

7 (i) The proportion considered to currently require treatment
8 and the percentage in need of treatment who are currently receiving
9 it. Information on inmates currently receiving treatment shall
10 identify whether the inmates are receiving inpatient, residential,
11 or outpatient treatment. Treatment information on inmates with a
12 dual diagnosis shall identify whether inmates are receiving mental
13 health inpatient, mental health residential, mental health
14 outpatient, substance abuse residential, or substance abuse
15 outpatient treatment.

16 (ii) Data indicating how many inmates previously had been
17 hospitalized in a state or private psychiatric hospital for persons
18 with mental illness.

19 (iii) Data indicating whether and with what frequency inmates
20 previously had been incarcerated in a jail or committed to the
21 department of corrections.

22 (iv) Data indicating whether inmates previously had received
23 services managed by a community mental health program or substance
24 abuse coordinating agency.

25 Sec. 232. By April 1, 2011, the department shall report to the
26 senate and house of representatives appropriations subcommittees on
27 corrections, the senate and house fiscal agencies, and the state

1 budget director with a listing of Michigan vendors whose contracts
2 were canceled or reduced in favor of single-source contracts from
3 vendors based outside of Michigan. The report shall provide
4 information for fiscal years 2008-2009 and 2009-2010 and shall
5 include pertinent contract amounts.

6 Sec. 235. It is the intent of the legislature that the
7 department reduce expenditures using the following strategies:

8 (a) Following the recommendations outlined in audit report
9 471-0130-08 of June 2009 issued by the Michigan office of the
10 auditor general, which found \$7,534,039.00 in known savings that
11 would have been achieved through cost-neutral operation of the
12 bureau of correctional industries, as follows:

13 (i) Finding 1 indicates that the bureau of correctional
14 industries has consistently failed to maintain profitable or cost-
15 neutral operations.

16 (ii) Finding 2 indicates that the bureau of correctional
17 industries had not developed or implemented a comprehensive
18 business plan.

19 (iii) Finding 3 indicates that the bureau of correctional
20 industries did not efficiently schedule and utilize its trucks and
21 drivers for delivery of products and services.

22 (iv) Finding 4 indicates that the bureau of correctional
23 industries had not established comprehensive policies and
24 procedures for setting prices and discounts for products and
25 services.

26 (b) Continuing the supply chain transformation (SCT) with the
27 new fiscal year beginning October 1, 2010. The SCT shall address

1 all goods and services delivered into the department, with special
2 focus in the following areas: food service, offender transport,
3 warehousing, prisoner stores, laundries, textiles, transportation,
4 reverse logistics, Michigan state industries manufacturing and
5 related material, and capital and service purchase contracts under
6 development or due to expire. The department shall continually
7 detail its supply chain strategy and implementation plan including
8 tasks, timing, resources, costs, and benefits to be achieved. The
9 department shall provide quarterly cost and benefit savings report
10 information. The department shall contract with a world-class
11 supply chain external resource with the following capabilities:
12 demonstrated success working in a department of corrections
13 environment in the targeted supply chain areas of focus;
14 demonstrated expertise in defining, developing, and implementing
15 cross-functional infrastructures; continuous quality improvement
16 teams; stakeholder and communications outreach programs; six
17 sigma/lean tools and templates; hands-on supply chain; continuous
18 quality improvement and six sigma tool training; and positive
19 working relations and measurable, documented client satisfaction
20 results.

21 (c) Following the recommendations outlined in audit report
22 471-0620-07L of October 2008 issued by the Michigan office of the
23 auditor general, which found \$14,800,000.00 in estimated savings
24 that could be achieved through reforms of the department's staffing
25 and purchasing policies, as follows:

26 (i) Finding 1 indicates that the department needs to improve
27 its administration of custody officer staffing.

1 (ii) Finding 2 indicates that the department needs to pursue
2 additional cost-saving measures through future contract
3 negotiations and review of its organizational structure.

4 (iii) Finding 3 indicates that the department did not have a
5 formal process in place to negotiate prices for goods and services
6 purchased from Michigan state industries.

7 (d) Following the recommendations outlined in audit report
8 471-0623-07L of December 2008 issued by the Michigan office of the
9 auditor general, which found significant but indeterminate savings
10 could be achieved through reforms of prisoner transportation
11 policies, specifically, finding 4 indicates that the department
12 should continue to seek the cooperation of the state court
13 administrative office and its medical service providers to fully
14 use existing technology to conduct videoconferencing for court and
15 medical appointments.

16 Sec. 236. It is the intent of the legislature that from the
17 revenue resulting from the sale of the former Scott correctional
18 facility sufficient funds shall be appropriated to the department
19 to reimburse Michigan state industries for costs related to the
20 construction of the Industries Building, which was operated by
21 Michigan state industries on the site of the Scott correctional
22 facility.

23 EXECUTIVE

24 Sec. 301. (1) For 3 years after a felony offender is released
25 from the department's jurisdiction, the department shall maintain
26 the offender's file on the offender tracking information system and

1 make it publicly accessible in the same manner as the file of the
2 current offender. However, the department shall immediately remove
3 the offender's file from the offender tracking information system
4 upon determination that the offender was wrongfully convicted and
5 the offender's file is not otherwise required to be maintained on
6 the offender tracking information system.

7 (2) Information removed from the offender tracking information
8 system due to the expiration of 3 years following release of an
9 offender from the department's jurisdiction shall be retained by
10 the department and maintained in a password-protected archive.
11 Effective October 1, 2009, information in the archive shall be made
12 available upon payment of a fee as determined by the department.
13 Revenue collected under this section is appropriated for the costs
14 of the offender tracking information system, and any revenue
15 collected in excess of the costs of maintaining the offender
16 tracking information system is appropriated for information
17 technology costs. The department shall report on March 1, 2011 to
18 the senate and house appropriations subcommittees on corrections,
19 the senate and house fiscal agencies, and the state budget director
20 on the fees charged and revenue collected under this section.

21 Sec. 302. The department shall provide a report to the members
22 of the senate and house appropriations subcommittees on corrections
23 and community health, the senate and house fiscal agencies, MDCH,
24 and the state budget director by May 1, 2011 reviewing actions
25 taken to implement the recommendations of the mental health study
26 required under section 302 of 2007 PA 124 with which it agrees and
27 an explanation of any disagreements with recommendations. It is the

1 intent of the legislature to review the department's implementation
2 plan and, in coordination with the department, to identify funds
3 with which to implement the plan, as appropriate.

4 Sec. 303. It is the intent of the legislature that the
5 quantity of database systems in use by the department be optimal
6 for efficient data usage and communications. By March 1, 2011, the
7 department shall report to the senate and house appropriations
8 subcommittees on corrections, the senate and house fiscal agencies,
9 and the state budget director on the status of the plan to
10 implement secure, encrypted, Internet-based database systems that
11 can electronically communicate with each other and with other law-
12 enforcement-related databases by September 30, 2011.

13 Sec. 304. The director of the department shall maintain a
14 staff savings initiative program to invite employees to submit
15 suggestions for saving costs for the department. The department
16 shall report semiannually to the senate and house appropriations
17 subcommittees on corrections, the senate and house fiscal agencies,
18 and the state budget director on the suggestions submitted under
19 this section, the implementation plan for those suggestions with
20 which the department agrees, and an explanation of any
21 disagreements with suggestions.

22 Sec. 305. By March 1, 2011, the department shall report to the
23 senate and house appropriations subcommittees on corrections, the
24 senate and house fiscal agencies, and the state budget director on
25 the number of prisoners who committed suicide during the previous
26 calendar year. To the extent permitted by law, the report shall
27 include all of the following information:

1 (a) The prisoner's age, offense, sentence, and admission date.

2 (b) Each prisoner's facility and unit.

3 (c) A description of the circumstances of the suicide.

4 (d) The date of the suicide.

5 (e) Whether the suicide occurred in a housing unit, a
6 segregation unit, a mental health unit, or elsewhere on the grounds
7 of the facility.

8 (f) Whether the prisoner had been denied parole and the date
9 of any denial.

10 (g) Whether the prisoner had received a mental health
11 evaluation or assessment.

12 (h) Details on the department's responses to each suicide,
13 including immediate on-site responses and subsequent internal
14 investigations.

15 (i) A description of any monitoring and psychiatric
16 interventions that had been undertaken prior to the prisoner's
17 suicide, including any changes in placement or mental health care.

