

FIRST CONFERENCE REPORT

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

Senate Bill No. 197, entitled

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

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 for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

John Proos

Greg MacMaster

Roger Kahn

Earl Poleski

Glenn Anderson

Andrew Kandrevas

Conferees for the Senate

Conferees for the House

**SUBSTITUTE FOR
SENATE BILL NO. 197**

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of corrections for the fiscal year ending September 30, 2014, from the following funds:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY

Average population	43,953
Full-time equated unclassified positions.....	16.0
Full-time equated classified positions.....	14,543.6

1	GROSS APPROPRIATION.....	\$ 2,056,646,800
2	Interdepartmental grant revenues:	
3	Total interdepartmental grants and intradepartmental	
4	transfers	1,109,600
5	ADJUSTED GROSS APPROPRIATION.....	\$ 2,055,537,200
6	Federal revenues:	
7	Total federal revenues.....	8,852,500
8	Special revenue funds:	
9	Total local revenues.....	8,392,800
10	Total private revenues.....	0
11	Total other state restricted revenues.....	56,026,100
12	State general fund/general purpose.....	\$ 1,982,265,800
13	State general fund/general purpose schedule:	
14	Ongoing state general fund/general	
15	purpose	1,973,233,300
16	One-time state general fund/general	
17	purpose	9,032,500
18	Sec. 102. EXECUTIVE	
19	Full-time equated unclassified positions.....	16.0
20	Full-time equated classified positions.....	3.0
21	Unclassified positions--16.0 FTE positions.....	\$ 1,667,100
22	Executive direction--3.0 FTE positions.....	1,811,700
23	Neal, et al. settlement agreement.....	<u>20,000,000</u>
24	GROSS APPROPRIATION.....	\$ 23,478,800
25	Appropriated from:	
26	State general fund/general purpose.....	\$ 23,478,800
27	Sec. 103. PRISONER RE-ENTRY AND COMMUNITY SUPPORT	

1	Prisoner re-entry local service providers	\$	14,211,500
2	Prisoner re-entry MDOC programs		12,929,200
3	Prisoner re-entry federal grants		1,035,000
4	Public safety initiative		4,500,000
5	Second chance employment - Goodwill's oil filter		
6	recycling project		250,000
7	H.I.R.E. - job training pilot program		<u>1,000,000</u>
8	GROSS APPROPRIATION	\$	33,925,700
9	Appropriated from:		
10	Federal revenues:		
11	DOJ, prisoner reintegration		1,035,000
12	State general fund/general purpose	\$	32,890,700
13	Sec. 104. CITY OF DETROIT DETENTION CENTER		
14	Full-time equated classified positions..... 63.1		
15	City of Detroit detention center--63.1 FTE positions .	\$	<u>8,126,600</u>
16	GROSS APPROPRIATION	\$	8,126,600
17	Appropriated from:		
18	Special revenue funds:		
19	Local revenues		8,126,600
20	State general fund/general purpose	\$	0
21	Sec. 105. OPERATIONS SUPPORT ADMINISTRATION		
22	Full-time equated classified positions..... 196.0		
23	Operations support administration--106.0 FTE positions	\$	13,319,700
24	New custody staff training		8,963,800
25	Compensatory buyout and union leave bank		100
26	Worker's compensation		19,439,100
27	Bureau of fiscal management--65.0 FTE positions		8,111,100

1	Office of legal services--17.0 FTE positions	2,375,800
2	Internal affairs--8.0 FTE positions	937,400
3	Rent.....	2,107,800
4	Equipment and special maintenance.....	7,359,600
5	Administrative hearings officers.....	3,243,100
6	Judicial data warehouse user fees.....	50,000
7	Sheriffs' coordinating and training office.....	500,000
8	Prosecutorial and detainer expenses.....	4,551,000
9	County jail reimbursement program.....	<u>15,072,100</u>
10	GROSS APPROPRIATION.....	\$ 86,030,600
11	Appropriated from:	
12	Interdepartmental grant revenues:	
13	IDG-MDSP, Michigan justice training fund.....	337,600
14	Special revenue funds:	
15	Jail reimbursement program fund.....	5,900,000
16	Special equipment fund.....	5,800,000
17	Local corrections officer training fund.....	500,000
18	Correctional industries revolving fund.....	590,000
19	State general fund/general purpose.....	\$ 72,903,000
20	Sec. 106. FIELD OPERATIONS ADMINISTRATION	
21	Full-time equated classified positions.....	2,173.9
22	Field operations--1,821.9 FTE positions.....	\$ 198,962,500
23	Parole board operations--41.0 FTE positions.....	4,749,200
24	Parole/probation services.....	2,243,500
25	Community re-entry centers--226.0 FTE positions.....	33,251,400
26	Electronic monitoring center--56.0 FTE positions.....	13,347,400
27	Community corrections administration--10.0 FTE	

1	positions	1,285,300
2	Substance abuse testing and treatment services--19.0	
3	FTE positions	22,366,600
4	Residential services.....	15,475,500
5	Community corrections comprehensive plans and services	12,158,000
6	Felony drunk driver jail reduction and community	
7	treatment program	<u>1,440,100</u>
8	GROSS APPROPRIATION.....	\$ 305,279,500
9	Appropriated from:	
10	Federal revenues:	
11	DOJ, office of justice programs, RSAT.....	575,700
12	Special revenue funds:	
13	Local - community tether program reimbursement	266,200
14	Re-entry center offender reimbursements.....	23,800
15	Parole and probation oversight fees.....	6,192,100
16	Parole and probation oversight fees set-aside.....	2,664,800
17	Tether program participant contributions.....	2,272,900
18	State general fund/general purpose.....	\$ 293,284,000
19	Sec. 107. CORRECTIONAL FACILITIES-ADMINISTRATION	
20	Full-time equated classified positions..... 1,059.0	
21	Correctional facilities administration--24.0 FTE	
22	positions	\$ 7,754,300
23	Prison food service--341.0 FTE positions.....	61,541,100
24	Transportation--211.0 FTE positions.....	25,955,600
25	Central records--53.0 FTE positions.....	5,506,700
26	Inmate legal services.....	715,900
27	Loans to parolees.....	20,000

1	Housing inmates in federal institutions.....	611,000
2	Prison store operations--63.0 FTE positions.....	5,590,000
3	Prison industries operations--123.0 FTE positions....	18,056,600
4	Federal school lunch program.....	812,800
5	Leased beds and alternatives to leased beds.....	1,000,000
6	Public works programs.....	1,000,000
7	Cost-effective housing initiative.....	100
8	Inmate housing fund.....	100
9	Education program--244.0 FTE positions.....	<u>33,492,000</u>
10	GROSS APPROPRIATION.....	\$ 162,056,200
11	Appropriated from:	
12	Interdepartmental grant revenues:	
13	IDG-MDCH, forensic center food service.....	552,300
14	IDG-MDHS, Maxey/Woodland Center food service.....	219,700
15	Federal revenues:	
16	DAG-FNS, national school lunch.....	812,800
17	DED-OESE, title 1.....	552,500
18	DED-OVAE, adult education.....	943,800
19	DED-OSERS.....	114,100
20	DED, vocational education equipment.....	294,500
21	DED, youthful offender/Specter grant.....	1,365,400
22	DOJ-BOP, federal prisoner reimbursement.....	411,000
23	DOJ-OJP, serious and violent offender reintegration	
24	initiative.....	10,900
25	DOJ, prison rape elimination act grant.....	654,600
26	SSA-SSI, incentive payment.....	265,900
27	Federal education revenues.....	156,400

