

**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 Michigan population 43,953.0
Full-time equated unclassified positions..... 16.0

1	Full-time equated classified positions.....	14,480.5	
2	GROSS APPROPRIATION.....		\$ 2,020,377,600
3	Interdepartmental grant revenues:		
4	Total interdepartmental grants and intradepartmental		
5	transfers		1,109,600
6	ADJUSTED GROSS APPROPRIATION.....		\$ 2,019,268,000
7	Federal revenues:		
8	Total federal revenues.....		8,852,500
9	Special revenue funds:		
10	Total local revenues.....		266,200
11	Total private revenues.....		0
12	Total other state restricted revenues.....		53,348,500
13	State general fund/general purpose.....		\$ 1,956,800,800
14	State general fund/general purpose schedule:		
15	Ongoing state general fund/general		
16	purpose	\$1,951,381,300	
17	One-time state general fund/general		
18	purpose	\$5,419,500	
19	Sec. 102. EXECUTIVE		
20	Full-time equated unclassified positions.....	16.0	
21	Full-time equated classified positions.....	3.0	
22	Unclassified positions--16.0 FTE positions.....		\$ 1,667,100
23	Executive direction--3.0 FTE positions.....		1,741,700
24	Legacy - health care.....		158,205,400
25	Legacy - pension.....		179,789,700
26	Neal, et al. settlement agreement.....		<u>20,000,000</u>
27	GROSS APPROPRIATION.....		\$ 361,403,900

1	Appropriated from:		
2	State general fund/general purpose	\$	361,403,900
3	Sec. 103. PRISONER RE-ENTRY AND COMMUNITY SUPPORT		
4	Prisoner re-entry local service providers	\$	14,211,500
5	Prisoner re-entry MDOC programs		12,929,200
6	Prisoner re-entry federal grants		1,035,000
7	Public safety initiative		<u>2,250,000</u>
8	GROSS APPROPRIATION	\$	30,425,700
9	Appropriated from:		
10	Federal revenues:		
11	DOJ, prisoner reintegration		1,035,000
12	State general fund/general purpose	\$	29,390,700
13	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
14	Full-time equated classified positions		196.0
15	Operations support administration--108.1 FTE positions	\$	8,507,500
16	New custody staff training		5,378,300
17	Compensatory buyout and union leave bank		100
18	Worker's compensation		19,439,100
19	Bureau of fiscal management--65.9 FTE positions		6,825,700
20	Office of legal services--15.0 FTE positions		1,844,000
21	Internal affairs--7.0 FTE positions		1,047,600
22	Rent		2,095,200
23	Equipment and special maintenance		6,725,500
24	Administrative hearings officers		3,243,100
25	Judicial data warehouse user fees		50,000
26	Sheriffs' coordinating and training office		500,000
27	Prosecutorial and detainer expenses		4,551,000

1	County jail reimbursement program.....		<u>15,072,100</u>
2	GROSS APPROPRIATION.....	\$	75,279,200
3	Appropriated from:		
4	Interdepartmental grant revenues:		
5	IDG-MDSP, Michigan justice training fund.....		337,600
6	Special revenue funds:		
7	Jail reimbursement program fund.....		5,900,000
8	Special equipment fund.....		5,800,000
9	Local corrections officer training fund.....		500,000
10	Correctional industries revolving fund.....		590,000
11	State general fund/general purpose.....	\$	62,151,600
12	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
13	Full-time equated classified positions.....	2,163.4	
14	Field operations--1,821.9 FTE positions.....	\$	156,385,500
15	Parole board operations--41.0 FTE positions.....		3,871,400
16	Parole/probation services.....		2,243,500
17	Community re-entry centers--215.5 FTE positions.....		27,237,400
18	Electronic monitoring center--56.0 FTE positions.....		12,040,300
19	Community corrections administration--10.0 FTE		
20	positions.....		1,023,900
21	Substance abuse testing and treatment services--19.0		
22	FTE positions.....		21,923,100
23	Residential services.....		15,475,500
24	Community corrections comprehensive plans and services		12,158,000
25	Felony drunk driver jail reduction and community		
26	treatment program.....		<u>1,440,100</u>
27	GROSS APPROPRIATION.....	\$	253,798,700

1	Appropriated from:	
2	Federal revenues:	
3	DOJ, office of justice programs, RSAT.....	575,700
4	Special revenue funds:	
5	Local - community tether program reimbursement.....	266,200
6	Re-entry center offender reimbursements.....	23,800
7	Parole and probation oversight fees.....	6,192,100
8	Parole and probation oversight fees set-aside.....	2,664,800
9	Tether program, participant contributions.....	2,272,900
10	State general fund/general purpose.....	\$ 241,803,200
11	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION	
12	Full-time equated classified positions.....	1,056.0
13	Correctional facilities administration--21.5 FTE	
14	positions	\$ 6,312,700
15	Prison food service--341.0 FTE positions.....	57,392,300
16	Transportation--211.0 FTE positions.....	14,007,500
17	Central records--52.5 FTE positions.....	3,508,000
18	Inmate legal services.....	715,900
19	Loans to parolees.....	179,400
20	Housing inmates in federal institutions.....	993,800
21	Prison store operations--63.0 FTE positions.....	4,119,500
22	Prison industries operations--123.0 FTE positions....	12,508,000
23	Federal school lunch program.....	812,800
24	Leased beds and alternatives to leased beds.....	1,000,000
25	Public works programs.....	1,000,000
26	Cost-effective housing initiative.....	100
27	Inmate housing fund.....	100