18 (j) Whether the prisoner had previously attempted suicide.

19 **PLANNING AND COMMUNITY SUPPORT**

20 Sec. 401. The department shall submit 3-year and 5-year prison
21 population projection updates concurrent with submission of the
22 executive budget to the senate and house appropriations
23 subcommittees on corrections, the senate and house fiscal agencies,
24 and the state budget director. The report shall include
25 explanations of the methodology and assumptions used in developing
26 the projection updates.

1 Sec. 402. It is the intent of the legislature that the funds
2 appropriated in part 1 for prisoner reintegration programs be
3 expended for the purpose of reducing victimization by reducing
4 repeat offending through the following prisoner reintegration
5 programming:

6 (a) The provision of employment or employment services and job
7 training.

8 (b) The provision of housing assistance.

9 (c) Referral to mental health services.

10 (d) Referral to substance abuse services.

11 (e) Referral to public health services.

12 (f) Referral to education.

13 (g) Referral to any other services necessary for successful
14 reintegration.

15 Sec. 403. By March 1, 2011, the department shall provide a
16 report on MPRI expenditures and allocations to the members of the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director. At
19 a minimum, the report shall include information on both of the
20 following:

21 (a) Details on prior-year expenditures, including amounts
22 spent on each project funded, itemized by service provided and
23 service provider.

24 (b) Allocations and projected expenditures for each project
25 funded and for each project to be funded, itemized by service to be
26 provided and service provider.

27 Sec. 403a. (1) In collaboration with a technical committee

1 composed of representatives from the department, designees of the
2 senate and house appropriations subcommittees on corrections, the
3 senate and house fiscal agencies, and the justice center of the
4 council of state governments, the department shall develop a
5 performance-based dashboard tracking and reporting system that
6 establishes key indicators of the success and failure of offenders.
7 Indicators shall reflect the status of and trends in key program
8 elements, behavior improvements on the part of offenders, and
9 whether targeted goals are being met.

10 (2) By April 1, 2011, the department shall report dashboard
11 data to the senate and house appropriations subcommittees on
12 corrections, the senate and house fiscal agencies, and the state
13 budget director.

14 Sec. 404. (1) The department shall screen and assess each
15 prisoner for alcohol and other drug involvement to determine the
16 need for further treatment. The assessment process shall be
17 designed to identify the severity of alcohol and other drug
18 addiction and determine the treatment plan, if appropriate.

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

24 Sec. 405. (1) In expending residential substance abuse
25 treatment services funds appropriated under this act, the
26 department shall ensure to the maximum extent possible that
27 residential substance abuse treatment services are available

1 statewide.

2 (2) Of the funds appropriated in part 1 for substance abuse
3 testing and treatment services, at least \$5,000,000.00 shall be
4 utilized to operate residential substance abuse treatment programs
5 around the state.

6 (3) By March 1, 2011, 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 the allocation, distribution, and expenditure of all funds
10 appropriated by the substance abuse testing and treatment line item
11 during fiscal year 2009-2010 and projected for fiscal year 2010-
12 2011. The report shall include, but not be limited to, an
13 explanation of an anticipated year-end balance, the number of
14 participants in substance abuse programs, and the number of
15 offenders on waiting lists for residential substance abuse
16 programs. Information required under this subsection shall, where
17 possible, be separated by MDOC administrative region and by
18 offender type, including, but not limited to, a distinction between
19 prisoners, parolees, and probationers.

20 (4) By March 1, 2011, the department shall report to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 substance abuse testing and treatment program objectives, outcome
24 measures, and results, including program impact on offender success
25 and programmatic success as those terms are defined in section 203.

26 Sec. 405a. The department shall work cooperatively with MDCH and
27 substance abuse coordinating agencies in referring offenders as

1 appropriate to intensive substance abuse services, including
2 residential services.

3 Sec. 407. (1) By June 30, 2011, the department shall place the
4 2010 statistical report on an Internet site. The statistical report
5 shall include, but not be limited to, the information as provided
6 in the 2004 statistical report.

7 (2) It is the intent of the legislature that starting with
8 calendar year 2010, the statistical report be placed on an Internet
9 site within 6 months after the end of each calendar year.

10 Sec. 408. The department shall measure the recidivism rates of
11 offenders using at least a 3-year period following their release
12 from prison.

13 Sec. 409. The office of community corrections shall provide
14 and coordinate the delivery and implementation of services in
15 communities to facilitate successful offender reintegration into
16 the community. Programs and services to be offered shall include,
17 but are not limited to, technical assistance for comprehensive
18 corrections plan development, new program start-up funding, program
19 funding for those programs delivering services for eligible
20 offenders in geographic areas identified by the office of community
21 corrections as having a shortage of available services, technical
22 assistance, referral services for education, employment services,
23 and substance abuse and family counseling.

24 Sec. 410. (1) The funds included in part 1 for community
25 corrections comprehensive plans and services are to encourage the
26 development through technical assistance grants, implementation,
27 and operation of community corrections programs that enhance

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

9 (a) Reduce admissions to prison of offenders who would likely
10 be sentenced to imprisonment, including probation violators.

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

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

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

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

22 (f) Contribute to offender success, as that term is defined in
23 section 203.

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

1 historical trends in community corrections program capacity and
2 program utilization, and the projected impact and outcome of annual
3 policies and procedures of programs on offender success, prison
4 commitment rates, and jail utilization.

5 (3) Funds awarded for residential services in part 1 shall
6 provide for a per diem reimbursement of not more than \$47.50 for
7 nonaccredited facilities, or of not more than \$48.50 for facilities
8 that have been accredited by the American corrections association
9 or a similar organization as approved by the department.

10 Sec. 411. The comprehensive corrections plans shall also
11 include, where appropriate, descriptive information on the full
12 range of sanctions and services that are available and utilized
13 within the local jurisdiction and an explanation of how jail beds,
14 residential services, the special alternative incarceration
15 program, probation detention centers, the electronic monitoring
16 program for probationers, and treatment and rehabilitative services
17 will be utilized to support the objectives and priorities of the
18 comprehensive corrections plans and the purposes and priorities of
19 section 8(4) of the community corrections act, 1988 PA 511, MCL
20 791.408, that contribute to the success of offenders. The plans
21 shall also include, where appropriate, provisions that detail how
22 the local communities plan to respond to sentencing guidelines
23 found in chapter XVII of the code of criminal procedure, 1927 PA
24 175, MCL 777.1 to 777.69, and use the county jail reimbursement
25 program under section 414. The state community corrections board
26 shall encourage local community corrections advisory boards to
27 include in their comprehensive corrections plans strategies to

1 collaborate with local alcohol and drug treatment agencies of the
2 MDCH for the provision of alcohol and drug screening, assessment,
3 case management planning, and delivery of treatment to alcohol- and
4 drug-involved offenders.

5 Sec. 412. (1) As part of the March biannual report specified
6 in section 12(2) of the community corrections act, 1988 PA 511, MCL
7 791.412, that requires an analysis of the impact of that act on
8 prison admissions and jail utilization, the department shall submit
9 to the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, and the state
11 budget director the following information for each county and
12 counties consolidated for comprehensive corrections plans:

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

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

20 (c) Status of the community corrections information system and
21 the jail population information system.

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

25 (e) Offender disposition data by sentencing guideline range,
26 by disposition type, by prior record variable score, by number and
27 percent statewide and by county, current year, and comparisons to

1 the previous 3 years.

2 (f) Data on the use of funding made available under the felony
3 drunk driver jail reduction and community treatment program.

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

7 Sec. 413. (1) The department shall identify and coordinate
8 information regarding the availability of and the demand for
9 community corrections programs, jail-based community corrections
10 programs, jail-based probation violation sanctions, and all state-
11 required jail data.

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

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

17 Sec. 414. (1) The department shall administer a county jail
18 reimbursement program from the funds appropriated in part 1 for the
19 purpose of reimbursing counties for housing in jails certain felons
20 who otherwise would have been sentenced to prison.

