

HOUSE BILL No. 5878

EXECUTIVE BUDGET BILL

February 23, 2010, Introduced by Rep. Smith and referred to the Committee on Appropriations.

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

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill,

the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 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 population 39,160

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

Full-time equated classified positions..... 14,609.3

GROSS APPROPRIATION..... \$ 1,967,197,800

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 915,400

ADJUSTED GROSS APPROPRIATION..... \$ 1,966,282,400

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..... 82,066,300

State general fund/general purpose..... \$ 1,875,904,500

Sec. 102. EXECUTIVE

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

Full-time equated classified positions..... 55.0

Unclassified positions--21.0 FTE positions..... \$ 1,812,100

1	Executive direction--55.0 FTE positions	6,798,600
2	Neal, et al. settlement agreement	<u>10,000,000</u>
3	GROSS APPROPRIATION	\$ 18,610,700
4	Appropriated from:	
5	Special revenue funds:	
6	State general fund/general purpose	\$ 18,610,700
7	Sec. 103. PLANNING AND COMMUNITY SUPPORT	
8	Full-time equated classified positions..... 12.0	
9	Mental health awareness training	100,000
10	Prisoner reintegration programs	55,744,700
11	Substance abuse testing and treatment services--12.0	
12	FTE positions	19,075,000
13	Residential services	18,075,500
14	Community corrections comprehensive plans and services	13,958,000
15	Public education and training	50,000
16	Regional jail program	100
17	Felony drunk driver jail reduction and community	
18	treatment program	1,740,100
19	County jail reimbursement program	<u>12,272,100</u>
20	GROSS APPROPRIATION	\$ 121,015,500
21	Appropriated from:	
22	Federal revenues:	
23	Federal revenues and reimbursements	1,178,900
24	Special revenue funds:	
25	State restricted revenues and reimbursements	7,514,400
26	State general fund/general purpose	\$ 112,322,200
27	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION	

1	Full-time equated classified positions.....	177.9	
2	Operations support administration--52.0 FTE positions		\$ 5,330,500
3	New custody staff training.....		6,247,200
4	Compensatory buyout and union leave bank.....		100
5	Worker's compensation.....		16,152,800
6	Bureau of fiscal management--93.9 FTE positions.....		9,161,600
7	Office of legal services--21.0 FTE positions.....		2,580,000
8	Internal affairs--11.0 FTE positions.....		1,191,500
9	Rent.....		2,095,200
10	Equipment and special maintenance.....		2,425,500
11	Administrative hearings officers.....		3,708,800
12	Judicial data warehouse user fees.....		50,000
13	Sheriffs' coordinating and training office.....		500,000
14	Prosecutorial and detainer expenses.....		<u>4,051,000</u>
15	GROSS APPROPRIATION.....		\$ 53,494,200
16	Appropriated from:		
17	Interdepartmental grant revenues:		
18	IDG-MDSP, Michigan justice training fund.....		298,400
19	Special revenue funds:		
20	State restricted revenues and reimbursements.....		1,008,100
21	State general fund/general purpose.....		\$ 52,187,700
22	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
23	Full-time equated classified positions.....	2,215.9	
24	Field operations--2,044.9 FTE positions.....		\$ 182,159,000
25	Parole board operations--51.0 FTE positions.....		4,828,700
26	Parole/probation services.....		2,243,500
27	Community re-entry centers--59.0 FTE positions.....		14,780,900

1	Electronic monitoring center--61.0 FTE positions	<u>17,173,700</u>
2	GROSS APPROPRIATION.....	\$ 221,185,800
3	Appropriated from:	
4	Special revenue funds:	
5	Local - community tether program reimbursement	443,100
6	State restricted revenues and reimbursements	14,366,200
7	State general fund/general purpose	\$ 206,376,500
8	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION	
9	Full-time equated classified positions.....	1,466.3
10	Correctional facilities administration--28.0 FTE	
11	positions	\$ 5,966,700
12	Prison food service--416.0 FTE positions	74,035,100
13	Transportation--215.6 FTE positions	23,230,300
14	Central records--53.5 FTE positions	4,234,100
15	DOJ psychiatric plan - MDCH mental health services ...	50,727,300
16	DOJ psychiatric plan - MDOC staff and services--149.7	
17	FTE positions	17,766,200
18	Inmate legal services	715,900
19	Loans to parolees	179,400
20	Housing inmates in federal institutions	793,900
21	Prison store operations--75.0 FTE positions	5,078,900
22	Prison industries operations--214.0 FTE positions	20,809,000
23	Education services and federal education grants--10.0	
24	FTE positions	3,461,100
25	Federal school lunch program	712,800
26	Leased beds and alternatives to leased beds	100
27	Inmate housing fund	100