1	Special revenue funds:	
2	Correctional industries revolving fund.....	18,056,600
3	Public works user fees.....	1,000,000
4	Resident stores.....	5,590,000
5	State general fund/general purpose.....	\$ 131,055,700
6	Sec. 108. HEALTH CARE	
7	Full-time equated classified positions.....	1,521.3
8	Health care administration--17.0 FTE positions.....	\$ 2,866,100
9	Prisoner health care services.....	91,953,100
10	Vaccination program.....	691,200
11	Interdepartmental grant to human services, eligibility	
12	specialists	100,000
13	Mental health services and support--363.0 FTE	
14	positions	58,194,900
15	Clinical complexes--1,141.3 FTE positions.....	<u>142,841,000</u>
16	GROSS APPROPRIATION.....	\$ 296,646,300
17	Appropriated from:	
18	Special revenue funds:	
19	Prisoner health care copayments.....	285,700
20	State general fund/general purpose.....	\$ 296,360,600
21	Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES	
22	Average population	20,731
23	Full-time equated classified positions.....	4,226.4
24	Alger correctional facility - Munising--261.2 FTE	
25	positions	\$ 31,097,300
26	Average population	889
27	Baraga correctional facility - Baraga--295.8 FTE	

1	positions	34,144,400
2	Average population 884	
3	Earnest C. Brooks correctional facility - Muskegon--	
4	443.7 FTE positions	50,094,000
5	Average population 2,512	
6	Chippewa correctional facility - Kincheloe--436.3 FTE	
7	positions	48,537,300
8	Average population 2,282	
9	Kinross correctional facility - Kincheloe--323.8 FTE	
10	positions	36,660,400
11	Average population 1,799	
12	Marquette branch prison - Marquette--308.4 FTE	
13	positions	37,952,800
14	Average population 1,201	
15	Muskegon correctional facility - Muskegon--208.4 FTE	
16	positions	22,989,200
17	Average population 1,338	
18	Newberry correctional facility - Newberry--207.8 FTE	
19	positions	24,244,000
20	Average population 978	
21	Oaks correctional facility - Eastlake--295.6 FTE	
22	positions	34,623,300
23	Average population 1,156	
24	Ojibway correctional facility - Marenisco--201.1 FTE	
25	positions	22,451,300
26	Average population 1,090	
27	Central Michigan correctional facility - St. Louis--	

1	394.6 FTE positions	45,116,900
2	Average population	2,554
3	Pugsley correctional facility - Kingsley--210.9 FTE	
4	positions	23,728,400
5	Average population	1,342
6	Saginaw correctional facility - Freeland--276.9 FTE	
7	positions	31,798,300
8	Average population	1,480
9	St. Louis correctional facility - St. Louis--310.9 FTE	
10	positions	36,855,900
11	Average population	1,226
12	Northern region administration and support--51.0 FTE	
13	positions	<u>4,306,100</u>
14	GROSS APPROPRIATION.....	\$ 484,599,600
15	Appropriated from:	
16	State general fund/general purpose.....	\$ 484,599,600
17	Sec. 110. SOUTHERN REGION CORRECTIONAL FACILITIES	
18	Average population	23,222
19	Full-time equated classified positions.....	5,300.9
20	Bellamy Creek correctional facility - Ionia--391.4 FTE	
21	positions	\$ 44,166,000
22	Average population	1,850
23	Carson City correctional facility - Carson City--426.9	
24	FTE positions	47,434,500
25	Average population	2,440
26	Cooper street correctional facility - Jackson--260.1	
27	FTE positions	28,658,700

1	Average population	1,799	
2	G. Robert Cotton correctional facility - Jackson--		
3	392.9 FTE positions		42,137,200
4	Average population	1,841	
5	Charles E. Egeler correctional facility - Jackson--		
6	371.7 FTE positions		46,515,800
7	Average population	1,376	
8	Richard A. Handlon correctional facility - Ionia--		
9	246.4 FTE positions		28,250,000
10	Average population	1,373	
11	Gus Harrison correctional facility - Adrian--446.1 FTE		
12	positions		49,362,600
13	Average population	2,342	
14	Womens Huron Valley correctional complex - Ypsilanti--		
15	510.5 FTE positions		60,058,900
16	Average population	1,872	
17	Ionia correctional facility - Ionia--293.8 FTE		
18	positions		33,526,800
19	Average population	654	
20	Lakeland correctional facility - Coldwater--269.9 FTE		
21	positions		31,677,900
22	Average population	1,336	
23	Macomb correctional facility - New Haven--295.0 FTE		
24	positions		33,743,000
25	Average population	1,376	
26	Maxey/Woodland Center correctional facility - Whitmore		
27	Lake--274.9 FTE positions		32,224,500

1	Average population	328	
2	Michigan reformatory - Ionia--310.6 FTE positions		36,826,100
3	Average population	1,338	
4	Parnall correctional facility - Jackson--259.5 FTE		
5	positions		29,016,600
6	Average population	1,678	
7	Thumb correctional facility - Lapeer--286.2 FTE		
8	positions		32,912,300
9	Average population	1,219	
10	Special alternative incarceration program (Camp		
11	Cassidy Lake)--121.0 FTE positions.....		14,787,300
12	Average population	400	
13	Southern region administration and support--144.0 FTE		
14	positions		17,165,900
15	Ionia and Jackson area utilities.....		<u>7,586,200</u>
16	GROSS APPROPRIATION.....		\$ 616,050,300
17	Appropriated from:		
18	Federal revenues:		
19	Federal revenues and reimbursements.....		1,612,200
20	DOJ, state criminal alien assistance program.....		47,700
21	Special revenue funds:		
22	State restricted revenues and reimbursements.....		283,900
23	State general fund/general purpose.....		\$ 614,106,500
24	Sec. 111. INFORMATION TECHNOLOGY		
25	Information technology services and projects.....		\$ <u>25,420,700</u>
26	GROSS APPROPRIATION.....		\$ 25,420,700
27	Appropriated from:		

1	Special revenue funds:	
2	Correctional industries revolving fund.....	176,000
3	Parole and probation oversight fees set-aside.....	690,300
4	State general fund/general purpose.....	\$ 24,554,400
5	Sec. 112. CAPITAL OUTLAY	
6	Capital outlay - security improvements.....	\$ <u>6,000,000</u>
7	GROSS APPROPRIATION.....	\$ 6,000,000
8	Appropriated from:	
9	Special revenue funds:	
10	Special equipment fund.....	6,000,000
11	State general fund/general purpose.....	\$ 0
12	Sec. 113. ONE-TIME APPROPRIATIONS	
13	New custody training staff.....	\$ <u>9,032,500</u>
14	GROSS APPROPRIATION.....	\$ 9,032,500
15	Appropriated from:	
16	State general fund/general purpose.....	\$ 9,032,500

17 PART 2
 18 PROVISIONS CONCERNING APPROPRIATIONS
 19 FOR FISCAL YEAR 2013-2014

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 2013-2014 is \$2,038,291,900.00 and
 24 state spending from state resources to be paid to local units of
 25 government for fiscal year 2013-2014 is \$90,609,700.00. The

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

3 DEPARTMENT OF CORRECTIONS

4 Field operations - assumption of county

5 probation staff \$ 57,036,100

6 Community corrections comprehensive plans

7 and services 12,158,000

8 Community corrections residential services 15,475,500

9 Felony drunk driver jail reduction and

10 community treatment program 1,440,100

11 Public safety initiative 4,500,000

12 TOTAL..... \$ 90,609,700

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

16 Sec. 203. As used in this act:

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

21 (b) "Cost per prisoner" means the sum total of the funds
22 appropriated under part 1 for the following, divided by the
23 projected prisoner population in fiscal year 2013-2014:

24 (i) Northern and southern region correctional facilities.