21 (2) Counties shall be given the option of choosing from 1 of 2
22 eligibility and reimbursement standards as described in this
23 subsection for the county jail reimbursement program. The
24 department shall submit to each county a county jail reimbursement
25 application form by October 1, 2010 that explains the 2 eligibility
26 and reimbursement standards and shall request that the county
27 submit a decision to the department regarding the standard it

1 elects to utilize for the operation of the county's program.
2 Counties shall submit their decision to the department by October
3 15, 2010, and shall not be allowed to revise this decision after
4 submission. A county shall not be reimbursed for any services
5 provided after October 15, 2010 unless that county has submitted a
6 decision on the eligibility and reimbursement standards to the
7 department. The department shall offer counties the option to
8 choose between the eligibility and reimbursement standards outlined
9 below:

10 (a) The standards outlined in subsections (2) and (3) of
11 section 414 of 2008 PA 245 as outlined below:

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

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

23 (B) The felon's minimum sentencing guidelines range minimum is
24 more than 12 months under the sentencing guidelines described in
25 sub-subparagraph (A).

26 (ii) State reimbursement under this subdivision for prisoner
27 housing and custody expenses per diverted offender shall be \$43.50

1 per diem for up to a 1-year total.

2 (b) The standards outlined and defined in subsections (2),
3 (3), and (6) of section 301 of 2010 PA 89 as outlined below:

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

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

15 (B) The felon's minimum sentencing guidelines range minimum is
16 more than 12 months under the sentencing guidelines described in
17 sub-subparagraph (A).

18 (C) The felon was sentenced to jail for a felony committed
19 while he or she was on parole and under the jurisdiction of the
20 parole board and for which the sentencing guidelines recommended
21 range for the minimum sentence has an upper limit of more than 18
22 months.

23 (ii) State reimbursement under this subdivision shall be \$60.00
24 per diem per diverted offender for offenders with a presumptive
25 prison guideline score, \$50.00 per diem per diverted offender for
26 offenders with a straddle cell guideline for a group 1 crime, and
27 \$35.00 per diem per diverted offender for offenders with a straddle

1 cell guideline for a group 2 crime. Reimbursements shall be paid
2 for sentences up to a 1-year total.

3 (iii) As used in this subdivision:

4 (A) "Group 1 crime" means a crime in 1 or more of the
5 following offense categories: arson, assault, assaultive other,
6 burglary, criminal sexual conduct, homicide or resulting in death,
7 other sex offenses, robbery, and weapon possession as determined by
8 the department of corrections based on specific crimes for which
9 counties received reimbursement under the county jail reimbursement
10 program in fiscal year 2007 and fiscal year 2008, and listed in the
11 county jail reimbursement program document titled "FY 2007 and FY
12 2008 Group One Crimes Reimbursed", dated March 31, 2009.

13 (B) "Group 2 crime" means a crime that is not a group 1 crime,
14 including larceny, fraud, forgery, embezzlement, motor vehicle,
15 malicious destruction of property, controlled substance offense,
16 felony drunk driving, and other nonassaultive offenses.

17 (C) "In the custody of the sheriff" means that the convicted
18 felon has been sentenced to the county jail and is either housed in
19 the county jail or has been released from jail and is being
20 monitored through the use of the sheriff's electronic monitoring
21 system.

22 (3) Except as otherwise provided in subsection (4), county
23 jail reimbursement program expenditures shall not exceed the amount
24 appropriated in part 1 for the county jail reimbursement program.
25 Payments to counties under the county jail reimbursement program
26 shall be made in the order in which properly documented requests
27 for reimbursements are received. A request shall be considered to

1 be properly documented if it meets MDOC requirements for
2 documentation. By October 15, 2010, the department shall distribute
3 the documentation requirements to all counties.

4 (4) By May 1, 2011, the subcommittee chair of the chamber that
5 sponsored the current fiscal year budget act for the department
6 shall convene a reimbursement committee consisting of the chairs of
7 the senate and house appropriations subcommittees on corrections, 1
8 representative from the department of corrections, the state budget
9 office, the Michigan association of counties, and the Michigan
10 sheriffs association for the purpose of reviewing payment of all
11 eligible and properly documented reimbursement requests that comply
12 with the reimbursement criteria in subsection (2)(b) for counties
13 that elected that eligibility and reimbursement standard. If the
14 committee determines that the current appropriation will not cover
15 all eligible reimbursement costs, the state budget office shall
16 request a legislative transfer from other appropriation line items
17 in the department budget to the county jail reimbursement program
18 line item to cover the additional costs.

19 Sec. 416. (1) Funds included in part 1 for the felony drunk
20 driver jail reduction and community treatment program are
21 appropriated for and may be expended for any of the following
22 purposes:

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

1 (b) To divert from jail sentences or to reduce the length of
2 jail sentences for felony drunk drivers who otherwise would have
3 been sentenced to jail and whose recommended minimum sentence
4 ranges under sentencing guidelines established under chapter XVII
5 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
6 777.69, have upper limits of 18 months or less or the lower limit
7 of the sentencing range is 1 year or less and the upper limit of
8 the range is more than 18 months and the prior record variable is
9 less than 35 points, through funding programs that may be used in
10 lieu of incarceration and that increase the likelihood of
11 rehabilitation.

12 (c) To provide a policy and funding framework to make
13 additional jail space available for housing convicted felons whose
14 recommended minimum sentence ranges under sentencing guidelines
15 established under chapter XVII of the code of criminal procedure,
16 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
17 less and who likely otherwise would be sentenced to prison, with
18 the aim of enabling counties to meet or exceed amounts received
19 through the county jail reimbursement program during fiscal year
20 2002-2003 and reducing the numbers of felons sentenced to prison.

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

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

7 (4) Allowable uses of the funds shall include reimbursing
8 counties for transportation, treatment costs, and housing felony
9 drunk drivers during a period of assessment for treatment and case
10 planning. Reimbursements for housing during the assessment process
11 shall be at the rate of \$43.50 per day per offender, up to a
12 maximum of 5 days 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 recommended
17 minimum sentence ranges under the sentencing guidelines described
18 in subsection (1)(c) had upper limits of 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
3 felon 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. 417. (1) By March 1, 2011, the department shall report to
9 the members of the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, and the state
11 budget director on each of the following programs from the previous
12 fiscal year:

13 (a) The county jail reimbursement program.

14 (b) The felony drunk driver jail reduction and community
15 treatment program.

16 (c) Any new initiatives to control prison population growth
17 funded or proposed to be funded under part 1.

18 (2) For each program listed under subsection (1), the report
19 shall include information on each of the following:

20 (a) Program objectives and outcome measures, including, but
21 not limited to, the number of offenders who successfully completed
22 the program, and the number of offenders who successfully remained
23 in the community during the 3 years following termination from the
24 program.

25 (b) Expenditures by location.

26 (c) The impact on jail utilization.

27 (d) The impact on prison admissions.

1 (e) Other information relevant to an evaluation of the
2 program.

3 Sec. 418. (1) The department shall collaborate with the state
4 court administrative office on facilitating changes to Michigan
5 court rules that would require the court to collect at the time of
6 sentencing the state operator's license, state identification card,
7 or other documentation used to establish the identity of the
8 individual to be admitted to the department. The department shall
9 maintain those documents in the prisoner's personal file.

10 (2) The department shall collaborate with the Michigan
11 department of state to ensure that an achievable list of documents
12 necessary to obtain a state operator's license or state
13 identification card upon parole or release is developed and
14 presented to the prisoner so that application for identification
15 can begin prior to a prisoner's discharge or parole hearing. The
16 process for prisoners to acquire this documentation shall be part
17 of the department's operating procedure.

18 (3) The department shall cooperate with MDCH to create and
19 maintain a process by which prisoners can obtain their Michigan
20 birth certificates if necessary. The department shall describe a
21 process for obtaining birth certificates from other states, and in
22 situations where the prisoner's effort fails, the department shall
23 assist in obtaining the birth certificate.

24 (4) By March 1, 2011, the department shall report to the
25 senate and house appropriations subcommittees on corrections, the
26 senate and house fiscal agencies, the legislative corrections
27 ombudsman, and the state budget director on the plan for

1 implementing all necessary processes and policy changes in order to
2 ensure compliance with the requirements of this section.

3 Sec. 419. (1) The department shall provide weekly electronic
4 mail reports to the senate and house appropriations subcommittees
5 on corrections, the senate and house fiscal agencies, and the state
6 budget director on prisoner, parolee, and probationer populations
7 by facility, and prison capacities.

8 (2) The department shall provide monthly electronic mail
9 reports to the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, and the state
11 budget director. The reports shall include information on end-of-
12 month prisoner populations in county jails, the net operating
13 capacity according to the most recent certification report,
14 identified by date, and end-of-month data, year-to-date data, and
15 comparisons to the prior year for the following:

16 (a) Community residential program populations, separated by
17 centers and electronic monitoring.

