

# SENATE BILL No. 50

January 11, 1989, Introduced by Senators WELBORN and DINGELL and referred to the Committee on Criminal Justice, Urban Affairs and Economic Development.

A bill to create a jail council as an autonomous entity within the department of management and budget; to prescribe the powers and duties of the jail council and certain other state officers and agencies; to implement a system of funding county jail operation and improvement; and to provide for the promulgation of rules.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Council" means the jail council created in section 2.

3       (b) "Director" means the executive director of the council  
4 appointed under section 5.

5       (c) "Jail" or "county jail" means a facility that is oper-  
6 ated by a county primarily for the detention of persons charged  
7 with, or convicted of, criminal offenses or ordinance violations,  
8 or persons found guilty of civil or criminal contempt, for not

1 more than 1 year; but does not include a holding cell, holding  
2 center, or lockup as those terms are defined in section 62 of Act  
3 No. 232 of the Public Acts of 1953, being section 791.262 of the  
4 Michigan Compiled Laws.

5 (d) "Jail standards" means the standards promulgated by rule  
6 under section 4(a).

7 Sec. 2. (1) A jail council is created within the office of  
8 criminal justice of the department of management and budget. The  
9 council and the director shall exercise their powers and duties,  
10 including budgeting and management, as an autonomous entity,  
11 independent of the director of the department of management and  
12 budget.

13 (2) The council shall consist of 7 members who shall be  
14 appointed by the governor with the advice and consent of the  
15 senate. The qualifications of the members shall be as follows:

16 (a) Three members shall be county sheriffs appointed to the  
17 council by the governor from a list of 6 names submitted by the  
18 Michigan sheriffs association.

19 (b) Two members shall represent the judges of the circuit  
20 court and the recorder's court of this state appointed to the  
21 council by the governor from a list of 4 names submitted by the  
22 Michigan judges association.

23 (c) Two members shall represent the prosecuting attorneys of  
24 this state appointed to the council by the governor from a list  
25 of 4 names submitted by the prosecuting attorneys association of  
26 Michigan. One of the prosecuting attorneys appointed under this  
27 subdivision shall be from a county having a population of less

1 than 37,000, and 1 shall be from a county having a population of  
2 37,000 or more.

3 (3) At the council's first meeting, 1 member of the council  
4 shall be selected by a majority of the council members to be  
5 chairperson.

6 (4) The term of each member of the council shall be 3 years,  
7 except that of the members first appointed, 3 shall serve for 3  
8 years, 2 shall serve for 2 years, and 2 shall serve for 1 year.  
9 A vacancy on the council shall be filled for the balance of the  
10 unexpired term in the same manner as the original appointment.

11 (5) The actual and necessary per diem compensation and the  
12 schedule for reimbursement of expenses for the members of the  
13 council shall be the same as is established annually by the leg-  
14 islature for similar councils that are reimbursed from the gen-  
15 eral fund.

16 Sec. 3. (1) The business that the council performs shall be  
17 conducted at a public meeting of the council held in compliance  
18 with the open meetings act, Act No. 267 of the Public Acts of  
19 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
20 Laws. Public notice of the time, date, and place of the meeting  
21 shall be given in the manner required by Act No. 267 of the  
22 Public Acts of 1976.

23 (2) A writing prepared, owned, used, in the possession of,  
24 or retained by the council in the performance of an official  
25 function shall be made available to the public in compliance with  
26 the freedom of information act, Act No. 442 of the Public Acts of

1 1976, being sections 15.231 to 15.246 of the Michigan Compiled  
2 Laws.

3 Sec. 4. The council shall do all of the following:

4 (a) Develop standards of security, safety, habitability,  
5 health, and accommodations for jails. In developing the jail  
6 standards, the council shall solicit and consider the advice of  
7 local criminal justice officials. The council shall promulgate  
8 rules to implement the jail standards required by this section.

9 (b) Ensure compliance by counties with the jail standards.

10 (c) Prescribe standards for the allocation of money to coun-  
11 ties for the purposes of this act, pursuant to recommendations by  
12 the director and subject to section 6.

13 (d) Administer the county jail improvement fund created in  
14 section 6, pursuant to recommendations by the director.

15 (e) Establish a per diem rate of reimbursement to counties  
16 for housing prisoners serving felony sentences, as required in  
17 section 6(3).

18 Sec. 5. (1) The council shall appoint an executive  
19 director. The director shall serve at the pleasure of the coun-  
20 cil and shall receive compensation as prescribed by the  
21 legislature.

22 (2) The director shall employ personnel as necessary to  
23 carry out his or her duties under this act. The personnel shall  
24 have experience and background in the administration of county  
25 jails. The director shall do all of the following:

26 (a) Conduct research for the purpose of establishing jail  
27 standards.

1 (b) Inspect jails to determine compliance by counties with  
2 the jail standards.

3 (c) Make recommendations to the council as to the amount of  
4 money to be allocated to counties under section 6, and recommen-  
5 dations as to the ability of counties to comply with jail  
6 standards.

7 (d) Serve as a consultant to counties to help jails comply  
8 with jail standards.

9 Sec. 6. (1) There is established in the state treasury a  
10 county jail improvement fund. The fund shall consist of any  
11 money appropriated annually for the purpose of this act, and any  
12 other money contributed to the fund from any other source. To  
13 the extent that money is appropriated annually by the legislature  
14 to the fund, the fund shall be expended by the state treasurer  
15 according to the direction of the council. The fund shall be  
16 used for annual allocations to counties under subsection (2), and  
17 for reimbursement to counties for housing prisoners serving  
18 felony sentences under subsection (3). The council annually  
19 shall determine the proportion of the fund to be allocated  
20 according to subsection (2) or (3).

21 (2) The council shall allocate money from the fund annually  
22 to counties for making any capital improvements or new construc-  
23 tion necessary to bring the jails into compliance with the jail  
24 standards, for programs to reduce jail overcrowding, and for  
25 other purposes related to the administration of jails, as  
26 approved by the council. The council annually shall determine  
27 the amount to be allocated to each county under this subsection.

1 The amount allocated to each county may differ between counties  
2 according to the compliance by a county with the jail standards,  
3 and in all cases the allocation to each county shall be matched  
4 annually by the county by at least an equal amount of local funds  
5 for those same purposes, subject to section 7.

6 (3) The council shall reimburse counties for the expense of  
7 housing persons in the county jail who are sentenced or committed  
8 to a jail for all or part of a term of imprisonment of more than  
9 1 year. The rate of reimbursement shall be determined by the  
10 council, and may differ between counties according to the compli-  
11 ance by a county with jail standards.

12 (4) The funds allocated to a county under this act shall not  
13 supplant, in whole or in part, a county's spending for county  
14 correctional purposes.

15 Sec. 7. If a county is unable to contribute the full amount  
16 of local funds required to match 1 or more annual allocations of  
17 state funds under section 6(1), the council may enter into an  
18 agreement with the county by which the county agrees to repay the  
19 equivalent of the matching funds in the form of services by hous-  
20 ing state prisoners in existing county jail facilities, or in  
21 county jail facilities that are to be constructed or renovated  
22 with money allocated under this act.

23 Sec. 8. The rules required by this act shall be promulgated  
24 pursuant to the administrative procedures act of 1969, Act  
25 No. 306 of the Public Acts of 1969, being sections 24.201 to  
26 24.328 of the Michigan Compiled Laws.