1	MPRI education program--304.5 FTE positions	<u>34,241,400</u>
2	GROSS APPROPRIATION.....	\$ 241,952,300
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDCH, forensic center food service	617,000
6	Federal revenues:	
7	Federal revenues and reimbursements	5,208,200
8	Special revenue funds:	
9	State restricted revenues and reimbursements	25,887,900
10	State general fund/general purpose	\$ 210,239,200
11	Sec. 107. HEALTH CARE	
12	Full-time equated classified positions.....	1,173.0
13	Health care administration--14.0 FTE positions	\$ 3,171,800
14	Prisoner health care services	101,095,500
15	Vaccination program.....	691,200
16	Northern region clinical complexes--260.8 FTE	
17	positions	30,384,300
18	Southeastern region clinical complexes--602.9 FTE	
19	positions	94,678,200
20	Southwestern region clinical complexes--295.3 FTE	
21	positions	<u>36,965,200</u>
22	GROSS APPROPRIATION.....	\$ 266,986,200
23	Appropriated from:	
24	Special revenue funds:	
25	State restricted revenues and reimbursements	349,000
26	State general fund/general purpose	\$ 266,637,200
27	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	

1	Average population	12,917	
2	Full-time equated classified positions.....	3,167.2	
3	Alger maximum correctional facility - Munising--	268.0	
4	FTE positions		\$ 28,255,600
5	Average population	889	
6	Baraga maximum correctional facility - Baraga--	332.1	
7	FTE positions		32,990,700
8	Average population	884	
9	Chippewa correctional facility - Kincheloe--	459.4 FTE	
10	positions		48,360,200
11	Average population	2,282	
12	Kinross correctional facility - Kincheloe--	355.0 FTE	
13	positions		37,410,000
14	Average population	1,799	
15	Marquette branch prison - Marquette--	350.1 FTE	
16	positions		39,399,600
17	Average population	1,201	
18	Newberry correctional facility - Newberry--	270.9 FTE	
19	positions		27,439,800
20	Average population	978	
21	Oaks correctional facility - Eastlake--	309.0 FTE	
22	positions		35,533,800
23	Average population	1,156	
24	Ojibway correctional facility - Marenisco--	208.9 FTE	
25	positions		20,286,700
26	Average population	1,090	
27	Pugsley correctional facility - Kingsley--	224.0 FTE	

1	positions	21,840,800
2	Average population	1,158
3	Saginaw correctional facility - Freeland--314.8 FTE	
4	positions	32,983,100
5	Average population	1,480
6	Northern region administration and support--75.0 FTE	
7	positions	<u>6,013,600</u>
8	GROSS APPROPRIATION.....	\$ 330,513,900
9	Appropriated from:	
10	Special revenue funds:	
11	State restricted revenues and reimbursements	530,200
12	State general fund/general purpose	\$ 329,983,700
13	Sec. 109. SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
14	Average population	16,339
15	Full-time equated classified positions.....	4,050.5
16	Cooper Street correctional facility - Jackson--275.9	
17	FTE positions	\$ 30,003,900
18	Average population	1,752
19	G. Robert Cotton correctional facility - Jackson--	
20	405.5 FTE positions	40,893,900
21	Average population	1,854
22	Charles E. Egeler correctional facility - Jackson--	
23	358.3 FTE positions	41,043,500
24	Average population	1,376
25	Gus Harrison correctional facility - Adrian--450.7 FTE	
26	positions	47,631,400
27	Average population	2,342

1	Huron Valley correctional complex - Ypsilanti--650.6	
2	FTE positions	70,344,200
3	Average population	1,872
4	Macomb correctional facility - New Haven--307.3 FTE	
5	positions	31,172,400
6	Average population	1,374
7	Maxey/Woodland Center correctional facility - Whitmore	
8	Lake--186.3 FTE positions	16,756,100
9	Average population	328
10	Mound correctional facility - Detroit--300.4 FTE	
11	positions	27,725,800
12	Average population	1,051
13	Parnall correctional facility - Jackson--269.2 FTE	
14	positions	28,395,100
15	Average population	1,712
16	Ryan correctional facility - Detroit--294.3 FTE	
17	positions	30,785,100
18	Average population	1,059
19	Thumb correctional facility - Lapeer--288.0 FTE	
20	positions	30,722,800
21	Average population	1,219
22	Special alternative incarceration program (Camp	
23	Cassidy Lake)--120.0 FTE positions.....	11,447,700
24	Average population	400
25	Southeastern region administration and support--144.0	
26	FTE positions	<u>22,731,400</u>
27	GROSS APPROPRIATION.....	\$ 429,653,300

1	Appropriated from:	
2	Federal revenues:	
3	Federal revenues and reimbursements	1,481,400
4	Special revenue funds:	
5	State restricted revenues and reimbursements	1,362,800
6	State general fund/general purpose	\$ 426,809,100
7	Sec. 110. SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
8	Average population	17,433
9	Full-time equated classified positions.....	3,718.7
10	Bellamy Creek correctional facility - Ionia--399.4 FTE	
11	positions	\$ 38,780,300
12	Average population	1,850
13	Earnest C. Brooks correctional facility - Muskegon--	
14	453.0 FTE positions	47,580,000
15	Average population	2,440
16	Carson City correctional facility - Carson City--458.1	
17	FTE positions	48,793,700
18	Average population	2,440
19	Richard A. Handlon correctional facility - Ionia--	
20	235.4 FTE positions	24,296,900
21	Average population	1,320
22	Ionia maximum correctional facility - Ionia--306.7 FTE	
23	positions	31,140,800
24	Average population	707
25	Lakeland correctional facility - Coldwater--474.8 FTE	
26	positions	48,493,900
27	Average population	2,392