18 (b) Parole populations.

19 (c) Probation populations, with identification of the number
20 in special alternative incarceration.

21 (d) Prison and camp populations, with separate identification
22 of the number in special alternative incarceration and the number
23 of lifers.

24 (e) Parole board activity, including the numbers and
25 percentages of parole grants and parole denials.

26 (f) Prisoner exits, identifying transfers to community
27 placement, paroles from prisons and camps, paroles from community

1 placement, total movements to parole, prison intake, prisoner
2 deaths, prisoners discharging on the maximum sentence, and other
3 prisoner exits.

4 (g) Prison intake and returns, including probation violators,
5 new court commitments, violators with new sentences, escaper new
6 sentences, total prison intake, returns from court with additional
7 sentences, community placement returns, technical parole violator
8 returns, and total returns to prison and camp.

9 Sec. 420. By March 1, 2011, the department shall report to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house judiciary committees, the senate and house fiscal
12 agencies, and the state budget director on performance data and
13 efforts to improve efficiencies relative to departmental staffing,
14 health care services, food service, prisoner transportation, mental
15 health care services, and pharmaceutical costs.

16 Sec. 421. Of the funds appropriated in part 1, \$100,000.00 is
17 appropriated for the purpose of providing an IDG to the MDSP for
18 the purpose of providing grants for training teams of law
19 enforcement officers and mental health treatment providers. The
20 teams shall be trained in effective and safe ways of assisting
21 people with mental illness during law enforcement contacts and
22 directing people with mental illness to treatment programs. Mental
23 health awareness training shall be incorporated into continuing
24 education for all law enforcement officers in the state.

25 Sec. 422. It is the intent of the legislature that MPRI
26 programs from prisoner entry into the corrections system to reentry
27 into the community and as measured by offender success and

1 programmatic success as those terms are defined in section 203
2 shall be maintained as standard operating procedure in the
3 department. In particular, services should be focused on moderate-
4 to high-risk individuals. Special in-prison programming shall be
5 directed to those prisoners who were paroled and have returned to
6 prison and who will subsequently be eligible for parole again in
7 the future. In addition, MPRI services provided to prisoners shall
8 include basic computer skills training.

9 Sec. 424. (1) From the funds appropriated in part 1 for
10 residential services, the department shall develop and implement,
11 in collaboration with the judiciary and as approved by the state
12 court administrative office, a demonstration project based on
13 evidence-based practices related to judicial and case management
14 interventions that have been proven to increase public safety for
15 high-risk, high-need probationers as determined by a validated risk
16 and need assessment instrument. As used in this section,
17 "probationer" means a circuit court probationer serving a probation
18 sentence for a crime.

19 (2) The demonstration project shall be implemented in 4 areas
20 of the state identified jointly by the department and the state
21 court administrative office. Preference shall be given to locations
22 that are representative of areas with high rates of violent crimes
23 as described in the council of state governments' justice center
24 report on analyses of crime, community corrections, and sentencing
25 policies in this state.

26 (3) The primary goal of the demonstration project is to reduce
27 crime and revictimization by high-risk, high-need probationers. The

1 secondary goal of the demonstration project is to reduce
2 expenditures for long-term incarceration.

3 (4) The demonstration project may provide up to 6 months of
4 residential services, and treatment methods, and interventions that
5 are evidence-based, including, but not limited to, the following:

6 (a) Risk/needs assessment.

7 (b) Motivational techniques.

8 (c) Type, intensity, and duration of treatment based on each
9 probationer's risk and needs and delivered consistent with
10 evidence-based practices.

11 (5) The department shall implement the evidence-based practice
12 of collaborative case management and utilize the services of the
13 department and of local community corrections consistent with the
14 local comprehensive corrections plan developed under the community
15 corrections act, 1988 PA 511, MCL 791.401 to 791.414.

16 (6) The department shall assign a probation officer to the
17 demonstration project to supervise a specialized caseload for high-
18 risk, high-need probationers. All probation officers supervising a
19 specialized caseload under this section shall receive substantial
20 education and training on issues of substance abuse, mental health,
21 and drug and alcohol testing.

22 (7) The probation officer shall work in cooperation with the
23 local judiciary and the community corrections advisory board in a
24 collaborative effort toward the goals of promoting probationer
25 success and reducing crime and revictimization.

26 (8) The probation officer assigned to the demonstration
27 project shall comply with supervision requirements established for

1 the demonstration project by the field operations administration
2 deputy director.

3 (9) The department shall identify and coordinate information
4 for each local jurisdiction selected for the demonstration project
5 regarding the rate of incarceration of high-risk, high-need
6 probationers to ensure that appropriate probationers are targeted
7 for the demonstration project.

8 (10) From the funds appropriated in part 1 for public
9 education and training, the department shall collaborate with the
10 local judiciary, community corrections advisory board, and service
11 providers to develop and provide appropriate training for all local
12 stakeholders involved in the demonstration project described in
13 this section.

14 (11) From the funds provided to the local jurisdiction for the
15 demonstration project, the department shall collaborate with the
16 local judiciary and the community corrections advisory board to
17 develop and implement an evaluation of the demonstration project
18 that will show the impact of the project on the arrests,
19 convictions, technical violations, and commitments to prison of the
20 demonstration project participants. This evaluation shall be
21 performed in accordance with department of corrections policy and
22 procedure on evaluation design in cooperation with the office of
23 research and planning.

24 (12) By May 1, 2011, the department shall report to the senate
25 and house appropriations subcommittees on corrections, the senate
26 and house fiscal agencies, and the state budget director on the
27 status of the demonstration project prescribed under this section,

1 including information on all of the following:

2 (a) Demonstration project locations and participating courts.

3 (b) The number of probationers participating in the pilot
4 categorized by location and offense.

5 (c) Evaluation status and methodology.

6 (d) Preliminary results, if any.

7 Sec. 426. Of the money appropriated in part 1 for prisoner
8 reintegration programs, \$500,000.00 shall be distributed to 1 or
9 more Michigan-chartered 501(c)(3) nonprofit corporations to expand
10 existing business models, or to create new business enterprises
11 including capital equipment needs, that presently have established
12 public utility asset recovery recycling programs. This nonprofit
13 will hire new employees through the funding provided above and must
14 include at least 45% returning citizens. The programs shall be
15 administered by 1 or more Michigan-chartered corporations that are
16 exempt from taxation under section 501(c)(3) of the internal
17 revenue code, 26 USC 501(c)(3), and that have documented
18 entrepreneurial social enterprise expertise in creating employment
19 opportunities for parolees.

20 Sec. 429. It is the intent of the legislature that the
21 department work with other state departments and agencies to
22 implement the policy options provided to the state by the council
23 of state governments in January 2009.

24 Sec. 430. The department shall ensure that each prisoner has
25 the opportunity to meet with his or her transition team prior to
26 release from prison. If applicable, community providers shall enter
27 the prison to meet with the prisoner prior to release.

1 Sec. 431. The department shall ensure that prior to release
2 from prison, each offender has possession of all of the following:

3 (a) All documents necessary to obtain a state operator's
4 license or state identification card.

5 (b) A set of clothing that would be appropriate and suitable
6 for wearing to an interview for employment.

7 Sec. 433. The department shall report quarterly on January 1,
8 2011, April 1, 2011, July 1, 2011, and September 30, 2011 to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director on
11 the status of any contracts entered into under the June 2009
12 request for proposals for the re-entry initiative project for
13 offenders with special needs. The report shall include information
14 on all of the following:

15 (a) The number of prisoners and participating parolees in each
16 of the target population subgroups, including medically fragile,
17 mentally ill, developmentally disabled, and youthful offenders.

18 (b) Descriptions of the key services being provided to each
19 subgroup under the contract or contracts.

20 (c) Estimates of the average per-offender costs of services
21 for each target population subgroup under each contract, compared
22 to the average cost of prison incarceration for those populations.

23 Sec. 434. (1) It is the intent of the legislature that the
24 department, in coordination with the department of energy, labor,
25 and economic growth, Michigan state housing development authority,
26 and local government officials, implement employment-related
27 projects targeted toward at-risk young adults who are disconnected

1 from school and employment, and probationers and parolees in high-
2 crime neighborhoods where the adult incarceration rate is at least
3 45%.