1	Education program--244.0 FTE positions	<u>27,796,700</u>
2	GROSS APPROPRIATION.....	\$ 130,346,800
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDCH, forensic center food service	552,300
6	IDG-MDHS, Maxey/Woodland Center food service	219,700
7	Federal revenues:	
8	DAG-FNS, national school lunch	812,800
9	DED-OESE, title 1	552,500
10	DED-OVAE, adult education	943,800
11	DED-OSERS	114,100
12	DED, vocational education equipment	294,500
13	DED, youthful offender/Specter grant	1,365,400
14	DOJ-BOP, federal prisoner reimbursement	411,000
15	DOJ-OJP, serious and violent offender reintegration	
16	initiative	10,900
17	DOJ, prison rape elimination act grant	654,600
18	SSA-SSI, incentive payment	265,900
19	Federal education revenues	156,400
20	Special revenue funds:	
21	Correctional industries revolving fund	15,379,000
22	Public works user fees	1,000,000
23	Resident stores	5,590,000
24	State general fund/general purpose	\$ 102,023,900
25	Sec. 107. HEALTH CARE	
26	Full-time equated classified positions.....	1,519.3
27	Health care administration--15.0 FTE positions	\$ 2,212,900

1	Prisoner health care services	91,953,100
2	Vaccination program	691,200
3	Interdepartmental grant to human services,	
4	eligibility specialists	100,000
5	Mental health services and support--363.0 FTE	
6	positions	49,722,000
7	Clinical complexes--1,141.3 FTE positions	<u>116,504,500</u>
8	GROSS APPROPRIATION	\$ 261,183,700
9	Appropriated from:	
10	Special revenue funds:	
11	Prisoner health care copayments	285,700
12	State general fund/general purpose	\$ 260,898,000
13	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	
14	Average population	20,731.0
15	Full-time equated classified positions	4,239.9
16	Alger correctional facility - Munising--261.2 FTE	
17	positions	\$ 25,000,500
18	Average population	889.0
19	Baraga correctional facility - Baraga--295.8 FTE	
20	positions	27,240,000
21	Average population	884.0
22	Earnest C. Brooks correctional facility -	
23	Muskegon--443.7 FTE positions	39,737,300
24	Average population	2,512.0
25	Chippewa correctional facility - Kincheloe--436.3	
26	FTE positions	38,353,400
27	Average population	2,282.0

1	Kinross correctional facility - Kincheloe--323.8 FTE	
2	positions	29,102,500
3	Average population	1,799.0
4	Marquette branch prison - Marquette--308.4 FTE	
5	positions	30,754,300
6	Average population	1,201.0
7	Muskegon correctional facility - Muskegon--208.4 FTE	
8	positions	18,124,900
9	Average population	1,338.0
10	Newberry correctional facility - Newberry--207.8 FTE	
11	positions	19,393,700
12	Average population	978.0
13	Oaks correctional facility - Eastlake--295.6 FTE	
14	positions	27,723,600
15	Average population	1,156.0
16	Ojibway correctional facility - Marenisco--201.1 FTE	
17	positions	17,757,300
18	Average population	1,090.0
19	Central Michigan correctional facility - St.	
20	Louis--394.6 FTE positions	35,906,400
21	Average population	2,554.0
22	Pugsley correctional facility - Kingsley--210.9 FTE	
23	positions	18,805,700
24	Average population	1,342.0
25	Saginaw correctional facility - Freeland--287.4 FTE	
26	positions	26,073,900
27	Average population	1,480.0

1	St. Louis correctional facility - St. Louis--310.9		
2	FTE positions		29,599,100
3	Average population	1,226.0	
4	Northern region administration and support--54.0 FTE		
5	positions		<u>3,655,700</u>
6	GROSS APPROPRIATION.....		\$ 387,228,300
7	Appropriated from:		
8	State general fund/general purpose.....		\$ 387,228,300
9	Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES		
10	Average population	23,222.0	
11	Full-time equated classified positions.....	5,302.9	
12	Bellamy Creek correctional facility - Ionia--391.4		
13	FTE positions		\$ 35,030,200
14	1,850.0 positions in above line.....	391.4	
15	Average population	1,850.0	
16	Carson City correctional facility - Carson		
17	City--427.9 FTE positions		37,446,700
18	2,440.0 positions in above line.....	427.9	
19	Average population	2,440.0	
20	Cooper street correctional facility - Jackson--260.1		
21	FTE positions		22,587,600
22	Average population	1,799.0	
23	G. Robert Cotton correctional facility -		
24	Jackson--392.9 FTE positions		32,966,400
25	Average population	1,841.0	
26	Charles E. Egeler correctional facility -		
27	Jackson--372.7 FTE positions		37,816,500