1	Michigan reformatory - Ionia--311.1 FTE positions	28,652,500
2	Average population	1,338
3	Muskegon correctional facility - Muskegon--238.0 FTE	
4	positions	29,871,600
5	Average population	1,320
6	Pine River correctional facility - St. Louis--211.7	
7	FTE positions	21,985,800
8	Average population	1,200
9	St. Louis correctional facility - St. Louis--528.5 FTE	
10	positions	53,403,300
11	Average population	2,426
12	Southwestern region administration and support--102.0	
13	FTE positions	<u>17,399,900</u>
14	GROSS APPROPRIATION.....	\$ 390,398,700
15	Appropriated from:	
16	Special revenue funds:	
17	State restricted revenues and reimbursements	30,262,800
18	State general fund/general purpose	\$ 360,135,900
19	Sec. 111. INFORMATION TECHNOLOGY	
20	Information technology services and projects	<u>\$ 22,857,500</u>
21	GROSS APPROPRIATION.....	\$ 22,857,500
22	Appropriated from:	
23	Special revenue funds:	
24	State restricted revenues and reimbursements	784,900
25	State general fund/general purpose	\$ 22,072,600
26	Sec. 112. JUSTICE POLICY REFORMS	
27	Average population	(7,529)

1	Full-time equated classified positions.....	(1,427.2)	
2	Reduction in prisoners due to policy changes--	(1,745.2)	
3	FTE positions		\$ (187,409,700)
4	Average population	(7,529)	
5	Prisoner reintegration programs reinvestments		22,650,000
6	GPS tether monitoring reinvestments--233.0 FTE		
7	positions		27,867,800
8	Field operations reinvestments--85.0 FTE positions ...		<u>7,421,600</u>
9	GROSS APPROPRIATION.....		\$ (129,470,300)
10	Appropriated from:		
11	Special revenue funds:		
12	State general fund/general purpose		\$ (129,470,300)

13 PART 2

14 PROVISIONS CONCERNING APPROPRIATIONS

15 **GENERAL SECTIONS**

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

17 constitution of 1963, total state spending from state resources

18 under part 1 for fiscal year 2010-2011 is \$1,957,970,800.00 and

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

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

21 itemized statement below identifies appropriations from which

22 spending to local units of government will occur:

23 DEPARTMENT OF CORRECTIONS

24	Field operations - assumption of county probation	
25	staff.....	\$ 51,579,200

1	Public service work projects.....	5,140,200
2	Community corrections comprehensive plans and services	13,958,000
3	Community corrections residential services.....	18,075,500
4	Community corrections public education and training..	50,000
5	Felony drunk driver jail reduction and community	
6	treatment program.....	1,740,100
7	Community re-entry centers.....	2,019,600
8	Regional jail program.....	<u>100</u>
9	TOTAL.....	\$ 92,562,700

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

13 Sec. 203. As used in this bill:

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

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

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

18 (d) "GED" means general educational development certificate.

19 (e) "GPS" means global positioning system.

20 (f) "HIV" means human immunodeficiency virus.

21 (g) "IDG" means interdepartmental grant.

22 (h) "IDT" means intradepartmental transfer.

23 (i) "MDCH" means the Michigan department of community health.

24 (j) "Medicaid benefit" means a benefit paid or payable under a
 25 program for medical assistance under the social welfare act, 1939
 26 PA 280, MCL 400.1 to 400.119b.

27 (k) "MDSP" means the Michigan department of state police.

1 (1) "MPRI" means the Michigan prisoner reentry initiative.

2 Sec. 204. The civil service commission shall bill departments
3 and agencies at the end of the first fiscal quarter for the charges
4 authorized by section 5 of article XI of the constitution of 1963.
5 Payments shall be made for the total amount of the billing by the
6 end of the second fiscal quarter.

7 Sec. 208. The department receiving appropriations in part 1
8 shall use the Internet to fulfill the reporting requirements of
9 this bill. This requirement may include transmission of reports via
10 electronic mail to the recipients identified for each reporting
11 requirement, or it may include placement of reports on an Internet
12 or Intranet site.

13 Sec. 209. Funds appropriated in part 1 shall not be used for
14 the purchase of foreign goods or services, or both, if
15 competitively priced and of comparable quality American goods or
16 services, or both, are available. Preference shall be given to
17 goods or services, or both, manufactured or provided by Michigan
18 businesses, if they are competitively priced and of comparable
19 quality. In addition, preference should be given to goods or
20 services, or both, that are manufactured or provided by Michigan
21 businesses owned and operated by veterans, if they are
22 competitively priced and of comparable quality.

23 Sec. 210. (1) Individuals seeking employment with the
24 department shall submit to a controlled substance test administered
25 by the department under civil service rules and regulations and
26 applicable collective bargaining agreements.

27 (2) The department shall deny employment to individuals

1 seeking employment with the department who violate subsection (1)
2 or who submit to testing under subsection (1) but test positive for
3 the illicit use of a controlled substance.

4 Sec. 211. The department may charge fees and collect revenues
5 in excess of appropriations in part 1 not to exceed the cost of
6 offender services and programming, employee meals, parolee loans,
7 academic/vocational services, custody escorts, compassionate
8 visits, union steward activities, public work programs and services
9 provided to units of local government. The revenues and fees
10 collected are appropriated for all expenses associated with these
11 services and activities.

