

SENATE BILL No. 495

June 14, 1989, Introduced by Senators POLLACK, WELBORN, DINGELL, CONROY, CARL and NICHOLS and referred to the Committee on Criminal Justice and Urban Affairs.

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 sections 65f and 65g.

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 sections 65f and 65g to read
4 as follows:

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

6 (A) "COMMUNITY CORRECTIONS FACILITY" OR "FACILITY" MEANS A
7 COMMUNITY CORRECTIONS CENTER, HALFWAY HOUSE, OR SIMILAR FACILITY
8 THAT HOUSES 2 OR MORE PRISONERS OUTSIDE OF A CORRECTIONAL
9 FACILITY.

10 (B) "COMMITTEE" MEANS A COMMUNITY OVERSIGHT COMMITTEE FORMED
11 UNDER SECTION 65G(1).

12 (C) "COMMUNITY STATUS CRITERIA" MEANS THE CRITERIA ESTAB-
13 LISHED IN R 791.4410 OF THE MICHIGAN ADMINISTRATIVE CODE FOR
14 DETERMINING WHICH PRISONERS ARE ELIGIBLE TO BE PLACED IN COMMU-
15 NITY CORRECTIONS FACILITIES.

16 (D) "PRISONER" MEANS A PERSON WHO IS UNDER THE JURISDICTION
17 OF THE DEPARTMENT AND HAS NOT BEEN RELEASED ON PAROLE OR
18 DISCHARGED.

19 (2) A PRISONER WHO DOES NOT MEET THE COMMUNITY STATUS CRI-
20 TERIA SHALL NOT BE PLACED IN A COMMUNITY CORRECTIONS FACILITY.

21 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A PRISONER WHO IS
22 PLACED IN A COMMUNITY CORRECTIONS FACILITY SHALL BE PLACED IN A
23 COMMUNITY CORRECTIONS FACILITY THAT IS LOCATED IN 1 OF HIS OR HER
24 HOME COUNTIES IN THIS STATE. A PRISONER'S HOME COUNTY OR COUN-
25 TIES INCLUDE ALL OF THE FOLLOWING:

1 (A) THE COUNTY OF THE PRISONER'S MOST RECENT RESIDENCE AS
2 LISTED ON THE PRISONER'S PRESENTENCE REPORT.

3 (B) A COUNTY IN WHICH THE PRISONER'S SPOUSE, PARENT, GRAND-
4 PARENT, BROTHER, SISTER, OR CHILD RESIDES.

5 (4) NOTWITHSTANDING SUBSECTION (3), NOT MORE THAN 10% OF THE
6 PRISONERS PLACED IN COMMUNITY CORRECTIONS FACILITIES EACH YEAR
7 MAY BE PLACED IN COMMUNITY CORRECTIONS FACILITIES THAT ARE NOT
8 LOCATED IN THEIR HOME COUNTIES.

9 (5) THE DEPARTMENT SHALL ESTABLISH A CURFEW OF 6:00 P.M.
10 FOR EVERY PRISONER PLACED IN A COMMUNITY CORRECTIONS FACILITY,
11 EXCEPT THAT PRISONERS WHO ARE EMPLOYED, IN SCHOOL, PARTICIPATING
12 IN SPECIAL TREATMENT SERVICES, OR ON APPROVED FAMILY VISITS SHALL
13 BE PERMITTED TO HAVE EXTENDED CURFEW HOURS, IF NECESSARY FOR
14 THOSE PURPOSES.

15 (6) RANDOM CHECKS SHALL BE CONDUCTED AT LEAST 3 TIMES EACH
16 WEEK FOR ALL PRISONERS WHO ARE ALLOWED OFF THE PREMISES OF THE
17 COMMUNITY CORRECTIONS FACILITY FOR PURPOSES OF EMPLOYMENT, SEEK-
18 ING EMPLOYMENT, ATTENDING SCHOOL, RECEIVING TREATMENT, OR FOR ANY
19 OTHER APPROVED REASON. THE RANDOM CHECKS SHALL BE FOR THE PUR-
20 POSE OF VERIFYING THAT EACH PRISONER ALLOWED OFF THE PREMISES IS
21 PARTICIPATING AS SCHEDULED IN THE FUNCTION FOR WHICH HE OR SHE IS
22 ALLOWED OFF THE PREMISES.