25 (ii) Northern and southern region administration and support.

26 (iii) Northern and southern region clinical complexes.

27 (iv) Prisoner health care services.

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

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

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

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

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

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

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

13 (s) "H.I.R.E." means helping individuals return to employment.

14 (t) "IDG" means interdepartmental grant.

15 (u) "IDT" means intradepartmental transfer.

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

19 (w) "MDCH" means the Michigan department of community health.

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

23 (y) "MDSP" means the Michigan department of state police.

24 (z) "Objective risk and needs assessment" means an evaluation
25 of an offender's criminal history; the offender's noncriminal
26 history; and any other factors relevant to the risk the offender
27 would present to the public safety, including, but not limited to,

1 having demonstrated a pattern of violent behavior, and a criminal
2 record that indicates a pattern of violent offenses.

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

9 (bb) "Offender success" means that an offender has, with the
10 support of the community, intervention of the field agent, and
11 benefit of any participation in programs and treatment, made an
12 adjustment while at liberty in the community such that he or she
13 has not been sentenced to or returned to prison for the conviction
14 of a new crime or the revocation of probation or parole.

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

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

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

27 (ii) A currently incarcerated felon or misdemeanant who is

1 granted early release from incarceration to a community corrections
2 program or who is granted early release from incarceration as a
3 result of a community corrections program.

4 (ee) "Programmatic success" means that the department program
5 or initiative has ensured that the offender has accomplished all of
6 the following:

7 (i) Obtained employment, has enrolled or participated in a
8 program of education or job training, or has investigated all bona
9 fide employment opportunities.

10 (ii) Obtained housing.

11 (iii) Obtained a state identification card.

12 (ff) "Recidivism" means the return of an individual to prison
13 within 3 years after he or she is released either with a new
14 sentence to prison or as a technical violator of parole conditions.

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

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

19 (ii) "Serious mental illness" means that term as defined in
20 section 100d(3) of the mental health code, 1974 PA 328, MCL
21 330.1100d.

22 (jj) "SSA" means the United States social security
23 administration.

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

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

1 Sec. 207. State employees shall be given opportunity to bid on
2 contracts that privatize services that are or were provided by
3 state employees. If the contract is awarded to any state employee,
4 he or she ceases being an employee of the state.

5 Sec. 208. The department shall use the Internet to fulfill the
6 reporting requirements of this act. This requirement may include
7 transmission of reports via electronic mail to the recipients
8 identified for each reporting requirement or it may include
9 placement of reports on an Internet or Intranet site.

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

20 Sec. 211. The department may charge fees and collect revenues
21 in excess of appropriations in part 1 not to exceed the cost of
22 offender services and programming, employee meals, parolee loans,
23 academic/vocational services, custody escorts, compassionate
24 visits, union steward activities, and public works programs and
25 services provided to local units of government. The revenues and
26 fees collected are appropriated for all expenses associated with
27 these services and activities.

1 Sec. 212. On a quarterly basis, the department shall report on
2 the number of full-time equated positions in pay status by civil
3 service classification to the senate and house appropriations
4 subcommittees on corrections, the legislative corrections
5 ombudsman, and the senate and house fiscal agencies. This report
6 shall include a detailed accounting of the long-term vacancies that
7 exist within each department. As used in this subsection, "long-
8 term vacancy" means any full-time equated position that has not
9 been filled at any time during the past 24 calendar months.

10 Sec. 214. The department shall receive and retain copies of
11 all reports funded from appropriations in part 1. Federal and state
12 guidelines for short-term and long-term retention of records shall
13 be followed. The department may electronically retain copies of
14 reports unless otherwise required by federal and state guidelines.

15 Sec. 216. The department shall prepare a report on out-of-
16 state travel expenses not later than January 1 of each year. The
17 travel report shall be a listing of 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 house and senate standing committees on
22 appropriations, the legislative corrections ombudsman, the house
23 and senate fiscal agencies, and the state budget director. The
24 report shall include the following information:

25 (a) The dates of each travel occurrence.

26 (b) The total transportation and related costs of each travel
27 occurrence, including the proportion funded with state general

1 fund/general purpose revenues, the proportion funded with state
2 restricted revenues, the proportion funded with federal revenues,
3 and the proportion funded with other revenues.

4 Sec. 219. (1) Any contract for prisoner telephone services
5 entered into after the effective date of this article shall include
6 a condition that fee schedules for prisoner telephone calls,
7 including rates and any surcharges other than those necessary to
8 meet special equipment costs, be the same as fee schedules for
9 calls placed from outside of correctional facilities.

10 (2) Revenues appropriated and collected for special equipment
11 funds shall be considered state restricted revenue. Of this
12 revenue, \$2,000,000.00 shall be used for programming that is a
13 condition of parole, such as violence prevention programming,
14 sexual offender programming, and thinking for a change, with
15 particular emphasis on individuals who are past their earliest
16 release dates. Any remaining balance shall be used for special
17 equipment and security projects. Unexpended funds remaining at the
18 close of the fiscal year shall not lapse to the general fund but
19 shall be carried forward and be available for appropriation in
20 subsequent fiscal years.

21 (3) The department shall submit a report to the house and
22 senate appropriations subcommittees on corrections, the house and
23 senate fiscal agencies, the legislative corrections ombudsman, and
24 the state budget director by February 1 outlining revenues and
25 expenditures from special equipment funds. The report shall include
26 all of the following:

27 (a) A list of all individual projects and purchases financed

1 with special equipment funds in the immediately preceding fiscal
2 year, the amounts expended on each project or purchase, and the
3 name of each vendor the products or services were purchased from.

4 (b) A list of planned projects and purchases to be financed
5 with special equipment funds during the current fiscal year, the
6 amounts to be expended on each project or purchase, and the name of
7 each vendor for which the products or services were purchased.

8 (c) A review of projects and purchases planned for future
9 fiscal years from special equipment funds.

10 Sec. 220. Not later than November 30, the state budget office
11 shall prepare and transmit a report that provides for estimates of
12 the total general fund/general purpose appropriation lapses at the
13 close of the fiscal year. This report shall summarize the projected
14 year-end general fund/general purpose appropriation lapses by major
15 departmental program or program areas. The report shall be
16 transmitted to the chairpersons of the senate and house of
17 representatives standing committees on appropriations and the
18 senate and house fiscal agencies.