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

19 Sec. 216. (1) Due to the current budgetary problems in this
20 state, out-of-state travel shall be limited to situations in which
21 1 or more of the following conditions apply:

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

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

27 (c) The travel is necessary to produce budgetary savings or to

1 increase state revenues, including protecting existing federal
2 funds or securing additional federal funds.

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

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

7 (f) The travel is financed entirely by federal or nonstate
8 funds.

9 (2) Not later than January 1 of each year, each department
10 shall prepare a travel report listing all travel by classified and
11 unclassified employees outside this state in the immediately
12 preceding fiscal year that was funded in whole or in part with
13 funds appropriated in the department's budget. The report shall be
14 submitted to the senate and house standing committees on
15 appropriations, the senate and house fiscal agencies, and the state
16 budget director. The report shall include the following
17 information:

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

20 (b) The destination of each travel occurrence.

21 (c) The dates of each travel occurrence.

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

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

1 and the proportion funded with other revenues.

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

4 Sec. 217. The director shall take all reasonable steps to
5 ensure businesses in deprived and depressed communities compete for
6 and perform contracts to provide services or supplies, or both. The
7 director shall strongly encourage firms with which the department
8 contracts to subcontract with certified businesses in deprived and
9 depressed communities for services, supplies, or both.

10 Sec. 222. Funds appropriated in part 1 shall not be used by a
11 principal executive department, state agency, or authority to hire
12 a person to provide legal services that are the responsibility of
13 the attorney general. This prohibition does not apply to legal
14 services for bonding activities and for those activities that the
15 attorney general authorizes.

16 Sec. 223. (1) In addition to the funds appropriated in part 1,
17 there is appropriated an amount not to exceed \$10,000,000.00 for
18 federal contingency funds. These funds are not available for
19 expenditure until they have been transferred to another line item
20 in this bill under section 393(2) of the management and budget act,
21 1984 PA 431, MCL 18.1393.

22 (2) In addition to the funds appropriated in part 1, there is
23 appropriated an amount not to exceed \$5,000,000.00 for state
24 restricted contingency funds. These funds are not available for
25 expenditure until they have been transferred to another line item
26 in this bill under section 393(2) of the management and budget act,
27 1984 PA 431, MCL 18.1393.

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

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

13 **EXECUTIVE**

14 Sec. 301. (1) For 3 years after a felony offender is released
15 from the department's jurisdiction, the department shall maintain
16 the offender's file on the offender tracking information system and
17 make it publicly accessible in the same manner as the file of the
18 current offender. However, the department shall immediately remove
19 the offender's file from the offender tracking information system
20 upon determination that the offender was wrongfully convicted and
21 the offender's file is not otherwise required to be maintained on
22 the offender tracking information system.

23 (2) Information removed from the offender tracking information
24 system due to the expiration of 3 years following release of an
25 offender from the department's jurisdiction shall be retained by
26 the department and maintained in a password-protected archive.
27 Effective October 1, 2010, information in the archive shall be made

1 available upon payment of a fee as determined by the department.
2 Revenue collected under this section is appropriated for the costs
3 of the offender tracking information system, and any revenue
4 collected in excess of the costs of maintaining the offender
5 tracking information system is appropriated for information
6 technology costs. The department shall report on March 1, 2011 to
7 the senate and house appropriations subcommittees on corrections,
8 the senate and house fiscal agencies, and the state budget director
9 on the fees charged and revenue collected under this section.

10 Sec. 304. The director of the department shall maintain a
11 staff savings initiative program to invite employees to submit
12 suggestions for saving costs for the department.

13 **PLANNING AND COMMUNITY SUPPORT**

14 Sec. 401. The department shall submit 3-year and 5-year prison
15 population projection updates concurrent with submission of the
16 Executive Budget to the senate and house appropriations
17 subcommittees on corrections, the senate and house fiscal agencies,
18 and the state budget director. The report shall include
19 explanations of the methodology and assumptions used in developing
20 the projection updates.

21 Sec. 402. Funds appropriated in part 1 for prisoner
22 reintegration programs shall be expended for the purpose of
23 reducing victimization by reducing repeat offending through the
24 following prisoner reintegration programming:

25 (a) The provision of employment or employment services and job
26 training.

27 (b) The provision of housing assistance.

1 (c) Referral to mental health services.

2 (d) Referral to substance abuse services.

3 (e) Referral to public health services.

4 (f) Referral to education.

5 (g) Referral to any other services necessary for successful
6 reintegration.

7 Sec. 403. By March 1, 2011, the department shall provide a
8 report on MPRI expenditures and allocations to the members of the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director. At
11 a minimum, the report shall include information on both of the
12 following:

13 (a) Details on prior-year expenditures, including amounts
14 spent on each project funded, itemized by service provided and
15 service provider.

16 (b) Allocations and projected expenditures for each project
17 funded and for each project to be funded, itemized by service to be
18 provided and service provider.

19 Sec. 404. (1) The department shall screen and assess each
20 prisoner for alcohol and other drug involvement to determine the
21 need for further treatment. The assessment process shall be
22 designed to identify the severity of alcohol and other drug
23 addiction and determine the treatment plan, if appropriate.