23 SEC. 65G. (1) THE LEGISLATIVE BODY OF A CITY, VILLAGE, OR
24 TOWNSHIP IN WHICH A COMMUNITY CORRECTIONS FACILITY IS LOCATED MAY
25 FORM A 5-MEMBER COMMUNITY OVERSIGHT COMMITTEE BY SENDING WRITTEN
26 NOTICE OF ITS INTENTION TO FORM A COMMUNITY OVERSIGHT COMMITTEE

1 TO THE BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE CITY,
2 VILLAGE, OR TOWNSHIP IS LOCATED.

3 (2) WITHIN 30 DAYS AFTER RECEIVING THE NOTICE, THE COUNTY
4 BOARD OF COMMISSIONERS SHALL APPOINT 5 MEMBERS TO THE COMMITTEE.
5 THREE OF THE MEMBERS SHALL BE RESIDENTS OF THE CITY, VILLAGE, OR
6 TOWNSHIP IN WHICH THE COMMUNITY CORRECTIONS FACILITY IS LOCATED.
7 THE REMAINING 2 MEMBERS NEED NOT BE RESIDENTS OF THAT CITY, VIL-
8 LAGE, OR TOWNSHIP, BUT IN APPOINTING THOSE MEMBERS THE BOARD OF
9 COMMISSIONERS SHALL GIVE PRIORITY TO CANDIDATES WHO ARE RESIDENTS
10 OF CITIES, VILLAGES, OR TOWNSHIPS IN WHICH THE PRISONERS IN THAT
11 FACILITY ARE LIKELY TO BE EMPLOYED OR SEEKING EMPLOYMENT, ATTEND-
12 ING SCHOOL, OR RECEIVING TREATMENT. EACH MEMBER SHALL SERVE AT
13 THE PLEASURE OF THE COUNTY BOARD OF COMMISSIONERS THAT APPOINTED
14 THAT MEMBER.

15 (3) A COMMUNITY OVERSIGHT COMMITTEE SHALL SELECT A CHAIR-
16 PERSON FROM AMONG ITS MEMBERS AND OTHER OFFICERS NECESSARY FOR
17 CONDUCTING THE COMMITTEE'S BUSINESS. A COMMUNITY CORRECTIONS
18 COMMITTEE SHALL MEET AT LEAST ONCE EACH MONTH, AT A PLACE AND
19 TIME DETERMINED BY THE CHAIRPERSON.

20 (4) THE CENTER SUPERVISOR OF A COMMUNITY CORRECTIONS FACILI-
21 TY, AT THE REQUEST OF A COMMUNITY OVERSIGHT COMMITTEE IN WHOSE
22 JURISDICTION THAT COMMUNITY CORRECTIONS FACILITY IS LOCATED,
23 SHALL MEET WITH THE COMMITTEE AND SHALL PROVIDE TO THE COMMITTEE
24 ALL OF THE FOLLOWING INFORMATION FOR THAT COMMUNITY CORRECTIONS
25 FACILITY FOR THE REPORTING PERIOD BEGINNING ON THE DATE OF THE
26 LAST MEETING UNDER THIS SUBSECTION AND ENDING THE DAY BEFORE THE
27 DATE OF THE MEETING:

1 (A) THE NUMBER OF PRISONERS PLACED IN THE COMMUNITY
2 CORRECTIONS FACILITY AND THE NUMBER OF PRISONERS RETURNED FROM
3 THE COMMUNITY CORRECTIONS FACILITY TO A CORRECTIONAL FACILITY FOR
4 DISCIPLINARY REASONS.