19 Sec. 221. The department shall cooperate with the department
20 of technology, management, and budget to maintain a searchable
21 website accessible by the public at no cost that includes, but is
22 not limited to, all of the following for each department or agency:

23 (a) Fiscal year-to-date expenditures by category.

24 (b) Fiscal year-to-date expenditures by appropriation unit.

25 (c) Fiscal year-to-date payments to a selected vendor,
26 including the vendor name, payment date, payment amount, and
27 payment description.

1 (d) The number of active department employees by job
2 classification.

3 (e) Job specifications and wage rates.

4 Sec. 223. (1) In addition to the funds appropriated in part 1,
5 there is appropriated an amount not to exceed \$10,000,000.00 for
6 federal contingency funds. These funds are not available for
7 expenditure until they have been transferred to another line item
8 in this act under section 393(2) of the management and budget act,
9 1984 PA 431, MCL 18.1393.

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

22 (4) In addition to the funds appropriated in part 1, there is
23 appropriated an amount not to exceed \$2,000,000.00 for private
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 Sec. 229. Within 14 days after the release of the executive
2 budget recommendation, the department shall cooperate with the
3 state budget office to provide the senate and house appropriations
4 chairs, the senate and house appropriations subcommittee chairs,
5 and the senate and house fiscal agencies with an annual report on
6 estimated state restricted fund balances, state restricted fund
7 projected revenues, and state restricted fund expenditures for the
8 fiscal years ending September 30, 2013 and September 30, 2014.

9 Sec. 230. Funds appropriated in part 1 shall not be used by
10 the department to hire a person to provide legal services that are
11 the responsibility of the attorney general. This prohibition does
12 not apply to legal services for bonding activities and for those
13 outside services that the attorney general authorizes.

14 Sec. 231. The department shall maintain, on a publicly
15 accessible website, a department scorecard that identifies, tracks,
16 and regularly updates key metrics that are used to monitor and
17 improve the agency's performance.

18 Sec. 238. It is the intent of the legislature that the
19 department make additional efforts to sell, rent, or otherwise
20 repurpose closed correctional facilities.

21 Sec. 239. It is the intent of the legislature that the
22 department establish and maintain a management-to-staff ratio of
23 not more than 1 supervisor for each 5 employees at the department's
24 central office in Lansing and at both the northern and southern
25 region administration offices.

26 Sec. 245. The department shall issue a report to the senate
27 and house appropriations subcommittees on corrections, the senate

1 and house fiscal agencies, and the legislative corrections
2 ombudsman by October 1 which details the steps taken by the
3 department to implement the internal strategies and cost reductions
4 recommended by the supply chain transformation (SCT) continuous
5 quality improvement (CQI) teams and department personnel influenced
6 by the SCT/CQI activities. The department shall also identify which
7 SCT/CQI team recommendations were not implemented and explain why.

8 **EXECUTIVE**

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

18 Sec. 304. The director of the department shall maintain a
19 staff savings initiative program to invite employees to submit
20 suggestions for saving costs for the department.

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

1 following information:

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

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

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

5 (d) The date of the suicide.

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

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

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

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

17 (i) Whether the prisoner had previously attempted suicide.

18 **PRISONER RE-ENTRY AND COMMUNITY SUPPORT**

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

1 Sec. 402. (1) It is the intent of the legislature that the
2 funds appropriated in part 1 for prisoner re-entry programs be
3 expended for the purpose of reducing victimization by reducing
4 repeat offending through the following prisoner re-entry
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 (2) By March 1, the department shall provide a report on
16 prisoner re-entry expenditures and allocations to the members of
17 the senate and house appropriations subcommittees on corrections,
18 the legislative corrections ombudsman, the senate and house fiscal
19 agencies, and the state budget director. At a minimum, the report
20 shall include information on both of the 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 planned expenditures for each project
25 funded and for each project to be funded, itemized by service to be
26 provided and service provider. The department shall provide an
27 amended report quarterly, if any revisions to allocations or

1 planned expenditures occurred during that quarter.

2 Sec. 405. (1) In expending residential substance abuse
3 treatment services funds appropriated under this act, 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, the department shall report to the senate and
8 house appropriations subcommittees on corrections, the legislative
9 corrections ombudsman, the senate and house fiscal agencies, and
10 the state budget director on the allocation, distribution, and
11 expenditure of all funds appropriated by the substance abuse
12 testing and treatment line item during fiscal year 2012-2013 and
13 projected for fiscal year 2013-2014. The report shall include, but
14 not be limited to, an explanation of an anticipated year-end
15 balance, the number of participants in substance abuse programs,
16 and the number of offenders on waiting lists for residential
17 substance abuse programs. Information required under this
18 subsection shall, where possible, be separated by MDOC
19 administrative region and by offender type, including, but not
20 limited to, a distinction between prisoners, parolees, and
21 probationers.

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

1 those terms are defined in section 203.

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

12 Sec. 410. (1) The funds included in part 1 for community
13 corrections comprehensive plans and services are to encourage the
14 development through technical assistance grants, implementation,
15 and operation of community corrections programs that enhance
16 offender success and that also may serve as an alternative to
17 incarceration in a state facility or jail. The comprehensive
18 corrections plans shall include an explanation of how the public
19 safety will be maintained, the goals for the local jurisdiction,
20 offender target populations intended to be affected, offender
21 eligibility criteria for purposes outlined in the plan, and how the
22 plans will meet the following objectives, consistent with section
23 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

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

26 (b) Improve the appropriate utilization of jail facilities,
27 the first priority of which is to open jail beds intended to house

1 otherwise prison-bound felons, and the second priority being to
2 appropriately utilize jail beds so that jail crowding does not
3 occur.

4 (c) Open jail beds through the increase of pretrial release
5 options.

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

7 (e) Reduce the admission or readmission to prison of
8 offenders, including probation violators and parole violators, for
9 substance abuse violations.

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

12 (2) The award of community corrections comprehensive plans and
13 residential services funds shall be based on criteria that include,
14 but are not limited to, the prison commitment rate by category of
15 offenders, trends in prison commitment rates and jail utilization,
16 historical trends in community corrections program capacity and
17 program utilization, and the projected impact and outcome of annual
18 policies and procedures of programs on offender success, prison
19 commitment rates, and jail utilization.

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

25 Sec. 411. The comprehensive corrections plans shall also
26 include, where appropriate, descriptive information on the full
27 range of sanctions and services that are available and utilized

1 within the local jurisdiction and an explanation of how jail beds,
2 residential services, the special alternative incarceration
3 program, probation detention centers, the electronic monitoring
4 program for probationers, and treatment and rehabilitative services
5 will be utilized to support the objectives and priorities of the
6 comprehensive corrections plans and the purposes and priorities of
7 section 8(4) of the community corrections act, 1988 PA 511, MCL
8 791.408, that contribute to the success of offenders. The plans
9 shall also include, where appropriate, provisions that detail how
10 the local communities plan to respond to sentencing guidelines
11 found in chapter XVII of the code of criminal procedure, 1927 PA
12 175, MCL 777.1 to 777.69, and use the county jail reimbursement
13 program under section 414. The state community corrections board
14 shall encourage local community corrections advisory boards to
15 include in their comprehensive corrections plans strategies to
16 collaborate with local alcohol and drug treatment agencies of the
17 MDCH for the provision of alcohol and drug screening, assessment,
18 case management planning, and delivery of treatment to alcohol- and
19 drug-involved offenders.