24 (2) The department shall provide substance abuse treatment to
25 prisoners with priority given to those prisoners who are most in
26 need of treatment and who can best benefit from program
27 intervention based on the screening and assessment provided under

1 subsection (1).

2 Sec. 405. (1) In expending residential substance abuse
3 treatment services funds appropriated under this bill, the
4 department shall ensure to the maximum extent possible that
5 residential substance abuse treatment services are available
6 statewide.

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

21 (3) By March 1, 2011, the department shall report to the
22 senate and house appropriations subcommittees on corrections, the
23 senate and house fiscal agencies, and the state budget director on
24 substance abuse testing and treatment program objectives, outcome
25 measures, and results, including program impact on offender
26 behavior.

27 Sec. 408. The department shall measure the repeat offense

1 rates of offenders using at least a 3-year period following their
2 release from prison.

3 Sec. 409. The office of community corrections shall provide
4 and coordinate the delivery and implementation of services in
5 communities to facilitate successful offender reintegration into
6 the community. Programs and services to be offered shall include,
7 but are not limited to, technical assistance for comprehensive
8 corrections plan development, new program start-up funding, program
9 funding for those programs delivering services for eligible
10 offenders in geographic areas identified by the office of community
11 corrections as having a shortage of available services, technical
12 assistance, referral services for education, employment services,
13 and substance abuse and family counseling. As used in this bill:

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

20 (b) "Goal" means the intended or projected result of a
21 comprehensive corrections plan or community corrections program to
22 reduce repeat offending, criminogenic and high-risk behaviors,
23 prison commitment rates, to reduce the length of stay in a jail, or
24 to improve the utilization of a jail.

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

1 (d) "Objective risk and needs assessment" means an evaluation
2 of an offender's criminal history; the offender's noncriminal
3 history; and any other factors relevant to the risk the offender
4 would present to the public safety, including, but not limited to,
5 having demonstrated a pattern of violent behavior, and a criminal
6 record that indicates a pattern of violent offenses.

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

13 (f) "Offender target population" means felons or misdemeanants
14 who would likely be sentenced to imprisonment in a state
15 correctional facility or jail, who would not likely increase the
16 risk to the public safety based on an objective risk and needs
17 assessment that indicates that the offender can be safely treated
18 and supervised in the community.

19 (g) "Offender who would likely be sentenced to imprisonment"
20 means either of the following:

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

25 (ii) A currently incarcerated felon or misdemeanor who is
26 granted early release from incarceration to a community corrections
27 program or who is granted early release from incarceration as a

1 result of a community corrections program.

2 Sec. 410. (1) The funds included in part 1 for community
3 corrections comprehensive plans and services are to encourage the
4 development through technical assistance grants, implementation,
5 and operation of community corrections programs that enhance
6 offender success and that also may serve as an alternative to
7 incarceration in a state facility or jail. The comprehensive
8 corrections plans shall include an explanation of how the public
9 safety will be maintained, the goals for the local jurisdiction,
10 offender target populations intended to be affected, offender
11 eligibility criteria for purposes outlined in the plan, and how the
12 plans will meet the following objectives, consistent with section
13 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

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

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

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

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

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

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

9 (3) Funds awarded for residential services in part 1 shall
10 provide for a per diem reimbursement of not more than \$47.50.

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

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

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

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

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

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

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

26 (e) Offender disposition data by sentencing guideline range,
27 by disposition type, number and percent statewide and by county,

1 current year, and comparisons to 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 basic
11 state-required jail data.

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

14 (3) As a prerequisite to participation in the programs and
15 services offered through the department, counties shall provide
16 basic 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 certain felons who otherwise
20 would have been sentenced to prison.

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

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

1 sentence is not for commission of a crime in crime class G or crime
2 class H or a non-person crime in crime class F under chapter XVII
3 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
4 777.69.

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

7 (c) The felon was sentenced to jail for a felony committed
8 while he or she was on parole and under the jurisdiction of the
9 parole board and for which the sentencing guidelines recommended
10 range for the minimum sentence has an upper limit of more than 18
11 months.

12 (3) State reimbursement under this section shall be \$60.00 per
13 diem per diverted offender for offenders with a presumptive prison
14 guideline score, \$50.00 per diem per diverted offender for
15 offenders with a straddle cell guideline for a group one crime, and
16 \$35.00 per diem per diverted offender for offenders with a straddle
17 cell guideline for a group two crime. Reimbursements shall be paid
18 for sentences up to a 1-year total.

19 (4) County jail reimbursement program expenditures shall not
20 exceed the amount appropriated in part 1 for the county jail
21 reimbursement program. Payments to counties under the county jail
22 reimbursement program shall be made in the order in which properly
23 documented requests for reimbursement are received. A request
24 shall be considered to be properly documented if it meets MDOC
25 requirements for documentation. The department shall by October
26 15, 2010 distribute the documentation requirements to all counties.

27 (5) As used in this section:

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

10 (b) "Group two crime" means a crime that is not a group one
11 crime, including larceny, fraud, forgery, embezzlement, motor
12 vehicle, malicious destruction of property, controlled substance
13 offense, felony drunk driving, and other nonassaultive offenses.

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

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 one 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,
26 local units of government shall utilize funds received under this
27 section to support county sheriff departments.