1	Average population	1,376.0	
2	Richard A. Handlon correctional facility -		
3	Ionia--246.4 FTE positions		22,498,700
4	1,373.0 positions in above line.....	246.4	
5	Average population	1,373.0	
6	Gus Harrison correctional facility - Adrian--446.1		
7	FTE positions		38,949,900
8	Average population	2,342.0	
9	Womens Huron Valley correctional complex -		
10	Ypsilanti--521.0 FTE positions.....		48,881,900
11	Average population	1,872.0	
12	Ionia correctional facility - Ionia--293.8 FTE		
13	positions		26,669,100
14	Average population	654.0	
15	Lakeland correctional facility - Coldwater--269.9		
16	FTE positions		25,378,100
17	Average population	1,336.0	
18	Macomb correctional facility - New Haven--295.0 FTE		
19	positions		26,857,300
20	Average population	1,376.0	
21	Maxey/Woodland Center correctional facility -		
22	Whitmore Lake--264.4 FTE positions.....		18,401,800
23	Average population	328.0	
24	Michigan reformatory - Ionia--310.6 FTE positions		29,576,300
25	Average population	1,338.0	
26	Parnall correctional facility - Jackson--259.5 FTE		
27	positions		22,959,500

1	Average population	1,678.0	
2	Thumb correctional facility - Lapeer--286.2 FTE		
3	positions		26,232,000
4	Average population	1,219.0	
5	Special alternative incarceration program - Cassidy		
6	Lake--121.0 FTE positions		9,667,300
7	Average population	400.0	
8	Southern region administration and support--144.0		
9	FTE positions		<u>21,951,800</u>
10	GROSS APPROPRIATION.....		\$ 483,871,100
11	Appropriated from:		
12	Federal revenues:		
13	Federal revenues and reimbursements.....		1,659,900
14	Special revenue funds:		
15	State restricted revenues and reimbursements.....		283,900
16	State general fund/general purpose.....		\$ 481,927,300
17	Sec. 110. INFORMATION TECHNOLOGY		
18	Information technology services and projects.....		\$ <u>25,420,700</u>
19	GROSS APPROPRIATION.....		\$ 25,420,700
20	Appropriated from:		
21	Special revenue funds:		
22	Correctional industries revolving fund.....		176,000
23	Parole and probation oversight fees set-aside.....		690,300
24	State general fund/general purpose.....		\$ 24,554,400
25	Sec. 111. CAPITAL OUTLAY		
26	Capital outlay.....		\$ <u>6,000,000</u>
27	GROSS APPROPRIATION.....		\$ 6,000,000

1	Appropriated from:		
2	Special revenue funds:		
3	Special equipment fund.....	\$	6,000,000
4	State general fund/general purpose.....	\$	0
5	Sec. 113. ONE-TIME BASIS ONLY APPROPRIATIONS		
6	New custody staff training (one-time).....	\$	<u>5,419,500</u>
7	GROSS APPROPRIATION.....	\$	5,419,500
8	Appropriated from:		
9	State general fund/general purpose.....	\$	5,419,500

10 PART 2
11 PROVISIONS CONCERNING APPROPRIATIONS
12 FOR FISCAL YEAR 2013-2014

13 **GENERAL SECTIONS**

14 Sec. 201. Pursuant to section 30 of article IX of the state
15 constitution of 1963, total state spending from state resources
16 under part 1 for fiscal year 2013-2014 is \$2,010,149,300.00 and
17 state spending from state resources to be paid to local units of
18 government for fiscal year 2013-2014 is \$88,359,700.00. The
19 itemized statement below identifies appropriations from which
20 spending to local units of government will occur:

21 DEPARTMENT OF CORRECTIONS

22	Field operations - assumption of county		
23	probation staff	\$	57,036,100
24	Community corrections comprehensive plans		
25	and services		12,158,000

1	Community corrections residential services	15,475,500
2	Felony drunk driver jail reduction and	
3	community treatment program	1,440,100
4	Public safety initiative.....	<u>2,250,000</u>
5	TOTAL.....	\$ 88,359,700

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

9 Sec. 203. As used in this act:

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

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

- 17 (i) Northern and southern region correctional facilities.
- 18 (ii) Northern and southern region administration and support.
- 19 (iii) Northern and southern region clinical complexes.
- 20 (iv) Prisoner health care services.
- 21 (v) Health care administration.
- 22 (vi) Vaccination program.
- 23 (vii) Prison food service and federal school lunch program.
- 24 (viii) Transportation.
- 25 (ix) Inmate legal services.
- 26 (x) Correctional facilities administration.
- 27 (xi) Central records.