20 Sec. 412. (1) As part of the March biannual report specified
21 in section 12(2) of the community corrections act, 1988 PA 511, MCL
22 791.412, that requires an analysis of the impact of that act on
23 prison admissions and jail utilization, the department shall submit
24 to the senate and house appropriations subcommittees on
25 corrections, the legislative corrections ombudsman, the senate and
26 house fiscal agencies, and the state budget director the following
27 information for each county and counties consolidated for

1 comprehensive corrections plans:

2 (a) Approved technical assistance grants and comprehensive
3 corrections plans including each program and level of funding, the
4 utilization level of each program, and profile information of
5 enrolled offenders.

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

9 (c) Status of the community corrections information system and
10 the jail population information system.

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

14 (e) Offender disposition data by sentencing guideline range,
15 by disposition type, by prior record variable score, by number and
16 percent statewide and by county, current year, and comparisons to
17 the previous 3 years.

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

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

23 Sec. 413. (1) The department shall identify and coordinate
24 information regarding the availability of and the demand for
25 community corrections programs, jail-based community corrections
26 programs, jail-based probation violation sanctions, and all state-
27 required jail data.

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

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

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

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

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

21 (b) The felon's minimum sentencing guidelines range minimum is
22 more than 12 months under the sentencing guidelines described in
23 subdivision (a).

24 (c) The felon was sentenced to jail for a felony committed
25 while he or she was on parole and under the jurisdiction of the
26 parole board and for which the sentencing guidelines recommended
27 range for the minimum sentence has an upper limit of more than 18

1 months.

2 (3) State reimbursement under this subsection shall be \$60.00
3 per diem per diverted offender for offenders with a presumptive
4 prison guideline score, \$50.00 per diem per diverted offender for
5 offenders with a straddle cell guideline for a group 1 crime, and
6 \$35.00 per diem per diverted offender for offenders with a straddle
7 cell guideline for a group 2 crime. Reimbursements shall be paid
8 for sentences up to a 1-year total.

9 (4) As used in this subsection:

10 (a) "Group 1 crime" means a crime in 1 or more of the
11 following offense categories: arson, assault, assaultive other,
12 burglary, criminal sexual conduct, homicide or resulting in death,
13 other sex offenses, robbery, and weapon possession as determined by
14 the department of corrections based on specific crimes for which
15 counties received reimbursement under the county jail reimbursement
16 program in fiscal year 2007 and fiscal year 2008, and listed in the
17 county jail reimbursement program document titled "FY 2007 and FY
18 2008 Group One Crimes Reimbursed", dated March 31, 2009.

19 (b) "Group 2 crime" means a crime that is not a group 1 crime,
20 including larceny, fraud, forgery, embezzlement, motor vehicle,
21 malicious destruction of property, controlled substance offense,
22 felony drunk driving, and other nonassaultive offenses.

23 (c) "In the custody of the sheriff" means that the convicted
24 felon has been sentenced to the county jail and is either housed in
25 the county jail or has been released from jail and is being
26 monitored through the use of the sheriff's electronic monitoring
27 system.

1 (5) County jail reimbursement program expenditures shall not
2 exceed the amount appropriated in part 1 for the county jail
3 reimbursement program. Payments to counties under the county jail
4 reimbursement program shall be made in the order in which properly
5 documented requests for reimbursements are received. A request
6 shall be considered to be properly documented if it meets MDOC
7 requirements for documentation. By October 15, 2013, the department
8 shall distribute the documentation requirements to all counties.

9 Sec. 416. Allowable uses of the felony drunk driver jail
10 reduction and community treatment program shall include reimbursing
11 counties for transportation, treatment costs, and housing felony
12 drunk drivers during a period of assessment for treatment and case
13 planning. Reimbursements for housing during the assessment process
14 shall be at the rate of \$43.50 per day per offender, up to a
15 maximum of 5 days per offender.

16 Sec. 417. (1) By March 1, the department shall report to the
17 members of the senate and house appropriations subcommittees on
18 corrections, the legislative corrections ombudsman, the senate and
19 house fiscal agencies, and the state budget director on each of the
20 following programs from the previous fiscal year:

21 (a) The county jail reimbursement program.

22 (b) The felony drunk driver jail reduction and community
23 treatment program.

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

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

1 (a) Program objectives and outcome measures, including, but
2 not limited to, the number of offenders who successfully completed
3 the program, and the number of offenders who successfully remained
4 in the community during the 3 years following termination from the
5 program.

6 (b) Expenditures by location.

7 (c) The impact on jail utilization.

8 (d) The impact on prison admissions.

9 (e) Other information relevant to an evaluation of the
10 program.

11 Sec. 418. (1) The department shall collaborate with the state
12 court administrative office on facilitating changes to Michigan
13 court rules that would require the court to collect at the time of
14 sentencing the state operator's license, state identification card,
15 or other documentation used to establish the identity of the
16 individual to be admitted to the department. The department shall
17 maintain those documents in the prisoner's personal file.

18 (2) 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 (3) The department shall collaborate with the department of
25 military and veterans affairs to create and maintain a process by
26 which prisoners can obtain a copy of their DD Form 214 or other
27 military discharge documentation if necessary.

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

7 (2) The department shall provide monthly electronic mail
8 reports to the senate and house appropriations subcommittees on
9 corrections, the legislative corrections ombudsman, the senate and
10 house fiscal agencies, and the state budget director. The reports
11 shall include information on end-of-month prisoner populations in
12 county jails, the net operating capacity according to the most
13 recent certification report, identified by date, and end-of-month
14 data, year-to-date data, and comparisons to the prior year for the
15 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, the department shall report to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house judiciary committees, the legislative corrections
12 ombudsman, the senate and house fiscal agencies, and the state
13 budget director on performance data and efforts to improve
14 efficiencies relative to departmental staffing, health care
15 services, food service, prisoner transportation, mental health care
16 services, and pharmaceutical costs.

17 Sec. 431. Upon offender request, the department shall ensure
18 that prior to release from prison, each offender has possession of
19 a set of clothing that would be appropriate and suitable for
20 wearing to an interview for employment.

21 Sec. 434. The department shall explore opportunities to
22 collaborate with Michigan colleges and universities on establishing
23 programs that will employ parolees in agricultural settings.

24 **OPERATIONS AND SUPPORT ADMINISTRATION**

25 Sec. 501. From the funds appropriated in part 1 for
26 prosecutorial and detainer expenses, the department shall reimburse

1 counties for housing and custody of parole violators and offenders
2 being returned by the department from community placement who are
3 available for return to institutional status and for prisoners who
4 volunteer for placement in a county jail.