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

7 Sec. 418. (1) The department shall ensure that each prisoner
8 make all reasonable efforts to obtain the documents necessary to
9 obtain a state operator's license or state identification card
10 prior to a prisoner's discharge or parole hearing. The process for
11 prisoners to acquire this documentation shall be part of the
12 department's operating procedure.

13 (2) The department shall cooperate with MDCH to maintain a
14 process by which prisoners can obtain their birth certificates.

15 Sec. 419. (1) The department shall provide weekly electronic
16 mail reports to the senate and house appropriations subcommittees
17 on corrections, the senate and house fiscal agencies, and the state
18 budget director on prisoner, parolee, and probationer populations
19 by facility, and prison capacities.

20 (2) The department shall provide quarterly electronic mail
21 reports to the senate and house appropriations subcommittees on
22 corrections, the senate and house fiscal agencies, and the state
23 budget director. The reports shall include information on end-of-
24 month prisoner populations in county jails, the net operating
25 capacity according to the most recent certification report,
26 identified by date, and end-of-month data, year-to-date data, and
27 comparisons to the prior year for the following:

1 (a) Community residential program populations, separated by
2 centers and electronic monitoring.

3 (b) Parole populations.

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

6 (d) Prison and camp populations, with separate identification
7 of the number in special alternative incarceration and the number
8 of lifers.

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

11 (f) Prisoner exits, identifying transfers to community
12 placement, paroles from prisons and camps, paroles from community
13 placement, total movements to parole, prison intake, prisoner
14 deaths, prisoners discharging on the maximum sentence, and other
15 prisoner exits.

16 (g) Prison intake and returns, including probation violators,
17 new court commitments, violators with new sentences, escaper new
18 sentences, total prison intake, returns from court with additional
19 sentences, community placement returns, technical parole violator
20 returns, and total returns to prison and camp.

21 Sec. 421. Of the funds appropriated in part 1, \$100,000.00 is
22 appropriated for the purpose of providing an IDG to the MDSP for
23 the purpose of providing grants for training teams of law
24 enforcement officers and mental health treatment providers. The
25 teams shall be trained in effective and safe ways of assisting
26 people with mental illness during law enforcement contacts and
27 directing people with mental illness to treatment programs. Mental

1 health awareness training shall be incorporated into continuing
2 education for all law enforcement officers in the state.

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

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

20 (3) The primary goal of the demonstration project is to reduce
21 crime and revictimization by high-risk, high-need probationers. The
22 secondary goal of the demonstration project is to reduce
23 expenditures for long-term incarceration.

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

27 (a) Risk/needs assessment.

1 (b) Motivational techniques.

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

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

10 (6) The department shall assign a probation officer to the
11 demonstration project to supervise a specialized caseload for high-
12 risk, high-need probationers. All probation officers supervising a
13 specialized caseload under this section shall receive substantial
14 education and training on issues of substance abuse, mental health,
15 and drug and alcohol testing.

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

20 (8) The probation officer assigned to the demonstration
21 project shall comply with supervision requirements established for
22 the demonstration project by the field operations administration
23 deputy director.

24 (9) The department shall identify and coordinate information
25 for each local jurisdiction selected for the demonstration project
26 regarding the rate of incarceration of high-risk, high-need
27 probationers to ensure that appropriate probationers are targeted

1 for the demonstration project.

2 (10) From the funds appropriated in part 1 for public
3 education and training, the department shall collaborate with the
4 local judiciary, community corrections advisory board, and service
5 providers to develop and provide appropriate training for all local
6 stakeholders involved in the demonstration project described in
7 this section.

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

18 (12) By May 1, 2011, the department shall report to the senate
19 and house appropriations subcommittees on corrections, the senate
20 and house fiscal agencies, and the state budget director on the
21 status of the demonstration project prescribed under this section,
22 including information on all of the following:

23 (a) Demonstration project locations and participating courts.

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

26 (c) Evaluation status and methodology.

27 (d) Preliminary results, if any.

1 **OPERATIONS AND SUPPORT ADMINISTRATION**

2 Sec. 501. From the funds appropriated in part 1 for
3 prosecutorial and detainer expenses, the department shall reimburse
4 counties for housing and custody of parole violators and offenders
5 being returned by the department from community placement who are
6 available for return to institutional status and for prisoners who
7 volunteer for placement in a county jail.

8 Sec. 502. Funds included in part 1 for the sheriffs'
9 coordinating and training office are appropriated for and may be
10 expended to defray costs of continuing education, certification,
11 recertification, decertification, and training of local corrections
12 officers, the personnel and administrative costs of the sheriffs'
13 coordinating and training office, the local corrections officers
14 advisory board, and the sheriffs' coordinating and training council
15 under the local corrections officers training act, 2003 PA 125, MCL
16 791.531 to 791.546.

17 Sec. 503. Funds appropriated in part 1 for administrative
18 hearings officers are appropriated as an interdepartmental grant to
19 the department of energy, labor, and economic growth for the
20 purpose of funding administrative hearings officers for
21 adjudication of grievances pertaining to the department of
22 corrections. The department shall not expend appropriations from
23 part 1 to satisfy charges from the department of energy, labor, and
24 economic growth for administrative hearings officers in excess of
25 the amount expressly appropriated by this bill for the
26 administrative hearings officers unless funding is transferred into
27 this line under section 393(2) of the management and budget act,

1 1984 PA 431, MCL 18.1393.