4 (2) The department shall identify high-crime neighborhoods
5 where the adult incarceration rate is at least 45% and in
6 coordination with the department of human services and the
7 superintendent of public instruction shall develop programs for
8 recommendation to the legislature that offer academic, counseling,
9 and social support to children of incarcerated parents.

10 **OPERATIONS AND SUPPORT ADMINISTRATION**

11 Sec. 501. From the funds appropriated in part 1 for
12 prosecutorial and detainer expenses, the department shall reimburse
13 counties for housing and custody of parole violators and offenders
14 being returned by the department from community placement who are
15 available for return to institutional status and for prisoners who
16 volunteer for placement in a county jail.

17 Sec. 502. Funds included in part 1 for the sheriffs'
18 coordinating and training office are appropriated for and may be
19 expended to defray costs of continuing education, certification,
20 recertification, decertification, and training of local corrections
21 officers, the personnel and administrative costs of the sheriffs'
22 coordinating and training office, the local corrections officers
23 advisory board, and the sheriffs' coordinating and training council
24 under the local corrections officers training act, 2003 PA 125, MCL
25 791.531 to 791.546.

26 Sec. 503. Funds appropriated in part 1 for administrative

1 hearings officers are appropriated as an interdepartmental grant to
2 the department of energy, labor, and economic growth for the
3 purpose of funding administrative hearings officers for
4 adjudication of grievances pertaining to the department of
5 corrections. The department shall not expend appropriations from
6 part 1 to satisfy charges from the department of energy, labor, and
7 economic growth for administrative hearings officers in excess of
8 the amount expressly appropriated by this act for the
9 administrative hearings officers unless funding is transferred into
10 this line under section 393(2) of the management and budget act,
11 1984 PA 431, MCL 18.1393.

12 Sec. 504. Of the funds appropriated in part 1, \$50,000.00 is
13 appropriated to provide an interdepartmental grant to the judiciary
14 for use of the judicial data warehouse by department employees.

15 Sec. 505. (1) The department shall train all custody staff in
16 effective and safe ways of handling prisoners with mental illness
17 and referring prisoners to mental health treatment programs. Mental
18 health awareness training shall be incorporated into the training
19 of new custody staff.

20 (2) All staff having direct contact with prisoners and
21 employed within correctional facilities shall attend at least 1
22 mental health awareness training session.

23 Sec. 507. Of the funds appropriated in part 1, \$1,000,000.00
24 is appropriated to provide an interdepartmental grant to the
25 judiciary for operational expenses related to drug treatment
26 courts.

27 Sec. 508. Of the funds appropriated in part 1, \$500,000.00 is

1 appropriated to provide an interdepartmental grant to the
2 legislative auditor general for oversight activities pertaining to
3 the department of corrections.

4 Sec. 509. Of the funds appropriated in part 1, \$250,000.00 is
5 appropriated to provide an interdepartmental grant to the
6 legislative corrections ombudsman for oversight activities.

7 **FIELD OPERATIONS ADMINISTRATION**

8 Sec. 601. (1) From the funds appropriated in part 1, the
9 department shall conduct a statewide caseload audit of field
10 agents. The audit shall address public protection issues and assess
11 the ability of the field agents to complete their professional
12 duties. The results of the audit shall be submitted to the senate
13 and house appropriations subcommittees on corrections and the
14 senate and house fiscal agencies, and the state budget office by
15 March 1, 2011.

16 (2) It is the intent of the legislature that the department
17 maintain a number of field agents sufficient to meet supervision
18 and workload standards.

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

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

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

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

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

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

1 corrections plans under the community corrections act, 1988 PA 511,
2 MCL 791.401 to 791.414.

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

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

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

20 Sec. 606. It is the intent of the legislature that the
21 department shall ensure that parolees and probationers may timely
22 contact their parole or probation agents and maintain procedures
23 that preclude any necessity for an offender to have access to an
24 agent's home telephone number or other personal information
25 pertaining to the agent.

26 Sec. 608. By March 1, 2011, the department shall report to the
27 senate and house appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director on
2 the use of electronic monitoring. At a minimum, the report shall
3 include all of the following:

4 (a) Details on the failure rate of parolees for whom GPS
5 tether is utilized, including the number and rate of parolee
6 technical violations, including specifying failures due to
7 committing a new crime that is uncharged but leads to parole
8 termination, and the number and rate of parolee violators with new
9 sentences.

10 (b) Information on the factors considered in determining
11 whether an offender is placed on active GPS tether, passive GPS
12 tether, radio frequency tether, or some combination of these or
13 other types of electronic monitoring.

14 (c) Monthly data on the number of offenders on active GPS
15 tether, passive GPS tether, radio frequency tether, and any other
16 type of tether.

17 Sec. 609. By March 1, 2011, the department shall report to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director on
20 the use of kiosk reporting stations. At a minimum, the report shall
21 include all of the following:

22 (a) Factors considered in determining whether an offender is
23 assigned to report at a kiosk.

24 (b) Information on the location, costs, safety features, and
25 other features of kiosks used for offender reporting.

26 (c) Information on demonstration project outcome measures.

27 (d) An evaluation of the kiosk reporting demonstration

1 project, including any need for improvement and an assessment of
2 the potential for expanded use of kiosk reporting stations.

3 Sec. 611. The department shall prepare by March 1, 2011
4 individual reports for the community reentry program, the
5 electronic tether program, and the special alternative to
6 incarceration program. The reports shall be submitted to the house
7 and senate appropriations subcommittees on corrections, the house
8 and senate fiscal agencies, and the state budget director. Each
9 program's report shall include information on all of the following:

10 (a) Monthly new participants by type of offender. Community
11 re-entry program participants shall be categorized by reason for
12 placement. For technical rule violators, the report shall sort
13 offenders by length of time since release from prison, by the most
14 recent violation, and by the number of violations occurring since
15 release from prison.

16 (b) Monthly participant unsuccessful terminations, including
17 cause.

18 (c) Number of successful terminations.

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

20 (e) Average length of placement.

21 (f) Return to prison statistics.

22 (g) Description of each program location or locations,
23 capacity, and staffing.

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

26 (i) Comparison with prior year statistics.

27 (j) Analysis of the impact on prison admissions and jail

1 utilization and the cost effectiveness of the program.

2 Sec. 612. (1) The department shall review and revise as
3 necessary policy proposals that provide alternatives to prison for
4 offenders being sentenced to prison as a result of technical
5 probation violations and technical parole violations. To the extent
6 the department has insufficient policies or resources to affect the
7 continued increase in prison commitments among these offender
8 populations, the department shall explore other policy options to
9 allow for program alternatives, including department or OCC-funded
10 programs, local level programs, and programs available through
11 private agencies that may be used as prison alternatives for these
12 offenders.

13 (2) To the extent policies or programs described in subsection
14 (1) are used, developed, or contracted for, the department may
15 request that funds appropriated in part 1 be transferred under
16 section 393(2) of the management and budget act, 1984 PA 431, MCL
17 18.1393, for their operation.

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

26 (4) The department shall provide quarterly reports to the
27 senate and house appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director on
2 the number of all parolees returned to prison and probationers
3 sentenced to prison for either a technical violation or new
4 sentence during the preceding calendar quarter. The reports shall
5 include the following information each for probationers, parolees
6 after their first parole, and parolees who have been paroled more
7 than once:

8 (a) The numbers of parole and probation violators returned to
9 or sent to prison for a new crime with a comparison of original
10 versus new offenses by major offense type: assaultive,
11 nonassaultive, drug, and sex.

12 (b) The numbers of parole and probation violators returned to
13 or sent to prison for a technical violation and the type of
14 violation, including, but not limited to, zero gun tolerance and
15 substance abuse violations. For parole technical rule violators,
16 the report shall list violations by type, by length of time since
17 release from prison, by the most recent violation, and by the
18 number of violations occurring since release from prison.

19 (c) The educational history of those offenders, including how
20 many had a GED or high school diploma prior to incarceration in
21 prison, how many received a GED while in prison, and how many
22 received a vocational certificate while in prison.

23 (d) The number of offenders who participated in the MPRI
24 versus the number of those who did not.

25 (e) The unduplicated number of offenders who participated in
26 substance abuse treatment programs, mental health treatment
27 programs, or both, while in prison, itemized by diagnosis.