- 1 (xii) DOJ psychiatric plan.
- 2 (xiii) Worker's compensation.
- 3 (xiv) New custody staff training.
- 4 (xv) Prison store operations.
- 5 (xvi) Education services and federal education grants.
- 6 (xvii) Education program.
- 7 (c) "DAG" means the United States department of agriculture.
- 8 (d) "DAG-FNS" means the DAG food and nutrition service.
- 9 (e) "DED" means the United States department of education.
- 10 (f) "DED-OESE" means the DED office of elementary and
11 secondary education.
- 12 (g) "DED-OSERS" means the DED office of special education and
13 rehabilitative services.
- 14 (h) "DED-OVAE" means the DED office of vocational and adult
15 education.
- 16 (i) "Department" or "MDOC" means the Michigan department of
17 corrections.
- 18 (j) "DOJ" means the United States department of justice.
- 19 (k) "DOJ-BOP" means the DOJ bureau of prisons.
- 20 (l) "DOJ-OJP" means the DOJ office of justice programs.
- 21 (m) "Evidence-based practices" or "EBP" means a decision-
22 making process that integrates the best available research,
23 clinician expertise, and client characteristics.
- 24 (n) "FTE" means full-time equated.
- 25 (o) "GED" means general educational development certificate.
- 26 (p) "Goal" means the intended or projected result of a
27 comprehensive corrections plan or community corrections program to

1 reduce repeat offending, criminogenic and high-risk behaviors,
2 prison commitment rates, to reduce the length of stay in a jail, or
3 to improve the utilization of a jail.

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

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

6 (s) "IDG" means interdepartmental grant.

7 (t) "IDT" means intradepartmental transfer.

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

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

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

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

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

17 (z) "Objective risk and needs assessment" means an evaluation
18 of an offender's criminal history; the offender's noncriminal
19 history; and any other factors relevant to the risk the offender
20 would present to the public safety, including, but not limited to,
21 having demonstrated a pattern of violent behavior, and a criminal
22 record that indicates a pattern of violent offenses.

23 (aa) "Offender eligibility criteria" means particular criminal
24 violations, state felony sentencing guidelines descriptors, and
25 offender characteristics developed by advisory boards and approved
26 by local units of government that identify the offenders suitable
27 for community corrections programs funded through the office of

1 community corrections.

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

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

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

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

10 (iv) Not been sentenced to a jail term for a new criminal
11 offense.

12 (v) Obtained employment, has enrolled or participated in a
13 program of education or job training, or has investigated all bona
14 fide employment opportunities.

15 (vi) Obtained housing.

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

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

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

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

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

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

11 (ii) Obtained housing.

12 (iii) Obtained a state identification card.

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

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

16 (ii) The adjudication of a supervised individual for a
17 violation of the conditions of supervision while under community
18 supervision.

19 (iii) A sanction resulting from a violation of terms of
20 supervision that results in a return to prison without being
21 adjudicated.

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

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

26 (ii) "Serious mental illness" means that term as defined in
27 section 100d(3) of the mental health code, 1974 PA 328, MCL

1 330.1100d.

2 (jj) "SSA" means the United States social security
3 administration.

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

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

8 Sec. 208. Unless otherwise specified, the department shall use
9 the Internet to fulfill the reporting requirements of this act.
10 This requirement may include transmission of reports via electronic
11 mail to the recipients identified for each reporting requirement or
12 it may include placement of reports on an Internet or Intranet
13 site.

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

24 Sec. 211. The department may charge fees and collect revenues
25 in excess of appropriations in part 1 not to exceed the cost of
26 offender services and programming, employee meals, parolee loans,
27 academic/vocational services, custody escorts, compassionate

1 visits, union steward activities, and public works programs and
2 services provided to local units of government. The revenues and
3 fees collected are appropriated for all expenses associated with
4 these services and activities.

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

16 Sec. 216. The departments and agencies receiving
17 appropriations in part 1 shall prepare a report on out-of-state
18 travel expenses not later than January 1 of each year. The travel
19 report shall be a listing of all travel by classified and
20 unclassified employees outside this state in the immediately
21 preceding fiscal year that was funded in whole or in part with
22 funds appropriated in the department's budget. The report shall be
23 submitted to the house and senate standing committees on
24 appropriations, the legislative corrections ombudsman, the house
25 and senate fiscal agencies, and the state budget director. The
26 report shall include the following information:

27 (a) The dates of each travel occurrence.

1 (b) The total transportation and related costs of each travel
2 occurrence, including the proportion funded with state general
3 fund/general purpose revenues, the proportion funded with state
4 restricted revenues, the proportion funded with federal revenues,
5 and the proportion funded with other revenues.

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

12 (2) Revenues appropriated and collected for special equipment
13 funds shall be considered state restricted revenue and shall be
14 used for special equipment and security projects to facilitate the
15 replacement of personal protection systems, and the acquisition of
16 contraband detection systems. Unexpended funds remaining at the
17 close of the fiscal year shall not lapse to the general fund but
18 shall be carried forward and be available for appropriation in
19 subsequent fiscal years.

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

26 (a) A list of all individual projects and purchases financed
27 with special equipment funds in the immediately preceding fiscal

1 year, the amounts expended on each project or purchase, and the
2 name of each vendor the products or services were purchased from.

3 (b) A list of planned projects and purchases to be financed
4 with special equipment funds during the current fiscal year and the
5 amounts to be expended on each project or purchase.

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

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

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

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

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

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

27 (d) The number of active department employees by job

1 classification.

2 (e) Job specifications and wage rates.

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

9 (2) In addition to the funds appropriated in part 1, there is
10 appropriated an amount not to exceed \$5,000,000.00 for state
11 restricted contingency funds. These funds are not available for
12 expenditure until they have been transferred to another line item
13 in this act under section 393(2) of the management and budget act,
14 1984 PA 431, MCL 18.1393.

