

HOUSE BILL NO. 5122

October 16, 2019, Introduced by Rep. Reilly and referred to the Committee on Government Operations.

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

2

LINE-ITEM APPROPRIATIONS

3

Sec. 101. There is appropriated for various state departments

4

and agencies to supplement appropriations for the fiscal year



JLB



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ending September 30, 2020, from the following funds:

APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	14,814,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	14,814,600
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		5,900,000
State general fund/general purpose	\$	8,914,600

Sec. 102. DEPARTMENT OF CORRECTIONS

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	14,814,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	14,814,600
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		5,900,000
State general fund/general purpose	\$	8,914,600

(2) DEPARTMENTAL ADMINISTRATION AND SUPPORT



1	County jail reimbursement program	\$	14,814,600
2	GROSS APPROPRIATION	\$	<u>14,814,600</u>
3	Appropriated from:		
4	Special revenue funds:		
5	Jail reimbursement program fund		5,900,000
6	State general fund/general purpose	\$	8,914,600

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources in this appropriation act for the fiscal year ending September 30, 2020 is \$14,814,600.00 and state spending from state sources to be paid to local units of government is \$14,814,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

County jail reimbursement program	\$	14,814,600
TOTAL		<u>0</u>

Sec. 202. The appropriations made and expenditures authorized under this act and the departments, commissions, boards, offices, and programs for which appropriations are made under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

DEPARTMENT OF CORRECTIONS

1 Sec. 301. (1) The department shall administer a county jail
2 reimbursement program from the funds appropriated in part 1 for the
3 purpose of reimbursing counties for housing in jails certain felons who
4 otherwise would have been sentenced to prison.

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

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

16 (b) The felon's minimum sentencing guidelines range minimum is more
17 than 12 months under the sentencing guidelines described in subdivision
18 (a).

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

23 (3) State reimbursement under this section shall be \$65.00 per diem
24 per diverted offender for offenders with a presumptive prison guideline
25 score, \$55.00 per diem per diverted offender for offenders with a straddle
26 cell guideline for a group 1 crime, and \$40.00 per diem per diverted
27 offender for offenders with a straddle cell guideline for a group 2 crime.
28 Reimbursements shall be paid for sentences up to a 1-year total.

29 (4) As used in this section:



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

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

13 (c) "In the custody of the sheriff" means that the convicted felon
14 has been sentenced to the county jail and is either housed in a county
15 jail, is in custody but is being housed at a hospital or medical facility
16 for a medical or mental health purpose, or has been released from jail and
17 is being monitored through the use of the sheriff's electronic monitoring
18 system.

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

27 (6) Any county that receives funding under this section for the
28 purpose of housing in jails certain felons who otherwise would have been
29 sentenced to prison shall, as a condition of receiving the funding, report

1 by September 30 an annual average jail capacity and annual average jail
2 occupancy for the immediately preceding fiscal year.

3 (7) Any county that enacts or enforces any law, ordinance, policy,
4 or rule that limits or prohibits a peace officer or local official,
5 officer, or employee from communicating or cooperating with appropriate
6 federal officials concerning the immigration status of an individual in
7 this state is not eligible to receive reimbursement from funds
8 appropriated in part 1 to house in jails certain felons who otherwise
9 would have been sentenced to prison.

10 (8) Not later than February 1, the department shall report to the
11 senate and house appropriations subcommittees on corrections all of the
12 following information:

13 (a) The number of inmates sentenced to the custody of the sheriff
14 and eligible for the county jail reimbursement program.

15 (b) The total amount paid to counties under the county jail
16 reimbursement program.

17 (c) The total number of days inmates were in the custody of the
18 sheriff and eligible for the county jail reimbursement program.

19 (d) The number of inmates sentenced to the custody of the sheriff
20 under each of the 3 categories: presumptive prison, group 1 crime, and
21 group 2 crime in subsection (3).

22 (e) The total amount paid to counties under each of the 3
23 categories: presumptive prison, group 1 crime, and group 2 crime in
24 subsection (3).

25 (f) The total number of days inmates were in the custody of the
26 sheriff under each of the 3 categories: presumptive prison, group 1 crime,
27 and group 2 crime in subsection (3).

28 (g) The estimated cost of housing inmates sentenced to the custody
29 of the sheriff and eligible for the county jail reimbursement program as



1 inmates of a state prison.