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

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

19 Sec. 506. It is the intent of the legislature that the
20 department work cooperatively and share curriculum and outcome
21 goals with community colleges and colleges that are interested in
22 offering new employee training academies. The department shall
23 assist community colleges and colleges in gaining approval of the
24 corrections officer's training council, as required under 2012 PA
25 526. When possible, the community colleges and colleges the
26 department works with shall be geographically dispersed across the
27 state and whenever possible should be near department of

1 corrections facilities.

2 **FIELD OPERATIONS ADMINISTRATION**

3 Sec. 601. (1) From the funds appropriated in part 1, the
4 department shall conduct a statewide caseload audit of field
5 agents. The audit shall address public protection issues and assess
6 the ability of the field agents to complete their professional
7 duties. The complete audit shall be submitted to the senate and
8 house appropriations subcommittees on corrections, the legislative
9 corrections ombudsman, the senate and house fiscal agencies, and
10 the state budget office by March 1.

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

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

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

24 (3) Included in the appropriation in part 1 is adequate
25 funding to implement the community tether program to be
26 administered by the department. The community tether program is

1 intended to provide sentencing judges and county sheriffs in
2 coordination with local community corrections advisory boards
3 access to the state's electronic tether program to reduce prison
4 admissions and improve local jail utilization. The department shall
5 determine the appropriate distribution of the tether units
6 throughout the state based upon locally developed comprehensive
7 corrections plans under the community corrections act, 1988 PA 511,
8 MCL 791.401 to 791.414.

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

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

21 Sec. 608. By March 1, the department shall report to the
22 senate and house appropriations subcommittees on corrections, the
23 legislative corrections ombudsman, the senate and house fiscal
24 agencies, and the state budget director on the use of electronic
25 monitoring. At a minimum, the report shall include all of the
26 following:

27 (a) Details on the failure rate of parolees for whom GPS

1 tether is utilized, including the number and rate of parolee
2 technical violations, including specifying failures due to
3 committing a new crime that is uncharged but leads to parole
4 termination, and the number and rate of parolee violators with new
5 sentences.

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

10 (c) Monthly data on the number of offenders on active GPS
11 tether, passive GPS tether, radio frequency tether, and any other
12 type of tether.

13 Sec. 611. The department shall prepare by March 1 individual
14 reports for the community re-entry program, the electronic tether
15 program, and the special alternative to incarceration program. The
16 reports shall be submitted to the house and senate appropriations
17 subcommittees on corrections, the legislative corrections
18 ombudsman, the house and senate fiscal agencies, and the state
19 budget director. Each program's report shall include information on
20 all of the following:

21 (a) Monthly new participants by type of offender. Community
22 re-entry program participants shall be categorized by reason for
23 placement. For technical rule violators, the report shall sort
24 offenders by length of time since release from prison, by the most
25 recent violation, and by the number of violations occurring since
26 release from prison.

27 (b) Monthly participant unsuccessful terminations, including

1 cause.

2 (c) Number of successful terminations.

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

4 (e) Average length of placement.

5 (f) Return to prison statistics.

6 (g) Description of each program location or locations,
7 capacity, and staffing.

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

10 (i) Comparison with prior year statistics.

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

13 Sec. 612. (1) The department shall review and revise as
14 necessary policy proposals that provide alternatives to prison for
15 offenders being sentenced to prison as a result of technical
16 probation violations and technical parole violations. To the extent
17 the department has insufficient policies or resources to affect the
18 continued increase in prison commitments among these offender
19 populations, the department shall explore other policy options to
20 allow for program alternatives, including department or OCC-funded
21 programs, local level programs, and programs available through
22 private agencies that may be used as prison alternatives for these
23 offenders.

24 (2) To the extent policies or programs described in subsection
25 (1) are used, developed, or contracted for, the department may
26 request that funds appropriated in part 1 be transferred under
27 section 393(2) of the management and budget act, 1984 PA 431, MCL

1 18.1393, for their operation.

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

10 (4) The department shall provide annual reports to the senate
11 and house appropriations subcommittees on corrections, the
12 legislative corrections ombudsman, the senate and house fiscal
13 agencies, and the state budget director on the number of all
14 parolees returned to prison and probationers sentenced to prison
15 for either a technical violation or new sentence during the
16 preceding calendar quarter. The reports shall include the following
17 information each for probationers, parolees after their first
18 parole, and parolees who have been paroled more than once:

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

23 (b) The numbers of parole and probation violators returned to
24 or sent to prison for a technical violation and the type of
25 violation, including, but not limited to, zero gun tolerance and
26 substance abuse violations. For parole technical rule violators,
27 the report shall list violations by type, by length of time since

1 release from prison, by the most recent violation, and by the
2 number of violations occurring since release from prison.

3 (c) The educational history of those offenders, including how
4 many had a GED or high school diploma prior to incarceration in
5 prison, how many received a GED while in prison, and how many
6 received a vocational certificate while in prison.

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

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

12 Sec. 615. After the parole board has reviewed the cases of all
13 inmates sentenced to imprisonment for life with the possibility of
14 parole who have good institutional records, the parole board shall
15 calculate each inmate's parole guidelines score. The parole board
16 shall provide the legislature with the specific reason or reasons
17 why any individual inmate who scores "high probability of release"
18 is not being paroled. The parole board shall submit a report
19 containing a list of these reasons for each inmate to the house and
20 senate appropriations subcommittees on corrections, the house and
21 senate fiscal agencies, the legislative corrections ombudsman, and
22 the state budget director by January 1.

23 HEALTH CARE

24 Sec. 802. As a condition of expenditure of the funds
25 appropriated in part 1, the department shall provide the senate and
26 house of representatives appropriations subcommittees on

1 corrections, the legislative corrections ombudsman, the senate and
2 house fiscal agencies, and the state budget director with all of
3 the following:

4 (a) Quarterly reports on physical and mental health care
5 detailing quarterly and fiscal year-to-date expenditures itemized
6 by vendor, allocations, status of payments from contractors to
7 vendors, and projected year-end expenditures from accounts for
8 prisoner health care, mental health care, pharmaceutical services,
9 and durable medical equipment.

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

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

20 (2) By March 1, the department shall report to the senate and
21 house appropriations subcommittees on corrections, the legislative
22 corrections ombudsman, the senate and house fiscal agencies, and
23 the state budget director on prisoners receiving off-site inpatient
24 medical care that would have received care in a state correctional
25 facility if beds were available. The report shall include the
26 number of prisoners receiving off-site inpatient medical care and
27 average length of stay in an off-site facility during the period

1 they would have received care in a state correctional facility if
2 beds were available, by month and correctional facilities
3 administration region.

4 Sec. 806. From the funds appropriated in part 1, the
5 department shall require a hepatitis C antibody test and an HIV
6 test for each prisoner prior to release to the community by parole
7 or discharge on the maximum sentence. The requirement for a pre-
8 release test does not apply if the prisoner has previously tested
9 positive. The department shall require an HIV test and a hepatitis
10 C risk factor screening for each prisoner at the health screening
11 at admissions. If hepatitis C risk factors are identified, the
12 department shall offer the prisoner a hepatitis C antibody test. An
13 explanation of results of the tests shall be provided
14 confidentially to the prisoner, and if appropriate based on the
15 test results, the prisoner shall also be provided a recommendation
16 to seek follow-up medical attention.