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

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

27 Sec. 224. By March 1, the department shall provide a report to

1 the senate and house appropriations subcommittees on corrections,
2 the legislative corrections ombudsman, the senate and house fiscal
3 agencies, and the state budget director. The report shall
4 individually identify all lawsuits filed against the department
5 during the fiscal year and those in process as of the beginning and
6 end of the fiscal year and shall indicate the nature of the
7 complaint by the plaintiff. The report shall individually indicate
8 the disposition of any lawsuit settled or adjudicated during the
9 fiscal year in which the settlement or ordered payment was
10 \$100,000.00 or more.

11 Sec. 229. Within 14 days after the release of the executive
12 budget recommendation, the department shall provide the state
13 budget director, the senate and house appropriations chairs, the
14 senate and house appropriations subcommittees on corrections,
15 respectively, the legislative corrections ombudsman, and the senate
16 and house fiscal agencies with an annual report on estimated state
17 restricted fund balances, state restricted fund projected revenues,
18 and state restricted fund expenditures for the fiscal years ending
19 September 30, 2013 and September 30, 2014.

20 Sec. 230. Funds appropriated in part 1 shall not be used by a
21 principal executive department, state agency, or authority to hire
22 a person to provide legal services that are the responsibility of
23 the attorney general. This prohibition does not apply to legal
24 services for bonding activities and for those outside services that
25 the attorney general authorizes.

26 Sec. 231. The department shall maintain, on a publicly
27 accessible website, a department scorecard that identifies, tracks,

1 and regularly updates key metrics that are used to monitor and
2 improve the agency's performance.

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

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

11 **EXECUTIVE**

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

21 Sec. 304. The director of the department shall maintain a
22 staff savings initiative program to invite employees to submit
23 suggestions for saving costs for the department.

24 Sec. 305. By March 1, the department shall report to the
25 senate and house appropriations subcommittees on corrections, the
26 legislative corrections ombudsman, the senate and house fiscal

1 agencies, and the state budget director on the number of prisoners
2 who committed suicide during the previous calendar year. To the
3 extent permitted by law, the report shall include all of the
4 following information:

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

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

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

8 (d) The date of the suicide.

9 (e) Whether the suicide occurred in a housing unit, a
10 segregation unit, a mental health unit, or elsewhere on the grounds
11 of the facility.

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

14 (g) Whether the prisoner had received a mental health
15 evaluation or assessment.

16 (h) Details on the department's responses to each suicide,
17 including immediate on-site responses and subsequent internal
18 investigations.

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

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

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

24 Sec. 401. The department shall submit 3-year and 5-year prison
25 population projection updates concurrent with submission of the
26 executive budget to the senate and house appropriations

1 subcommittees on corrections, the legislative corrections
2 ombudsman, the senate and house fiscal agencies, and the state
3 budget director. The report shall include explanations of the
4 methodology and assumptions used in developing the projection
5 updates.

6 Sec. 402. (1) It is the intent of the legislature that the
7 funds appropriated in part 1 for prisoner re-entry programs be
8 expended for the purpose of reducing victimization by reducing
9 repeat offending through the following prisoner re-entry
10 programming:

11 (a) The provision of employment or employment services and job
12 training.

13 (b) The provision of housing assistance.

14 (c) Referral to mental health services.

15 (d) Referral to substance abuse services.

16 (e) Referral to public health services.

17 (f) Referral to education.

18 (g) Referral to any other services necessary for successful
19 reintegration.

20 (2) By March 1, the department shall provide a report on
21 prisoner re-entry expenditures and allocations to the members of
22 the senate and house appropriations subcommittees on corrections,
23 the legislative corrections ombudsman, the senate and house fiscal
24 agencies, and the state budget director. At a minimum, the report
25 shall include information on both of the following:

26 (a) Details on prior-year expenditures, including amounts
27 spent on each project funded, itemized by service provided and

1 service provider.

2 (b) Allocations and planned expenditures for each project
3 funded and for each project to be funded, itemized by service to be
4 provided and service provider. The department shall provide an
5 amended report quarterly, if any revisions to allocations or
6 planned expenditures occurred during that quarter.

7 Sec. 405. (1) In expending residential substance abuse
8 treatment services funds appropriated under this act, the
9 department shall ensure to the maximum extent possible that
10 residential substance abuse treatment services are available
11 statewide.

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

27 (3) By March 1, the department shall report to the senate and

1 house appropriations subcommittees on corrections, the legislative
2 corrections ombudsman, the senate and house fiscal agencies, and
3 the state budget director on substance abuse testing and treatment
4 program objectives, outcome measures, and results, including
5 program impact on offender success and programmatic success as
6 those terms are defined in section 203.

7 Sec. 407. (1) By June 30, the department shall place the
8 statistical report from the immediately preceding calendar year on
9 an Internet site. The statistical report shall include, but not be
10 limited to, the information as provided in the 2004 statistical
11 report.

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

15 Sec. 408. The department shall measure the recidivism rates of
16 offenders using at least a 3-year period following their release
17 from prison. Any time spent in a county jail or otherwise
18 incarcerated shall be included in the recidivism rates.