5 (B) THE INSTITUTIONAL NUMBER, RECORD OF CONVICTIONS, AND
6 TERM OF SENTENCE OF EACH PRISONER PLACED IN THE FACILITY, AND A
7 SUMMARY OF THE DISCIPLINARY PROBLEMS OR MISCONDUCT CITATIONS, IF
8 ANY, FOR EACH OF THOSE PRISONERS.

9 (C) THE NUMBER OF PRISONERS IN THE FACILITY WHO TESTED POSI-
10 TIVE FOR THE PRESENCE OF ALCOHOL OR CONTROLLED SUBSTANCES.

11 (D) THE NUMBER OF PRISONERS WHO WERE APPREHENDED AND CHARGED
12 WITH THE COMMISSION OF A NEW CRIMINAL OFFENSE WHILE THEY WERE
13 PLACED IN THE FACILITY, OR AFTER THEY HAD ESCAPED FROM THE FACIL-
14 ITY AND BEFORE THEY HAD BEEN RECAPTURED.

15 (E) THE NUMBER OF INCIDENTS IN WHICH A PRISONER PLACED IN
16 THE FACILITY WAS ABSENT FROM THE FACILITY WITHOUT AUTHORIZATION,
17 OR FAILED TO REPORT TO EMPLOYMENT, SCHOOL, TREATMENT, OR OTHER
18 DESTINATION AS TO WHICH THE PRISONER'S ABSENCE FROM THE FACILITY
19 WAS AUTHORIZED.

20 (F) THE NUMBER OF PRISONERS IN THE FACILITY WHO ARE IN
21 TREATMENT PROGRAMS, AND A SUMMARY OF THE SERVICES OFFERED BY
22 THOSE PROGRAMS.

23 (G) THE NUMBER OF PRISONERS IN THE FACILITY WHO ARE
24 EMPLOYED, AND THE NUMBER WHO ARE IN EDUCATION PROGRAMS.

25 (H) THE NUMBER OF PERSONNEL EMPLOYED AT THE FACILITY AND
26 THEIR JOB CLASSIFICATIONS, AND THE NUMBER AND JOB CLASSIFICATION

1 OF ANY PERSONNEL POSITIONS AT THE FACILITY THAT ARE NOT FILLED AT
2 THE TIME OF THE REPORT.

3 (5) A CENTER SUPERVISOR SHALL NOT BE REQUIRED TO MEET WITH A
4 COMMUNITY OVERSIGHT COMMITTEE MORE OFTEN THAN ONCE EACH MONTH.
5 IF A COMMUNITY CORRECTIONS FACILITY DOES NOT HAVE A CENTER SUPER-
6 VISOR, THE DUTIES OF THE CENTER SUPERVISOR UNDER SUBSECTION (4)
7 SHALL BE PERFORMED BY A REGIONAL SUPERVISOR, FIELD AGENT, OR
8 OTHER PERSON DESIGNATED BY THE DEPARTMENT AS BEING GENERALLY
9 RESPONSIBLE FOR OVERSEEING THE DAILY OPERATION OF THAT COMMUNITY
10 CORRECTIONS FACILITY.