1 Sec. 613. Subject to the appropriations in part 1, the
2 department is encouraged to expand the use of continuous remote
3 alcohol monitors for parolees and probationers who test positive
4 for alcohol abuse or have alcohol-abuse-related violations of their
5 community supervision.

6 Sec. 614. (1) As a condition of probation, community control,
7 payment plan for the payment of a fine or restitution, or any other
8 court-ordered supervision, the court may order the posting of a
9 bond to secure the defendant's appearance at any subsequent court
10 proceeding or to otherwise enforce the orders of the court. An
11 appearance bond executed under this section shall be filed with the
12 court or with the sheriff by a licensed professional bail agent who
13 shall provide a copy of the bond to the clerk of court.

14 (2) The court may issue an order to produce the defendant sua
15 sponte or upon notice by the clerk or the probation officer that
16 the person has violated the terms of probation, community control,
17 court-ordered supervision, or other applicable court order. The
18 court or the clerk of the court shall give the bail agent not less
19 than 72 hours to bring the defendant before the court. If the bail
20 agent fails to produce the defendant in court or to the sheriff at
21 the time noticed by the court or the clerk of court, the appearance
22 bond required under subsection (1) shall be forfeited according to
23 the procedures set forth in section 15 of chapter V of the code of
24 criminal procedure, 1927 PA 175, MCL 765.15. The defendant's
25 failure to appear shall be the sole grounds for forfeiture of the
26 appearance bond.

27 Sec. 615. After the parole and commutations board has reviewed

1 the cases of all inmates sentenced to life with the possibility of
2 parole who have good institutional records and pose low-risk to the
3 community, the parole and commutations board shall provide the
4 legislature with a detailed explanation of why an inmate who scores
5 "high probability of release" is not being paroled.

6 HEALTH CARE

7 Sec. 801. The department shall not expend funds appropriated
8 under part 1 for any surgery, procedure, or treatment to provide or
9 maintain a prisoner's sex change unless it is determined medically
10 necessary by the chief medical officer of the department.

11 Sec. 802. As a condition of expenditure of the funds
12 appropriated in part 1, the department shall provide the senate and
13 house of representatives appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget director with all of the following:

16 (a) Quarterly reports on physical and mental health care
17 detailing the average number of days between a prisoner's diagnosis
18 and commencement of treatment for that diagnosis, quarterly and
19 fiscal year-to-date expenditures itemized by vendor, allocations,
20 status of payments from contractors to vendors, and projected year-
21 end expenditures from accounts for prisoner health care, mental
22 health care, pharmaceutical services, and durable medical
23 equipment.

24 (b) Regular updates on progress on requests for proposals and
25 requests for information pertaining to prisoner health care and
26 mental health care, until the applicable contract is approved.

1 Sec. 803. For mental health contracts entered into by the
2 department, including those with the Michigan department of
3 community health, recognized performance standards and measures of
4 quality shall be utilized to conduct periodic performance reviews.
5 At least once every 3 years, the department shall renegotiate all
6 mental health contracts entered into under this section with the
7 goals of improving care and reducing costs.

8 Sec. 804. (1) The department shall report quarterly to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director on
11 prisoner health care utilization. The report shall include the
12 number of inpatient hospital days, outpatient visits, and emergency
13 room visits in the previous quarter and since October 1, 2009, by
14 facility.

15 (2) By March 1, 2011, the department shall report to the
16 senate and house appropriations subcommittees on corrections, the
17 senate and house fiscal agencies, and the state budget director on
18 prisoners receiving off-site inpatient medical care that would have
19 received care in a state correctional facility if beds were
20 available. The report shall include the number of prisoners
21 receiving off-site inpatient medical care and average length of
22 stay in an off-site facility during the period they would have
23 received care in a state correctional facility if beds were
24 available, by month and correctional facilities administration
25 region.

26 Sec. 805. The bureau of health care services shall develop
27 information on hepatitis C and HIV prevention and the risks

1 associated with exposure to hepatitis C and HIV. The health care
2 providers shall disseminate this information verbally and in
3 writing to each prisoner at the health screening and full health
4 appraisal conducted at admissions, at the annual health care
5 screening 30 days before or after a prisoner's birthday, and prior
6 to release to the community by parole, transfer to community
7 residential placement, or discharge on the maximum sentence.

8 Sec. 806. (1) From the funds appropriated in part 1, the
9 department shall require a hepatitis C antibody test and an HIV
10 test for each prisoner prior to release to the community by parole,
11 transfer to community residential placement, or discharge on the
12 maximum sentence. The department shall require an HIV test and a
13 hepatitis C risk factor screening for each prisoner at the health
14 screening at admissions. If hepatitis C risk factors are
15 identified, the department shall offer the prisoner a hepatitis C
16 antibody test. An explanation of results of the tests shall be
17 provided confidentially to the prisoner, and if appropriate based
18 on the test results, the prisoner shall also be provided a
19 recommendation to seek follow-up medical attention.

20 (2) By March 1, 2011, the department shall report to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house appropriations subcommittees on community health,
23 the senate and house fiscal agencies, and the state budget director
24 on the number of offenders tested and the number of offenders
25 testing positive for HIV, the hepatitis C antibody, or both at
26 prison admission and parole, transfer to community residential
27 placement, or discharge on the maximum sentence. The department

1 shall keep records of those offenders testing positive for HIV, the
2 hepatitis C antibody, or both at prison admission, parole, transfer
3 to community residential placement, and discharge. These records
4 shall clearly state the date each test was performed.

5 (3) As a condition of expenditure of the funds appropriated in
6 part 1, the department shall keep records of the following:

7 (a) The number of offenders testing positive for the hepatitis
8 C antibody who do not receive treatment, by reason for not
9 participating.

10 (b) The number of offenders achieving a sustained viral
11 response from hepatitis C treatment.

12 (c) Cost and duration of treatment by offender.

13 Sec. 807. The department shall ensure that all medications for
14 a prisoner be transported with that prisoner when the prisoner is
15 transferred from 1 correctional facility to another. Prisoners
16 being released shall be provided with at least a 30-day supply of
17 medication and a prescription for refills to allow for continuity
18 of care in the community.

19 Sec. 808. There are sufficient funds and FTEs appropriated in
20 part 1 to provide a full complement of nurses for clinical
21 complexes working regular pay hours, and it is the intent of the
22 legislature that sufficient nurses be hired or retained to limit
23 the use of overtime other-than-holiday pay.

24 Sec. 809. The department, in conjunction with efforts to
25 implement the MPRI, shall cooperate with the MDCH to share data and
26 information as they relate to prisoners being released who are HIV
27 positive or positive for the hepatitis C antibody. By March 1,

1 2011, the department shall report to the senate and house
2 appropriations subcommittees on corrections, the senate and house
3 fiscal agencies, and the state budget director on all of the
4 following:

5 (a) Programs and the location of programs implemented as a
6 result of the work under this section.

7 (b) The number of prisoners released to the community by
8 parole, discharge on the maximum sentence, or transfer to community
9 residential placement who are HIV positive, positive for the
10 hepatitis C antibody, or both.

11 (c) The number of offenders referred to the local public
12 health department, by county.

13 Sec. 811. By February 1, 2011, the department shall report to
14 the senate and house appropriations subcommittees on corrections,
15 the senate and house fiscal agencies, and the state budget director
16 on the status of efforts to implement continuous quality
17 improvement for prisoner health care. At a minimum, the report
18 shall identify the processes that were in place before the start of
19 the fiscal year, the processes undertaken since the beginning of
20 the fiscal year, and plans for future changes.

21 Sec. 812. (1) The department shall provide the department of
22 human services with a monthly list of prisoners newly committed to
23 the department of corrections. The department and the department of
24 human services shall enter into an interagency agreement under
25 which the department of human services provides the department of
26 corrections with monthly lists of newly committed prisoners who are
27 eligible for Medicaid benefits in order to maintain the process by

1 which Medicaid benefits are suspended rather than terminated. The
2 department shall assist prisoners who may be eligible for Medicaid
3 benefits after release from prison with the Medicaid enrollment
4 process prior to release from prison.

5 (2) The department shall provide the senate and house
6 appropriations subcommittees on corrections, the senate and house
7 fiscal agencies, and the state budget director with quarterly
8 updates on the utilization of Medicaid benefits for prisoners.