19 Sec. 410. (1) The funds included in part 1 for community
20 corrections comprehensive plans and services are to encourage the
21 development through technical assistance grants, implementation,
22 and operation of community corrections programs that enhance
23 offender success and that also may serve as an alternative to
24 incarceration in a state facility or jail. The comprehensive
25 corrections plans shall include an explanation of how the public
26 safety will be maintained, the goals for the local jurisdiction,
27 offender target populations intended to be affected, offender

1 eligibility criteria for purposes outlined in the plan, and how the
2 plans will meet the following objectives, consistent with section
3 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

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

6 (b) Improve the appropriate utilization of jail facilities,
7 the first priority of which is to open jail beds intended to house
8 otherwise prison-bound felons, and the second priority being to
9 appropriately utilize jail beds so that jail crowding does not
10 occur.

11 (c) Open jail beds through the increase of pretrial release
12 options.

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

14 (e) Reduce the admission or readmission to prison of
15 offenders, including probation violators and parole violators, for
16 substance abuse violations.

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

19 (2) The award of community corrections comprehensive plans and
20 residential services funds shall be based on criteria that include,
21 but are not limited to, the prison commitment rate by category of
22 offenders, trends in prison commitment rates and jail utilization,
23 historical trends in community corrections program capacity and
24 program utilization, and the projected impact and outcome of annual
25 policies and procedures of programs on offender success, prison
26 commitment rates, and jail utilization.

27 (3) Funds awarded for residential services in part 1 shall

1 provide for a per diem reimbursement of not more than \$47.50 for
2 nonaccredited facilities, or of not more than \$48.50 for facilities
3 that have been accredited by the American corrections association
4 or a similar organization as approved by the department.

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

27 Sec. 412. (1) As part of the March biannual report specified

1 in section 12(2) of the community corrections act, 1988 PA 511, MCL
2 791.412, that requires an analysis of the impact of that act on
3 prison admissions and jail utilization, the department shall submit
4 to the senate and house appropriations subcommittees on
5 corrections, the legislative corrections ombudsman, the senate and
6 house fiscal agencies, and the state budget director the following
7 information for each county and counties consolidated for
8 comprehensive corrections plans:

9 (a) Approved technical assistance grants and comprehensive
10 corrections plans including each program and level of funding, the
11 utilization level of each program, and profile information of
12 enrolled offenders.

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

16 (c) Status of the community corrections information system and
17 the jail population information system.

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

21 (e) Offender disposition data by sentencing guideline range,
22 by disposition type, by prior record variable score, by number and
23 percent statewide and by county, current year, and comparisons to
24 the previous 3 years.

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

27 (2) The report required under subsection (1) shall include the

1 total funding allocated, program expenditures, required program
2 data, and year-to-date totals.

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

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

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

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

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

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

1 (b) The felon's minimum sentencing guidelines range minimum is
2 more than 12 months under the sentencing guidelines described in
3 subdivision (a).

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

9 (3) State reimbursement under this subsection shall be \$60.00
10 per diem per diverted offender for offenders with a presumptive
11 prison guideline score, \$50.00 per diem per diverted offender for
12 offenders with a straddle cell guideline for a group 1 crime, and
13 \$35.00 per diem per diverted offender for offenders with a straddle
14 cell guideline for a group 2 crime. Reimbursements shall be paid
15 for sentences up to a 1-year total.

16 (4) As used in this subsection:

17 (a) "Group 1 crime" means a crime in 1 or more of the
18 following offense categories: arson, assault, assaultive other,
19 burglary, criminal sexual conduct, homicide or resulting in death,
20 other sex offenses, robbery, and weapon possession as determined by
21 the department of corrections based on specific crimes for which
22 counties received reimbursement under the county jail reimbursement
23 program in fiscal year 2007 and fiscal year 2008, and listed in the
24 county jail reimbursement program document titled "FY 2007 and FY
25 2008 Group One Crimes Reimbursed", dated March 31, 2009.

26 (b) "Group 2 crime" means a crime that is not a group 1 crime,
27 including larceny, fraud, forgery, embezzlement, motor vehicle,

1 malicious destruction of property, controlled substance offense,
2 felony drunk driving, and other nonassaultive offenses.

3 (c) "In the custody of the sheriff" means that the convicted
4 felon has been sentenced to the county jail and is either housed in
5 the county jail or has been released from jail and is being
6 monitored through the use of the sheriff's electronic monitoring
7 system.

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

16 Sec. 416. Allowable uses of the felony drunk driver jail
17 reduction and community treatment program shall include reimbursing
18 counties for transportation, treatment costs, and housing felony
19 drunk drivers during a period of assessment for treatment and case
20 planning. Reimbursements for housing during the assessment process
21 shall be at the rate of \$43.50 per day per offender, up to a
22 maximum of 5 days per offender.

23 Sec. 417. (1) By March 1, the department shall report to the
24 members of 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 on each of the
27 following programs from the previous fiscal year:

1 (a) The county jail reimbursement program.

2 (b) The felony drunk driver jail reduction and community
3 treatment program.