2 Sec. 505. The department shall train all custody staff in
3 effective and safe ways of handling prisoners with mental illness
4 and referring prisoners to mental health treatment programs. Mental
5 health awareness training shall be incorporated into the training
6 of new custody staff.

7 **FIELD OPERATIONS ADMINISTRATION**

8 Sec. 601. 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 May 31, 2011.

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

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

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

5 Sec. 603. (1) All prisoners, probationers, and parolees
6 involved with the electronic tether program shall reimburse the
7 department for costs associated with their participation in the
8 program where possible.

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

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

24 (4) For a fee determined by the department, the department
25 shall provide counties with the tether equipment, replacement
26 parts, administrative oversight of the equipment's operation,
27 notification of violators, and periodic reports regarding county

1 program participants. Counties are responsible for tether equipment
2 installation and service. For an additional fee as determined by
3 the department, the department shall provide staff to install and
4 service the equipment. Counties are responsible for the
5 coordination and apprehension of program violators.

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

9 Sec. 608. By March 1, 2011, the department shall report to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house fiscal agencies, and the state budget director on
12 the use of electronic monitoring. At a minimum, the report shall
13 include all of the following:

14 (a) Details on the failure rate of parolees for whom GPS
15 tether is utilized, including the number and rate of parolee
16 technical violations, including specifying failures due to
17 committing a new crime that is uncharged but leads to parole
18 termination, and the number and rate of parolee violators with new
19 sentences.

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

24 (c) Monthly data on the number of offenders on active GPS
25 tether, passive GPS tether, radio frequency tether, and any other
26 type of tether.

27 Sec. 611. The department shall prepare by March 1, 2011

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

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

13 (b) Monthly participant unsuccessful terminations, including
14 cause.

15 (c) Number of successful terminations.

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

17 (e) Average length of placement.

18 (f) Return to prison statistics.

19 (g) Description of each program location or locations,
20 capacity, and staffing.

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

23 (i) Comparison with prior year statistics.

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

26 Sec. 612. (1) The department shall review and revise as
27 necessary policy proposals that provide alternatives to prison for

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

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

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

23 (4) The department shall provide quarterly reports to the
24 senate and house appropriations subcommittees on corrections, the
25 senate and house fiscal agencies, and the state budget director on
26 the number of all parolees returned to prison and probationers
27 sentenced to prison for either a technical violation or new

1 sentence during the preceding calendar quarter. The reports shall
2 include the following information each for probationers, parolees
3 after their first parole, and parolees who have been paroled more
4 than once:

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

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

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

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

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

25 **HEALTH CARE**

26 Sec. 801. The department shall not expend funds appropriated
27 under part 1 for any surgery, procedure, or treatment to provide or

1 maintain a prisoner's sex change unless it is determined medically
2 necessary by the chief medical officer of the department.

3 Sec. 802. The department shall provide the senate and house of
4 representatives appropriations subcommittees on corrections, the
5 senate and house fiscal agencies, and the state budget director
6 with all of the following:

7 (a) Semi-annual reports on physical and mental health care by
8 specialty that would include date of onset, diagnosis and
9 treatment. This would be done by generating a representative
10 sample from the regions.

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

14 Sec. 804. The department shall report quarterly to the senate
15 and house appropriations subcommittees on corrections, the senate
16 and house fiscal agencies, and the state budget director on
17 prisoner health care utilization. The report shall include the
18 number of inpatient hospital days, outpatient visits, and emergency
19 room visits in the previous quarter and since October 1, 2010, by
20 facility.

21 Sec. 805. The bureau of health care services shall develop
22 information on hepatitis C and HIV prevention and the risks
23 associated with exposure to hepatitis C and HIV. The health care
24 providers shall disseminate this information verbally and in
25 writing to each prisoner at the health screening and full health
26 appraisal conducted at admissions, at the annual health care
27 screening 30 days before or after a prisoner's birthday, and prior

1 to release to the community by parole, transfer to community
2 residential placement, or discharge on the maximum sentence.

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

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 appropriations subcommittees on community health,
18 the senate and house fiscal agencies, and the state budget director
19 on the number of offenders tested and the number of offenders
20 testing positive for HIV, the hepatitis C antibody, or both at
21 prison admission and parole, transfer to community residential
22 placement, or discharge on the maximum sentence. The department
23 shall keep records of those offenders testing positive for HIV, the
24 hepatitis C antibody, or both at prison admission, parole, transfer
25 to community residential placement, and discharge. These records
26 shall clearly state the date each test was performed.

27 (3) The department shall keep records of the following:

1 (a) The number of offenders testing positive for the hepatitis
2 C antibody who do not receive treatment due to refusal.

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

5 (c) Cost and duration of treatment by offender as allowable by
6 privacy law.

7 Sec. 807. The department shall ensure that all medications for
8 a prisoner be transported with that prisoner when the prisoner is
9 transferred from 1 correctional facility to another. Prisoners
10 being released shall be provided with a supply of medication to
11 allow for continuity of care in the community.