9 Sec. 813. The department shall work in cooperation with the
10 department of community health to monitor and document drug
11 utilization by department for prisoner health care services. As
12 part of this effort, the department shall examine drug utilization
13 patterns and cost-cutting strategies used by corrections systems in
14 other states. By March 1, 2011, the department shall provide a
15 report to the legislature detailing the department's drug
16 utilizations and drug utilization statistics for corrections
17 systems in other states.

18 Sec. 814. The department shall assure that psychotropic
19 medications are available, when deemed medically necessary by a
20 physician, to prisoners who have mental illness diagnoses but are
21 not enrolled in the corrections mental health program.

22 Sec. 815. From the money appropriated in part 1 for health
23 care administration, the department shall expend at least
24 \$520,000.00 to operate a health care quality assurance unit.

25 CORRECTIONAL FACILITIES ADMINISTRATION

26 Sec. 902. From the funds appropriated in part 1, the

1 department shall allocate sufficient funds to develop a
2 demonstration children's visitation program. The demonstration
3 program shall teach parenting skills and arrange for day visitation
4 at these facilities for parents and their children, except for the
5 families of prisoners convicted of a crime involving criminal
6 sexual conduct in which the victim was less than 18 years of age or
7 involving child abuse.

8 Sec. 903. Except as otherwise provided in this section, the
9 department shall prohibit prisoners' access to or use of the
10 Internet or any similar system. Under adequate supervision and with
11 security precautions that ensure appropriate computer use by
12 prisoners, the department may allow a prisoner access to or use of
13 the Internet for the purposes of educational programming,
14 employment training, job searches, or other Internet-based programs
15 and services consistent with programming objectives, efficient
16 operations, and the safety and security of the institution.

17 Sec. 904. Any department employee who, in the course of his or
18 her job, is determined by a physician to have had a potential
19 exposure to the hepatitis B virus, shall receive a hepatitis B
20 vaccination upon request.

21 Sec. 905. (1) The inmate housing fund shall be used for the
22 custody, treatment, clinical, and administrative costs associated
23 with the housing of prisoners other than those specifically
24 budgeted for elsewhere in this act. Funding in the inmate housing
25 fund is appropriated into a separate control account. Funding in
26 the control account shall be distributed as necessary into separate
27 accounts created to separately identify costs for specific

1 purposes.

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

6 Sec. 906. (1) The department shall establish a uniform rate to
7 be paid by public and private agencies that benefit from public
8 work services provided by special alternative incarceration
9 participants and prisoners.

10 (2) It is the intent of the legislature that to the degree
11 consistent with public safety and the safety and security of the
12 institutions, public works projects be continued at the level
13 provided in 2006 PA 331.

14 (3) It is the intent of the legislature that public works fee
15 schedules be maintained at half the rates in effect on September
16 30, 2008.

17 (4) The department shall maintain a list of the number of
18 prisoners available for public works crews at each department
19 facility, and the number of prisoners necessary to fulfill current
20 public works contracts at each department facility. The department
21 shall place the list on a publicly accessible Internet site and
22 update the list weekly.

23 (5) It is the intent of the legislature that pay rates for
24 prisoners classified to public works assignments be increased by 50
25 cents per day from the rates in effect on September 30, 2009.

26 Sec. 907. The department shall report quarterly to the senate
27 and house appropriations subcommittees on corrections, the senate

1 and house fiscal agencies, and the state budget director on
2 academic/vocational programs. The report shall provide information
3 relevant to an assessment of the department's academic and
4 vocational programs, including, but not limited to, the following:

5 (a) The number of instructors and the number of instructor
6 vacancies, by program and facility.

7 (b) The number of prisoners enrolled in each program, the
8 number of prisoners completing each program, the number of
9 prisoners who fail each program, the number of prisoners who do not
10 complete each program and the reason for not completing the
11 program, the number of prisoners transferred to another facility
12 while enrolled in a program and the reason for transfer, the number
13 of prisoners enrolled who are repeating the program by reason, and
14 the number of prisoners on waiting lists for each program, all
15 itemized by facility.

16 (c) The steps the department has undertaken to improve
17 programs, track records, accommodate transfers and prisoners with
18 health care needs, and reduce waiting lists.

19 (d) The number of prisoners paroled without a high school
20 diploma and the number of prisoners paroled without a GED.

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

24 (f) An identification of program outcomes for each academic
25 and vocational program.

26 (g) An explanation of the department's plans for academic and
27 vocational programs, including plans to contract with intermediate

1 school districts for GED and high school diploma programs.

2 (h) The number of prisoners not paroled at their earliest
3 release date due to lack of a GED, and the reason those prisoners
4 have not obtained a GED.

5 Sec. 908. By February 1, 2011, the department shall report to
6 the senate and house appropriations subcommittees on corrections,
7 the senate and house fiscal agencies, and the state budget
8 director, the percent of offenders included in the prison
9 population intake for fiscal years 2008-2009 and 2009-2010 who have
10 a high school diploma or a GED.

11 Sec. 909. As a condition of expending funds appropriated for
12 academic/vocational programs under part 1, the department shall by
13 January 31, 2011 provide a plan to contract with intermediate
14 school districts for GED and high school diploma programs at
15 correctional facilities to the members of the senate and house
16 appropriations committees, the senate and house fiscal agencies,
17 and the state budget director. The plan shall include detailed
18 information on the development of the curriculum, how the program
19 will be administered, how the program will improve employability,
20 and how the program will be evaluated.

21 Sec. 910. The department shall allow the Michigan Braille
22 transcribing fund program to operate at its current location. The
23 donation of the building by the Michigan Braille transcribing fund
24 at the G. Robert Cotton correctional facility in Jackson is
25 acknowledged and appreciated. The department shall continue to
26 encourage the Michigan Braille transcribing fund to produce high-
27 quality materials for use by the visually impaired.

1 Sec. 911. (1) From the appropriations in part 1, the
2 department shall ensure that all prisoner activities shall include
3 the presence of a sufficient number of correctional officers needed
4 to maintain the safety and security of the institution.

5 (2) By March 1, 2011, the department shall report to the
6 senate and house appropriations subcommittees on corrections, the
7 senate and house fiscal agencies, the legislative corrections
8 ombudsman, and the state budget director the number of critical
9 incidents occurring each month by type and the number and severity
10 of assaults occurring each month at each facility during calendar
11 year 2010.

12 (3) The department shall not reduce the ratio of custody
13 officers to prisoners at any correctional facility below the levels
14 that existed October 1, 2008. Any correctional facility that
15 reduces its security level after October 1, 2008 shall not have a
16 ratio of custody officers to prisoners below that of a comparable
17 facility. The department shall report to the senate and house
18 appropriations subcommittees on corrections, the senate and house
19 fiscal agencies, and the state budget director if it is unable to
20 comply with this section. The report shall include all of the
21 following:

22 (a) A list of the correctional facilities that reduced their
23 ratio of custody officers to prisoners in violation of this
24 subsection.

25 (b) An explanation of why the department is unable to comply
26 with this subsection.

27 (c) A plan to maintain the safety and security of the

1 facilities or units.

2 (4) Subsection (3) does not apply to facilities or portions of
3 facilities that have closed.

4 Sec. 912. The department shall report to the senate and house
5 appropriations subcommittees on corrections, the senate and house
6 fiscal agencies, and the state budget director by March 1, 2011 on
7 the ratio of correctional officers to prisoners for each
8 correctional institution, the ratio of shift command staff to line
9 custody staff, and the ratio of noncustody institutional staff to
10 prisoners for each correctional institution.

11 Sec. 913. It is the intent of the legislature that any
12 prisoner required to complete an assaultive offender program,
13 sexual offender program, or other program as a condition of parole
14 shall be transferred to a facility where that program is available
15 in order to accomplish timely completion of that program prior to
16 the expiration of his or her minimum sentence and eligibility for
17 parole. Nothing in this section should be deemed to make parole
18 denial appealable in court.

19 Sec. 916. The department shall issue a request for proposals
20 by June 1, 2011 to convert the law library collections at
21 correctional facilities to an electronic medium, if the
22 department's feasibility study that examined similar conversions in
23 Ohio and Pennsylvania reveals that the conversion would be
24 beneficial.

25 Sec. 917. From the funds appropriated in part 1, the
26 department shall allocate sufficient funds to implement evidence-
27 based demonstration projects that change offenders' behaviors,

1 values, beliefs, and attitudes toward victims and the community.