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

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

8 (a) Program objectives and outcome measures, including, but
9 not limited to, the number of offenders who successfully completed
10 the program, and the number of offenders who successfully remained
11 in the community during the 3 years following termination from the
12 program.

13 (b) Expenditures by location.

14 (c) The impact on jail utilization.

15 (d) The impact on prison admissions.

16 (e) Other information relevant to an evaluation of the
17 program.

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

24 (2) The department shall provide monthly electronic mail
25 reports to the senate and house appropriations subcommittees on
26 corrections, the legislative corrections ombudsman, the senate and
27 house fiscal agencies, and the state budget director. The reports

1 shall include information on end-of-month prisoner populations in
2 county jails, the net operating capacity according to the most
3 recent certification report, identified by date, and end-of-month
4 data, year-to-date data, and comparisons to the prior year for the
5 following:

6 (a) Community residential program populations, separated by
7 centers and electronic monitoring.

8 (b) Parole populations.

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

11 (d) Prison and camp populations, with separate identification
12 of the number in special alternative incarceration and the number
13 of lifers.

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

16 (f) Prisoner exits, identifying transfers to community
17 placement, paroles from prisons and camps, paroles from community
18 placement, total movements to parole, prison intake, prisoner
19 deaths, prisoners discharging on the maximum sentence, and other
20 prisoner exits.

21 (g) Prison intake and returns, including probation violators,
22 new court commitments, violators with new sentences, escaper new
23 sentences, total prison intake, returns from court with additional
24 sentences, community placement returns, technical parole violator
25 returns, and total returns to prison and camp.

26 Sec. 420. By March 1, the department shall report to the
27 senate and house appropriations subcommittees on corrections, the

1 senate and house judiciary committees, the legislative corrections
2 ombudsman, the senate and house fiscal agencies, and the state
3 budget director on performance data and efforts to improve
4 efficiencies relative to departmental staffing, health care
5 services, food service, prisoner transportation, mental health care
6 services, and pharmaceutical costs.

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

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

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

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

23 **OPERATIONS AND SUPPORT ADMINISTRATION**

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

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

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

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

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

1 **FIELD OPERATIONS ADMINISTRATION**

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

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

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

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

23 (3) Included in the appropriation in part 1 is adequate
24 funding to implement the community tether program to be
25 administered by the department. The community tether program is
26 intended to provide sentencing judges and county sheriffs in
27 coordination with local community corrections advisory boards

1 access to the state's electronic tether program to reduce prison
2 admissions and improve local jail utilization. The department shall
3 determine the appropriate distribution of the tether units
4 throughout the state based upon locally developed comprehensive
5 corrections plans under the community corrections act, 1988 PA 511,
6 MCL 791.401 to 791.414.

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

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

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

25 (a) Details on the failure rate of parolees for whom GPS
26 tether is utilized, including the number and rate of parolee
27 technical violations, including specifying failures due to

1 committing a new crime that is uncharged but leads to parole
2 termination, and the number and rate of parolee violators with new
3 sentences.

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

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

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

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

25 (b) Monthly participant unsuccessful terminations, including
26 cause.

27 (c) Number of successful terminations.

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

2 (e) Average length of placement.

3 (f) Return to prison statistics.

4 (g) Description of each program location or locations,
5 capacity, and staffing.

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

8 (i) Comparison with prior year statistics.

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

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

22 (2) To the extent policies or programs described in subsection
23 (1) are used, developed, or contracted for, the department may
24 request that funds appropriated in part 1 be transferred under
25 section 393(2) of the management and budget act, 1984 PA 431, MCL
26 18.1393, for their operation.

27 (3) The department shall continue to utilize parole violator

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

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

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

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

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

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

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

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

21 HEALTH CARE

22 Sec. 802. As a condition of expenditure of the funds
23 appropriated in part 1, the department shall provide the senate and
24 house of representatives appropriations subcommittees on
25 corrections, the legislative corrections ombudsman, the senate and
26 house fiscal agencies, and the state budget director with all of

1 the following:

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

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

11 Sec. 804. (1) The department shall report quarterly 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 prisoner health care
15 utilization. The report shall include the number of inpatient
16 hospital days, outpatient visits, and emergency room visits in the
17 previous quarter and since October 1, 2009, by facility.

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

1 administration region.

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

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

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

1 benefits after release from prison with the Medicaid enrollment
2 process prior to release from prison.

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

8 Sec. 814. The department shall assure that psychotropic
9 medications are available, when deemed medically necessary by a
10 licensed medical service provider, to prisoners who have mental
11 illness diagnoses but are not enrolled in corrections mental health
12 services.

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

19 (a) A detailed accounting of expenditures on antipsychotic
20 medications.

21 (b) Any changes that have been made to the prescription drug
22 formularies.

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

26 **CORRECTIONAL FACILITIES ADMINISTRATION**

1 Sec. 904. The department shall calculate the per prisoner/per
2 day cost for each prisoner security custody level. This calculation
3 shall include all direct and indirect costs for the current fiscal
4 year, including, but not limited to, the value of services provided
5 to the department by other state agencies. To calculate the per
6 prisoner/per day costs, the department shall divide these direct
7 and indirect costs by the average daily population for each custody
8 level. The department shall perform this calculation twice for each
9 custody level. In the first calculation, the costs shall include
10 the allocation of statewide legacy costs, and in the second
11 calculation, the costs shall exclude the allocation of statewide
12 legacy costs. A report summarizing these calculations shall be
13 submitted to the senate and house appropriations subcommittees on
14 corrections, the legislative corrections ombudsman, the senate and
15 house fiscal agencies, and the state budget director not later than
16 December 15.