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

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

1 appropriations subcommittees on corrections, the senate and house
2 fiscal agencies, and the state budget director on all of the
3 following:

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

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

10 (c) The number of parolees and offenders discharged on the
11 maximum sentence who are HIV or hepatitis C positive by paroling
12 office as reported to the state department of community health for
13 referral to the local public health department.

14 Sec. 812. (1) The department shall provide the department of
15 human services with a monthly list of prisoners newly committed to
16 the department of corrections. The department and the department of
17 human services shall enter into an interagency agreement under
18 which the department of human services provides the department of
19 corrections with monthly lists of newly committed prisoners who are
20 eligible for Medicaid benefits in order to maintain the process by
21 which Medicaid benefits are suspended rather than terminated. The
22 department shall assist prisoners who may be eligible for Medicaid
23 benefits after release from prison with the Medicaid enrollment
24 process prior to release from prison.

25 (2) The department shall provide the senate and house
26 appropriations subcommittees on corrections, the legislative
27 corrections ombudsman, the senate and house fiscal agencies, and

1 the state budget director with quarterly updates on the utilization
2 of Medicaid benefits for prisoners.

3 Sec. 814. The department shall assure that psychotropic
4 medications are available, when deemed medically necessary by a
5 licensed medical service provider, to prisoners who have mental
6 illness diagnoses but are not enrolled in corrections mental health
7 services.

8 Sec. 816. By April 1, the department shall provide the members
9 of the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, the state budget
11 director, and the legislative corrections ombudsman with a report
12 on pharmaceutical expenditures and prescribing practices. In
13 particular, the report shall provide the following information:

14 (a) A detailed accounting of expenditures on antipsychotic
15 medications.

16 (b) Any changes that have been made to the prescription drug
17 formularies.

18 (c) A progress report on the department's efforts to address
19 various findings outlined in audit report 471-0325-09L issued in
20 March 2011 by the Michigan office of the auditor general.

21 CORRECTIONAL FACILITIES ADMINISTRATION

22 Sec. 904. The department shall calculate the per prisoner/per
23 day cost for each prisoner security custody level. This calculation
24 shall include all actual direct and indirect costs for the previous
25 fiscal year, including, but not limited to, the value of services
26 provided to the department by other state agencies and the

1 allocation of statewide legacy costs. To calculate the per
2 prisoner/per day costs, the department shall divide these direct
3 and indirect costs by the average daily population for each custody
4 level. For multilevel facilities, the indirect costs that cannot be
5 accurately allocated to each custody level can be included in the
6 calculation on a per-prisoner basis for each facility. A report
7 summarizing these calculations and the direct and indirect costs
8 included in them shall be submitted to the senate and house
9 appropriations subcommittees on corrections, the legislative
10 corrections ombudsman, the senate and house fiscal agencies, and
11 the state budget director not later than December 15.

12 Sec. 906. Any local unit of government or private organization
13 that contracts with the department for public works services shall
14 be responsible for financing the entire cost of such an agreement.

15 Sec. 907. The department shall report by March 1 to the senate
16 and house appropriations subcommittees on corrections, the
17 legislative corrections ombudsman, the senate and house fiscal
18 agencies, and the state budget director on academic and vocational
19 programs. The report shall provide information relevant to an
20 assessment of the department's academic and vocational programs,
21 including, but not limited to, all of the following:

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

24 (b) The number of prisoners enrolled in each program, the
25 number of prisoners completing each program, the number of
26 prisoners who fail each program, the number of prisoners who do not
27 complete each program and the reason for not completing the

1 program, the number of prisoners transferred to another facility
2 while enrolled in a program and the reason for transfer, the number
3 of prisoners enrolled who are repeating the program by reason, and
4 the number of prisoners on waiting lists for each program, all
5 itemized by facility.

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

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

11 (e) An explanation of the value and purpose of each program,
12 for example, to improve employability, reduce recidivism, reduce
13 prisoner idleness, or some combination of these and other factors.

14 (f) An identification of program outcomes for each academic
15 and vocational program.

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

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

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

1 high-quality materials for use by the visually impaired.

2 Sec. 911. By March 1, the department shall report to the
3 senate and house appropriations subcommittees on corrections, the
4 senate and house fiscal agencies, the legislative corrections
5 ombudsman, and the state budget director the number of critical
6 incidents occurring each month by type and the number and severity
7 of assaults occurring each month at each facility during the
8 immediately preceding calendar year.

9 Sec. 912. The department shall report to the senate and house
10 appropriations subcommittees on corrections, the legislative
11 corrections ombudsman, the senate and house fiscal agencies, and
12 the state budget director by March 1 on the ratio of correctional
13 officers to prisoners for each correctional institution, the ratio
14 of shift command staff to line custody staff, and the ratio of
15 noncustody institutional staff to prisoners for each correctional
16 institution.

17 Sec. 913. (1) It is the intent of the legislature that any
18 prisoner required to complete a violence prevention program, sexual
19 offender program, or other program as a condition of parole shall
20 be transferred to a facility where that program is available in
21 order to accomplish timely completion of that program prior to the
22 expiration of his or her minimum sentence and eligibility for
23 parole. Nothing in this section should be deemed to make parole
24 denial appealable in court.

25 (2) The department shall submit a quarterly report to the
26 members of the senate and house appropriations subcommittees on
27 corrections, the senate and house fiscal agencies, the state budget

1 director, and the legislative corrections ombudsman detailing
2 enrollment in sex offender programming, assaultive offender
3 programming, violent offender programming, and thinking for change.

4 At a minimum, the report shall include the following:

5 (a) A full accounting of the number of individuals who are
6 required to complete the programming, but have not yet done so.

7 (b) The number of individuals who have reached their earliest
8 release date, but who have not completed required programming.

9 (c) A plan of action for addressing any waiting lists or
10 backlogs for programming that may exist.

11 Sec. 916. The department shall report by February 1 to the
12 senate and house appropriations subcommittees on corrections, the
13 legislative corrections ombudsman, the senate and house fiscal
14 agencies, and the state budget director on the number of computers
15 available for use by prisoners within each prison facility. The
16 report shall summarize the purpose and frequency of use of these
17 computers within each facility, and in particular shall provide
18 detail on the extent to which computers are utilized for education
19 programming, for both academic and vocational purposes.

20 Sec. 924. The department shall evaluate all prisoners at
21 intake for substance abuse disorders, developmental disorders,
22 serious mental illness, and other mental health disorders.
23 Prisoners with serious mental illness shall not be confined in
24 administrative segregation due to their serious mental illness. Due
25 to persistent high violence risk or severe disruptive behavior that
26 is unresponsive to treatment, prisoners may be placed in secure
27 specialized housing programs that will facilitate access to

1 institutional programming and ongoing mental health services, under
2 the supervision of a mental health professional. A prisoner with
3 serious mental illness who is confined in administrative
4 segregation under these specialized housing programs shall be
5 evaluated by a medical professional at a frequency of not less than
6 every 12 hours.