11 (6) IF A COMMUNITY OVERSIGHT COMMITTEE DETERMINES THAT THE
12 PLACEMENT OF A PRISONER INTO A COMMUNITY CORRECTIONS FACILITY
13 WITHIN ITS JURISDICTION WAS MADE IN VIOLATION OF THE COMMUNITY
14 STATUS CRITERIA, THE COMMITTEE SHALL GIVE WRITTEN OR VERBAL
15 NOTICE OF THAT FACT TO THE CENTER SUPERVISOR OF THE FACILITY, AND
16 THE CENTER SUPERVISOR, UNLESS HE OR SHE BELIEVES IN GOOD FAITH
17 THAT THE COMMITTEE IS INCORRECT IN ITS DETERMINATION, SHALL CAUSE
18 THE PRISONER TO BE RETURNED TO A CORRECTIONAL FACILITY WITHIN 24
19 HOURS AFTER RECEIVING THE NOTICE. IF THE CENTER SUPERVISOR
20 BELIEVES THAT THE COMMITTEE WAS INCORRECT IN ITS DETERMINATION,
21 THE CENTER SUPERVISOR SHALL MEET WITH THE COMMITTEE OR COMMITTEE
22 CHAIRPERSON WITHIN 48 HOURS AFTER RECEIVING THE NOTICE, AND SHALL
23 REVIEW THE PRISONER'S RECORD AND THE COMMUNITY PLACEMENT CRITERIA
24 AND SHALL DETERMINE, IN COOPERATION WITH THE COMMITTEE OR COMMIT-
25 TEE CHAIRPERSON, WHETHER OR NOT THE PLACEMENT VIOLATES THE COMMU-
26 NITY PLACEMENT CRITERIA. IF IT IS DETERMINED THAT THE PLACEMENT
27 DOES VIOLATE THE COMMUNITY PLACEMENT CRITERIA, THE CENTER

1 SUPERVISOR SHALL CAUSE THE PRISONER TO BE RETURNED TO A
2 CORRECTIONAL FACILITY WITHIN 24 HOURS AFTER THE MEETING.

3 (7) IN ADDITION TO ANY ACTIONS TAKEN UNDER SUBSECTION (6),
4 IF A COMMUNITY OVERSIGHT COMMITTEE DETERMINES THAT A PRISONER HAS
5 BEEN PLACED IN A COMMUNITY CORRECTIONS FACILITY IN VIOLATION OF
6 THE COMMUNITY STATUS CRITERIA, THE COMMITTEE MAY GIVE NOTICE OF
7 THAT PLACEMENT TO THE CHAIRPERSONS OF THE SENATE AND HOUSE APPRO-
8 PRIATIONS COMMITTEES AND TO THE STATE REPRESENTATIVES AND STATE
9 SENATORS FROM THAT DISTRICT. THE NOTIFICATION MAY BE MADE ON A
10 CASE-BY-CASE BASIS OR IN THE ANNUAL REPORT UNDER SUBSECTION (8),
11 OR BOTH.

12 (8) EACH COMMUNITY OVERSIGHT COMMITTEE SHALL REPORT ANNUALLY
13 TO THE COUNTY BOARD OF COMMISSIONERS FOR THAT COUNTY, THE CHAIR-
14 PERSONS OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES, AND
15 THE STATE REPRESENTATIVES AND STATE SENATORS FOR THAT DISTRICT.
16 THE REPORT SHALL DESCRIBE THE EFFECT ON THE CITY, VILLAGE, OR
17 TOWNSHIP AND THE SURROUNDING COMMUNITIES OF THE COMMUNITY CORREC-
18 TIONS FACILITIES IN THE COMMITTEE'S JURISDICTION, AND SHALL
19 INCLUDE A SUMMARY OF INFORMATION PROVIDED TO THE COMMITTEE UNDER
20 SUBSECTION (4). THE DEPARTMENT SHALL ASSIST ANY COMMITTEE IN
21 PREPARING THE REPORT REQUIRED UNDER THIS SUBSECTION, AT THE
22 REQUEST OF THE COMMITTEE.

23 (9) A COMMUNITY OVERSIGHT COMMITTEE ALSO SHALL DO BOTH OF
24 THE FOLLOWING:

25 (A) GENERALLY OVERSEE AND REVIEW THE PLACEMENT AND SUPERVI-
26 SION OF PRISONERS IN FACILITIES WITHIN ITS JURISDICTION.

1 (B) ACT AS A LIAISON BETWEEN THE RESIDENTS OF THE AREA
2 AFFECTED BY THE COMMUNITY CORRECTIONS FACILITIES IN ITS
3 JURISDICTION AND LOCAL AND STATE ELECTED OFFICIALS AS TO ISSUES
4 CONCERNING THE COMMUNITY CORRECTIONS FACILITY.