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

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

27 (a) The number of instructors and the number of instructor

1 vacancies, by program and facility.

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

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

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

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

19 (f) An identification of program outcomes for each academic
20 and vocational program.

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

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

27 Sec. 910. The department shall allow the Michigan Braille

1 transcribing fund program to operate at its current location. The
2 donation of the building by the Michigan Braille transcribing fund
3 at the G. Robert Cotton correctional facility in Jackson is
4 acknowledged and appreciated. The department shall continue to
5 encourage the Michigan Braille transcribing fund program to produce
6 high-quality materials for use by the visually impaired.

7 Sec. 911. By March 1, 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 the number of critical
11 incidents occurring each month by type and the number and severity
12 of assaults occurring each month at each facility during the
13 immediately preceding calendar year.

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

22 Sec. 913. (1) It is the intent of the legislature that any
23 prisoner required to complete a violence prevention program, sexual
24 offender program, or other program as a condition of parole shall
25 be transferred to a facility where that program is available in
26 order to accomplish timely completion of that program prior to the
27 expiration of his or her minimum sentence and eligibility for

1 parole. Nothing in this section should be deemed to make parole
2 denial appealable in court.

3 (2) The department shall submit a quarterly report to the
4 members of the senate and house appropriations subcommittees on
5 corrections, the senate and house fiscal agencies, the state budget
6 director, and the legislative corrections ombudsman detailing
7 enrollment in sex offender programming, assaultive offender
8 programming, violent offender programming, and thinking for change.
9 At a minimum, the report shall include the following:

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

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

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

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

25 Sec. 924. The department shall evaluate all prisoners at
26 intake for substance abuse disorders, developmental disorders,
27 serious mental illness, and other mental health disorders.

1 Prisoners with serious mental illness or developmental disorder
2 shall not be confined in administrative segregation. Under the
3 supervision of a mental health professional, a prisoner with
4 serious mental illness or developmental disorder may be secluded in
5 a therapeutic environment for the safety of the prisoner or others.
6 A prisoner in therapeutic seclusion shall be evaluated by a mental
7 health professional not less than every 8 hours.

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

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

22 (a) Ensure that any inmate care and control staff in contact
23 with prisoners less than 19 years of age are adequately trained
24 with regard to the developmental and mental health needs of
25 prisoners less than 19 years of age. By April 1, 2013, the
26 department shall report to the senate and house appropriations
27 subcommittees on corrections, the legislative corrections

1 ombudsman, the senate and house fiscal agencies, and the state
2 budget director on the training curriculum used and the number and
3 types of staff receiving training under that curriculum since
4 October 2009.

5 (b) Provide appropriate placement for prisoners less than 19
6 years of age who have serious mental illness, serious emotional
7 disturbance, or a developmental disorder and need to be housed
8 separately from the general population. Prisoners less than 19
9 years of age who have serious mental illness, serious emotional
10 disturbance, or a developmental disorder shall not be placed in
11 administrative segregation. Under the supervision of a mental
12 health professional, a prisoner less than 19 years of age with
13 serious mental illness or serious emotional disturbance may be
14 secluded in a therapeutic environment for the safety of the
15 prisoner or others. A prisoner in therapeutic seclusion shall be
16 evaluated not less than every 8 hours by a mental health
17 professional in order to remain in therapeutic seclusion.

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

21 Sec. 938. The department shall designate an individual to be
22 responsible for responding to questions that legislators, vendors,
23 and the public submit to the department about pending requests for
24 proposals or requests for information. The department shall respond
25 to these inquiries within 15 business days.

26 Sec. 939. (1) By January 1, the department shall release a
27 request for proposal seeking competitive bids for the food service

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1 operations, 1,750 custody beds, and the electronic monitoring
2 center.

3 (2) By January 1, the department shall release <<requests for
4 information for competitive bids for prisoner clothing produced by
5 Michigan state industries and for a secure detention facility that
would house MDOC inmates serving terms of 2 years or less and
provide job training and related programming.>>

6 (3) The department, working with the department of technology,
7 management, and budget, shall issue a quarterly report detailing
8 the current status of any requests for proposal or requests for
9 information required under this section. If the status of any item
10 listed in the report remains unchanged for more than 2 consecutive
11 reporting periods, the report shall provide an explanation of the
12 delay.

13 (4) When coordinating with the department of technology,
14 management, and budget to competitively bid a department service,
15 the department shall disclose to bidders in advance of bid
16 submission all costs, including accrued legacy costs and
17 administrative oversight costs, that will be included in the
18 analysis of the potential savings of the bids.

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

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

1 changes in caseload and related costs, federal fund match rates,
2 economic factors, and available revenue. These adjustments will be
3 determined after the January 2014 consensus revenue estimating
4 conference.