7 Sec. 925. By March 1, 2014, the department shall report to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, the legislative corrections
10 ombudsman, and the state budget director on the annual number of
11 prisoners in administrative segregation between October 1, 2003 and
12 September 30, 2013, and the annual number of prisoners in
13 administrative segregation between October 1, 2003 and September
14 30, 2013 who at any time during the current or prior prison term
15 were diagnosed with serious mental illness or have a developmental
16 disorder and the number of days each of the prisoners with serious
17 mental illness or a developmental disorder have been confined to
18 administrative segregation.

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

21 (a) Ensure that any inmate care and control staff in contact
22 with prisoners less than 18 years of age are adequately trained
23 with regard to the developmental and mental health needs of
24 prisoners less than 18 years of age. By April 1, 2014, the
25 department shall report to the senate and house appropriations
26 subcommittees on corrections, the senate and house fiscal agencies,
27 and the state budget director on the training curriculum used and

1 the number and types of staff receiving training under that
2 curriculum since October 2009.

3 (b) Provide appropriate placement for prisoners less than 18
4 years of age who have serious mental illness, serious emotional
5 disturbance, or a developmental disorder and need to be housed
6 separately from the general population. Prisoners less than 18
7 years of age who have serious mental illness, serious emotional
8 disturbance, or a developmental disorder shall not be placed in
9 administrative segregation for behavior due to serious mental
10 illness, serious emotional disturbance, or a developmental
11 disorder. Due to persistent high violence risk or severe disruptive
12 behavior that is unresponsive to treatment, prisoners less than 18
13 years of age may be placed in secure specialized housing programs
14 that will facilitate access to institutional programming and
15 ongoing mental health services, under the supervision of a mental
16 health professional. A prisoner less than 18 years of age with
17 serious mental illness, serious emotional disturbance, or a
18 developmental disorder who is confined in administrative
19 segregation under these specialized housing programs shall be
20 evaluated by a medical professional at a frequency of not less than
21 every 12 hours.

22 (c) Implement a specialized re-entry program that recognizes
23 the needs of prisoners less than 18 years old for supervised re-
24 entry.

25 Sec. 937. No state department or agency shall issue a request
26 for proposal (RFP) for a contract in excess of \$5,000,000.00,
27 unless the department or agency has first considered issuing a

1 request for information (RFI) or a request for qualification (RFQ)
2 relative to that contract to better enable the department or agency
3 to learn more about the market for the products or services that
4 are the subject of the future RFP. The department or agency shall
5 notify the department of technology, management, and budget of the
6 evaluation process used to determine if an RFI or RFQ was not
7 necessary prior to issuing the RFP.

8 Sec. 939. (1) By January 1, the department shall release a
9 request for proposal seeking competitive bids for prison stores,
10 prisoner clothing, and up to 1,750 custody beds.

11 (2) By January 1, the department shall release requests for
12 information for competitive bids for the electronic monitoring
13 center and for a secure detention facility that would house MDOC
14 inmates serving terms of 2 years or less and provide job training
15 and related programming.

16 (3) The department, working with the department of technology,
17 management, and budget, shall issue a quarterly report detailing
18 the current status of any requests for proposal or requests for
19 information required under this section. If the status of any item
20 listed in the report remains unchanged for more than 2 consecutive
21 reporting periods, the report shall provide an explanation of the
22 delay.

23 Sec. 940. (1) Any lease, rental, contract, or other legal
24 agreement that includes a provision allowing a private person or
25 entity to use state-owned facilities or other property to conduct a
26 for-profit business enterprise shall require the lessee to pay fair
27 market value for the use of the state-owned property.

1 (2) The lease, rental, contract, or other legal agreement
2 shall also require the party using the property to make a payment
3 in lieu of taxes to the local jurisdictions that would otherwise
4 receive property tax revenue, as if the property were not owned by
5 the state.

6 Sec. 942. The department shall ensure that any contract with a
7 public or private party to operate a facility to house state
8 prisoners includes a provision to allow access by both the office
9 of the legislative auditor general and the office of the
10 legislative corrections ombudsman to the facility and to
11 appropriate records and documents related to the operation of the
12 facility. These access rights for both offices shall be the same
13 for the contracted facility as for a general state-operated
14 correctional facility.

15 Sec. 947. The department may engage with a state of Michigan
16 501(c)(3) nonprofit agency to develop a pilot program to
17 manufacture prison clothing. This program shall utilize the
18 prisoner re-entry population and provide comprehensive job training
19 with the goal of transitioning into community employment. The pilot
20 program shall be funded from 15% of the current funds allocated to
21 Michigan services industry for the manufacture of prison clothing.
22 The nonprofit agency must have existing statewide capacity to serve
23 paroled prisoners. The agency selected will provide semi-annual
24 reports to the department, the senate and house appropriations
25 subcommittees on corrections, and the senate and house fiscal
26 agencies, detailing cost savings incurred and outcomes of parolee
27 employment programs.

1 **MISCELLANEOUS**

2 Sec. 1009. The department shall make an information packet for
3 the families of incoming prisoners available on the department's
4 website. The information packet shall be updated by February 1 of
5 each year thereafter. The packet shall provide information on
6 topics including, but not limited to: how to put money into
7 prisoner accounts, how to make phone calls or create Jpay email
8 accounts, how to visit in person, proper procedures for filing
9 complaints or grievances, the rights of prisoners to physical and
10 mental health care, how to utilize the offender tracking
11 information system (OTIS), truth-in-sentencing and how it applies
12 to minimum sentences, the parole process, and guidance on the
13 importance of the role of families in the reentry process. The
14 department is encouraged to partner with external advocacy groups
15 and actual families of prisoners in the packet-writing process to
16 ensure that the information is useful and complete.

17 Sec. 1011. The department shall accept in-kind services and
18 equipment donations to facilitate the addition of a cable network
19 that provides programming that will address the religious needs of
20 incarcerated individuals. This network shall be a cable television
21 network that presently reaches the majority of households in the
22 United States. A bilingual channel affiliated with this network may
23 also be added to department programming to assist the religious
24 needs of Spanish-speaking inmates. The addition of these channels
25 shall be of no additional cost to this state.

1 **CAPITAL OUTLAY**

2 Sec. 1051. The appropriations in part 1 for capital outlay
3 shall be carried forward at the end of the fiscal year consistent
4 with the provisions of section 248 of the management and budget
5 act, 1984 PA 431, MCL 18.1248.

6

PART 2A

7

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

8

FOR FISCAL YEAR 2014-2015

9 **GENERAL SECTIONS**

10 Sec. 1201. It is the intent of the legislature to provide
11 appropriations for the fiscal year ending on September 30, 2015 for
12 the line items listed in part 1. The fiscal year 2014-2015
13 appropriations are anticipated to be the same as those for fiscal
14 year 2013-2014, except that the line items will be adjusted for
15 changes in caseload and related costs, federal fund match rates,
16 economic factors, and available revenue. These adjustments will be
17 determined after the January 2014 consensus revenue estimating
18 conference.

19 Sec. 1202. It is the intent of the legislature that the
20 department identify the amounts for normal retirement costs and
21 legacy retirement costs for the fiscal year ending on September 30,
22 2015 for the line items listed in part 1.