

HOUSE BILL No. 4813

May 10, 1989, Introduced by Reps. Hart, Emerson and Clack and referred to the Committee on Corrections.

A bill to amend Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 65f..

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 232 of the Public Acts of 1953, as
2 amended, being sections 791.201 to 791.283 of the Michigan
3 Compiled Laws, is amended by adding section 65f to read as
4 follows:

5 SEC. 65F. (1) AS USED IN THIS SECTION:

6 (A) "COMMUNITY CORRECTIONS PLACEMENT" MEANS A COMMUNITY RES-
7 IDENTIAL HOME OR A COMMUNITY CORRECTIONS CENTER.

8 (B) "COMMUNITY RESIDENTIAL HOME" AND "COMMUNITY CORRECTIONS
9 CENTER" MEAN THOSE TERMS AS DEFINED IN SECTION 65A.

10 (C) "PRISONER" MEANS A PERSON WHO IS UNDER THE JURISDICTION
11 OF THE DEPARTMENT, HAS NOT BEEN RELEASED ON PAROLE OR DISCHARGED,
12 AND IS IN COMMUNITY CORRECTIONS PLACEMENT.

13 (2) FOR THE PURPOSE OF THIS SECTION, THE DEPARTMENT SHALL
14 PROMULGATE RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF
15 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS
16 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS, WITHIN 120 DAYS
17 AFTER THE EFFECTIVE DATE OF THIS SECTION. THE RULES PROMULGATED
18 BY THE DEPARTMENT SHALL PRESCRIBE ALL OF THE FOLLOWING:

19 (A) WHICH MAJOR MISCONDUCT VIOLATIONS ARE A BASIS FOR THE
20 RETURN OF A PRISONER TO A CORRECTIONAL FACILITY PURSUANT TO SUB-
21 SECTION (9).

22 (B) ANY OTHER FACTORS WHICH MAY BE A BASIS FOR THE RETURN OF
23 A PRISONER TO A CORRECTIONAL FACILITY, INCLUDING POSTED RULE
24 VIOLATIONS.

25 (3) THE DEPARTMENT SHALL ESTABLISH CURFEWS WHICH EVERY
26 PRISONER IN COMMUNITY CORRECTIONS PLACEMENT SHALL ADHERE TO,

1 EXCEPT THAT PRISONERS WHO ARE EMPLOYED, IN SCHOOL, OR
2 PARTICIPATING IN SPECIAL TREATMENT SERVICES MAY BE PERMITTED TO
3 HAVE EXTENDED CURFEW HOURS, IF NECESSARY.

4 (4) EVERY PRISONER IN COMMUNITY CORRECTIONS PLACEMENT SHALL
5 BE EMPLOYED OR SHALL PARTICIPATE IN AN EDUCATIONAL OR TRAINING
6 PROGRAM OR SHALL SEEK EMPLOYMENT UNLESS HE OR SHE IS PARTICIPAT-
7 ING IN SPECIAL TREATMENT SERVICES REQUIRED UNDER SUBSECTION (5).

8 (5) A PRISONER IN COMMUNITY CORRECTIONS PLACEMENT SHALL PAR-
9 TICIPATE IN SUBSTANCE ABUSE COUNSELING OR OTHER SPECIAL TREATMENT
10 SERVICES IF SUCH PARTICIPATION IS RECOMMENDED BY EITHER THE
11 DEPARTMENT STAFF THAT DETERMINES COMMUNITY CORRECTIONS PLACEMENT
12 ELIGIBILITY, OR COMMUNITY CORRECTIONS PLACEMENT STAFF. A
13 PRISONER'S PARTICIPATION SHALL ONLY BE REQUIRED IF APPROPRIATE
14 SERVICES ARE AVAILABLE.

15 (6) EACH DAY BEFORE LEAVING A COMMUNITY CORRECTIONS CENTER
16 WHERE A PRISONER IS HOUSED, THE PRISONER SHALL PROVIDE THE STAFF
17 OF THE COMMUNITY CORRECTIONS CENTER WITH HIS OR HER INTENDED
18 DESTINATION OR DESTINATIONS, WHICH SHALL BE REGISTERED BY THE
19 STAFF IN A LOG BOOK. WEEKLY RANDOM VERIFICATION OF EMPLOYMENT
20 AND JOB PERFORMANCE OR OTHER DESTINATIONS TO WHICH A PRISONER HAS
21 SIGNED OUT SHALL BE CONDUCTED BY COMMUNITY CORRECTIONS PLACEMENT
22 STAFF.

23 (7) A PRISONER IN COMMUNITY CORRECTIONS PLACEMENT SHALL NOT
24 KNOWINGLY ENTER OR REMAIN ON THE PREMISES OF AN ESTABLISHMENT
25 THAT HAS AS ITS PRIMARY PURPOSE THE SALE OF ALCOHOLIC LIQUOR FOR
26 CONSUMPTION ON THE PREMISES, UNLESS THE PRISONER IS SEEKING
27 EMPLOYMENT OR IS EMPLOYED AT THE ESTABLISHMENT. AS USED IN THIS

1 SUBSECTION, "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN
2 SECTION 2 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE
3 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION 436.2 OF
4 THE MICHIGAN COMPILED LAWS.

5 (8) A RANDOM BIWEEKLY SCREENING FOR THE DETECTION OF ALCO-
6 HOL, MARIHUANA, DIAZEPAM, AMPHETAMINES, BARBITURATES, MORPHINE,
7 METHADONE, PHENOTHIAZINE, COCAINE, CODEINE, PROPOXYPHENE
8 (DARVON), DEMEROL, TALWIN, AND OTHER SUBSTANCES, AS PROVIDED BY
9 RULES PROMULGATED BY THE DEPARTMENT, SHALL BE CONDUCTED OF EACH
10 PRISONER IN COMMUNITY CORRECTIONS PLACEMENT.

11 (9) ANY PRISONER IN COMMUNITY CORRECTIONS PLACEMENT WHO HAS
12 BEEN FOUND GUILTY OF 1 MAJOR MISCONDUCT VIOLATION THAT REQUIRES
13 DETENTION PRIOR TO AN ADMINISTRATIVE HEARING ON THE VIOLATION, AS
14 PRESCRIBED BY RULES PROMULGATED BY THE DEPARTMENT, SHALL BE IMME-
15 DIATELY RECLASSIFIED TO A STATE CORRECTIONAL FACILITY AND SHALL
16 ONLY BE ELIGIBLE FOR COMMUNITY CORRECTIONS PLACEMENT AFTER HIS OR
17 HER PAROLE DATE HAS BEEN ESTABLISHED.

18 (10) A PRISONER IN COMMUNITY CORRECTIONS PLACEMENT WHO HAS
19 BEEN FOUND GUILTY OF 1 MAJOR MISCONDUCT VIOLATION MAY BE RECLAS-
20 SIFIED TO A STATE CORRECTIONAL FACILITY, IF THE DEPARTMENT DETER-
21 MINES THAT THE CIRCUMSTANCES AND BEHAVIOR OF THE PRISONER WARRANT
22 THAT ACTION.