12 Sec. 809. The department, in conjunction with efforts to
13 implement the MPRI, shall cooperate with the MDCH to share data and
14 information as they relate to prisoners being released who are HIV
15 positive or positive for the hepatitis C antibody. By March 1,
16 2011, the department shall report to the senate and house
17 appropriations subcommittees on corrections, the senate and house
18 fiscal agencies, and the state budget director on all of the
19 following:

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

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

26 (c) The number of offenders referred to the local public
27 health department office by parole office.

1 Sec. 812. (1) The department shall provide the department of
2 human services with a monthly list of prisoners newly committed to
3 the department of corrections. The department and the department of
4 human services shall enter into an interagency agreement under
5 which the department of human services provides the department of
6 corrections with monthly lists of newly committed prisoners who are
7 eligible for Medicaid benefits in order to maintain the process by
8 which Medicaid benefits are suspended rather than terminated. The
9 department shall assist prisoners who may be eligible for Medicaid
10 benefits after release from prison with the Medicaid enrollment
11 process prior to release from prison.

12 (2) The department shall provide the senate and house
13 appropriations subcommittees on corrections, the senate and house
14 fiscal agencies, and the state budget director with an annual
15 update on the issue of utilization of Medicaid benefits for
16 prisoners.

17 **CORRECTIONAL FACILITIES ADMINISTRATION**

18 Sec. 902. From the funds appropriated in part 1, the
19 department shall allocate sufficient funds to develop a
20 demonstration children's visitation program. The demonstration
21 program shall teach parenting skills and arrange for day visitation
22 at these facilities for parents and their children, except for the
23 families of prisoners convicted of a crime involving criminal
24 sexual conduct in which the victim was less than 18 years of age or
25 involving child abuse.

26 Sec. 903. Except as otherwise provided in this section, the
27 department shall prohibit prisoners' access to or use of the

1 Internet or any similar system. Under adequate supervision and with
2 security precautions that ensure appropriate computer use by
3 prisoners, the department may allow a prisoner access to or use of
4 the Internet for the purposes of educational programming,
5 employment training, job searches, or other Internet-based programs
6 and services consistent with programming objectives, efficient
7 operations, and the safety and security of the institution.

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

12 Sec. 905. (1) The inmate housing fund shall be used for the
13 custody, treatment, clinical, and administrative costs associated
14 with the housing of prisoners other than those specifically
15 budgeted for elsewhere in this bill. Funding in the inmate housing
16 fund is appropriated into a separate control account. Funding in
17 the control account shall be distributed as necessary into separate
18 accounts created to separately identify costs for specific
19 purposes.

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

24 Sec. 906. The department shall establish a uniform rate to be
25 paid by public and private agencies that benefit from public work
26 services provided by special alternative incarceration participants
27 and prisoners.

1 Sec. 907. The department shall report quarterly to the senate
2 and house appropriations subcommittees on corrections, the senate
3 and house fiscal agencies, and the state budget director on
4 academic/vocational programs. The report shall provide information
5 relevant to an assessment of the department's academic and
6 vocational programs, including, but not limited to, the following:

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

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

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

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

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

26 (f) An identification of program outcomes for each academic
27 and vocational program.

1 (g) An explanation of the department's plans for academic and
2 vocational programs, including plans to contract with intermediate
3 school districts for GED and high school diploma programs.

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

7 Sec. 911. By March 1, 2011, the department shall report to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director the
10 number of critical incidents occurring each month by type and the
11 number and severity of assaults occurring each month at each
12 facility during calendar year 2010.

13 Sec. 924. The department shall evaluate all prisoners at
14 intake for substance abuse disorders, developmental disorders, and
15 serious mental illness. Prisoners with serious mental illness shall
16 not be confined in administrative segregation due to behavior that
17 is symptomatic of serious mental illness. Under the supervision of
18 a mental health professional, a prisoner with serious mental
19 illness may be secluded in a therapeutic environment for the safety
20 of the prisoner or others. A prisoner in seclusion shall be
21 evaluated every 12 hours by a mental health professional in order
22 to remain in seclusion. As used in this section:

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

27 (b) "Serious mental illness" means that term as defined in

1 section 100d(3) of the mental health code, 1974 PA 328, MCL
2 330.1100d.

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

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

11 (a) Ensure that any inmate care and control staff in contact
12 with prisoners less than 19 years of age are adequately trained
13 with regard to the developmental and mental health needs of
14 prisoners less than 19 years of age.

15 (b) Provide appropriate placement for prisoners less than 19
16 years of age who have serious mental illness or a developmental
17 disorder and who need to be housed separately from the general
18 population. Prisoners less than 19 years of age who have serious
19 mental illness or a developmental disorder shall not be placed in
20 administrative segregation due to behavior that is symptomatic of
21 serious mental illness. Under the supervision of a mental health
22 professional, a prisoner less than 19 years of age with serious
23 mental illness may be secluded in a therapeutic environment for the
24 safety of the prisoner or others. A prisoner in seclusion shall be
25 evaluated every 12 hours by a mental health professional in order
26 to remain in seclusion. As used in this section:

27 (i) "Administrative segregation" means confinement for

1 maintenance of order or discipline to a cell or room apart from
2 accommodations provided for inmates who are participating in
3 programs of the facility.

4 (ii) "Serious mental illness" means that term as defined in
5 section 100d(3) of the mental health code, 1974 PA 328, MCL
6 330.1100d.

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