2 Sec. 918. Following receipt of an auditor general performance
3 audit on offender transportation, the department, in conjunction
4 with the department of management and budget, shall issue a request
5 for information on the possible bidding of all offender
6 transportation services. State employees shall be given the
7 opportunity to respond to a request for information on offender
8 transportation services. Any response to the request for
9 information shall include an explanation of how savings of at least
10 5% over existing costs of offender transportation would be
11 realized.

12 Sec. 919. (1) As a condition of expending funds appropriated
13 in part 1 for prison food service, the department shall comply with
14 the provision of section 207, including, but not limited to, all of
15 the following criteria:

16 (a) Providing a complete project plan at least 90 days prior
17 to issuing a request for proposals or an invitation to bid for all
18 or a substantial portion of food service, including a contract for
19 food procurement.

20 (b) Conducting a preprivatization cost-benefit analysis as
21 described by section 207a.

22 (c) Providing a copy of the cost-benefit analysis to the
23 senate and house appropriations subcommittees on corrections, the
24 senate and house fiscal agencies, and the state budget director
25 before the earliest of the following:

26 (i) Issuance of a request for proposals or invitation to bid.

27 (ii) Filing a contract change request with the state

1 administrative board.

2 (iii) Entering into a contract for all or a substantial portion
3 of prison food service.

4 (2) As a condition of expending funds appropriated in part 1
5 for prison food service, any contract for prison food service or
6 prison food procurement shall identify all of the following:

7 (a) How savings equivalent to the savings specified in civil
8 service rules for personal services outside the civil service would
9 be realized.

10 (b) How the department will comply with the requirements of
11 section 209.

12 (c) How food quality will be maintained in conjunction with
13 any cost savings.

14 (d) The impact on local vendors, growers, and processors,
15 identified by facility or region, as appropriate, compared to
16 prior-year purchases.

17 Sec. 920. The department shall make every effort to operate a
18 garden or horticultural operation at each correctional facility,
19 where practical, in order to provide food for correctional
20 facilities and not-for-profit organizations.

21 Sec. 921. (1) By April 30, 2011, the department shall report
22 to the chairs of the senate and house appropriations committees,
23 the senate and house appropriations subcommittees on corrections,
24 the senate and house fiscal agencies, and the state budget director
25 on the following:

26 (a) The actual savings realized between January 1, 2009 and
27 April 1, 2011 as a result of closing correctional facilities and

1 correctional camps between January 1, 2009 and January 1, 2011,
2 itemized by correctional facility or correctional camp.

3 (b) The projected fiscal year 2010-2011 savings by closing
4 correctional facilities and correctional camps between January 1,
5 2009 and January 1, 2011, itemized by correctional facility or
6 correctional camp.

7 (2) The report in subsection (1) shall include information on
8 all of the following:

9 (a) The savings realized or projected to be realized, itemized
10 by program or type of expenditure.

11 (b) Any cost of field supervision, field operations programs,
12 or prisoner reintegration programs related to the closure of
13 correctional facilities and correctional camps between January 1,
14 2009 and January 1, 2011.

15 Sec. 922. It is the intent of the legislature that all
16 prisoners work 40 hours per week in the correctional facility, as
17 part of a public works crew or in private enterprise, or
18 participate in vocational or training programs. Prisoners may be
19 enrolled in GED or education programs in combination with
20 employment. Prisoners not employed shall be enrolled in GED or
21 other educational programs for not less than 20 hours per week.
22 This section does not apply to prisoners classified in level V or
23 administrative segregation.

24 Sec. 923. The department shall cooperate with the department
25 of education to evaluate the feasibility of local school districts
26 providing education programming to targeted prisoners under the age
27 of 20 who have not received a high school diploma. By June 1, 2011,

1 the department shall report to the senate and house appropriations
2 subcommittees on corrections, the senate and house fiscal agencies,
3 and the state budget director on any plans or evaluations developed
4 under this section.

5 Sec. 924. The department shall evaluate all prisoners at
6 intake for substance abuse disorders, developmental disorders,
7 serious mental illness, and other mental health disorders.
8 Prisoners with serious mental illness shall not be confined in
9 administrative segregation due to serious mental illness. Under the
10 supervision of a mental health professional, a prisoner with
11 serious mental illness may be secluded in a therapeutic environment
12 for the safety of the prisoner or others. A prisoner in therapeutic
13 seclusion shall be evaluated every 12 hours by a mental health
14 professional in order to remain in therapeutic seclusion.

15 Sec. 925. By March 1, 2011, the department shall report to the
16 senate and house appropriations subcommittees on corrections, the
17 senate and house fiscal agencies, and the state budget director on
18 the annual number of prisoners in administrative segregation
19 between October 1, 2003 and September 30, 2010, and the annual
20 number of prisoners in administrative segregation between October
21 1, 2003 and September 30, 2010 who at any time during the current
22 or prior prison term were diagnosed with serious mental illness or
23 have a developmental disorder and the number of days each of the
24 prisoners with serious mental illness or a developmental disorder
25 have been confined to administrative segregation.

26 Sec. 927. The department of corrections and the department of
27 human services shall enter into an intergovernmental agreement to

1 place offenders less than 19 years of age who are committed to the
2 department of corrections in underutilized units of the
3 Maxey/Woodland center correctional facility. The facilities shall
4 be used to house offenders less than 19 years of age who are
5 currently committed to the department of corrections.

6 Sec. 928. Funding appropriated in part 1 for consent decree
7 line items is appropriated into separate control accounts created
8 for each line item. Funding in each control account shall be
9 distributed as necessary into separate accounts created for the
10 purpose of separately identifying costs and expenditures associated
11 with each consent decree.

12 Sec. 929. From the funds appropriated in part 1, the
13 department shall do all of the following:

14 (a) Ensure that any inmate care and control staff in contact
15 with prisoners less than 19 years of age are adequately trained
16 with regard to the developmental and mental health needs of
17 prisoners less than 19 years of age. By April 1, 2011, the
18 department shall report to the senate and house appropriations
19 subcommittees on corrections, the senate and house fiscal agencies,
20 and the state budget director on the training curriculum used and
21 the number and types of staff receiving training under such
22 curriculum since October 2009.

23 (b) Provide appropriate placement for prisoners less than 19
24 years of age who have serious mental illness, serious emotional
25 disturbance, or a developmental disorder and need to be housed
26 separately from the general population. Prisoners less than 19
27 years of age who have serious mental illness, serious emotional

1 disturbance, or a developmental disorder shall not be placed in
2 administrative segregation due to serious mental illness or serious
3 emotional disturbance. Under the supervision of a mental health
4 professional, a prisoner less than 19 years of age with serious
5 mental illness or serious emotional disturbance may be secluded in
6 a therapeutic environment for the safety of the prisoner or others.
7 A prisoner in therapeutic seclusion shall be evaluated every 12
8 hours by a mental health professional in order to remain in
9 therapeutic seclusion.

10 (c) Implement a specialized re-entry program that recognizes
11 the needs of prisoners less than 19 years old for supervised re-
12 entry.

13 Sec. 930. The department shall not have a shooting range
14 located on property east of 3760 Foco Road, Standish, Michigan.

15 Sec. 932. From the funds appropriated in part 1 for
16 psychiatric services, \$100,000.00 is appropriated to permit the
17 department to contract with a board-certified child and adolescent
18 psychiatrist to provide psychiatric services to individuals who are
19 less than 19 years of age and are incarcerated in a department
20 facility.

21 Sec. 933. From the funds appropriated in part 1, \$50,000.00
22 shall be utilized to create 2 pilot programs for a secure, scalable
23 inmate learning management tool that enables inmates to improve job
24 skill training and work toward achieving their GED, with the goal
25 of reducing recidivism in concert with the council of state
26 governments report. The pilots shall be designed to manage, track,
27 and quantify all of the training, continuing education,

1 development, and certification among other learning opportunities.
2 The program shall include a wide variety of course work, including
3 job search preparation and specialized programs to help inmates
4 identify their current skills in relation to the job market. The
5 pilots are to be housed on a single secure server, which cannot
6 access the Internet, and are to be for use in 1 state prison and 1
7 county jail.

8 Sec. 934. From the funds appropriated in part 1 for prison
9 industries operations, the department shall establish a pilot
10 program for the manufacturing of textiles and clothing in at least
11 1 state correctional facility.