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BILL ANALYSIS

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House Bill 5800 (Substitute S-1 as reported)
Sponsor: Representative Geoff Hansen
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Corrections Code to specify that if the Michigan Youth Correctional Facility (MYCF) were not used by the Department of Corrections (DOC) for housing inmates or detainees under its jurisdiction, the private vendor that operated the facility could use it for housing, custody, and care of detainees or inmates from other local, state, or Federal agencies. The vendor could do so by contracting directly with any of those agencies or by having any of them enter into an interlocal agreement with the township, county, or sheriff of the county where the facility is located, who in turn could contract with the private vendor under the terms of the interlocal agreement. If all contractual factors regarding potential inmates or detainees were equal, the private vendor would have to give preference to admitting inmates or detainees sent from agencies within Michigan.

The bill also would do all of the following:

- Require that a contract for housing detainees or inmates mandate that the facility be accredited by the American Correctional Association (ACA); that employees meet ACA training standards; and that serious incidents be reported to the county sheriff or State Police.
- Authorize staff of the facility to perform duties and responsibilities to the same extent as DOC personnel in a State correctional facility.
- Prohibit a contract from delegating to the vendor certain authority regarding the calculation of parole eligibility or earned credits.
- Require the facility to allow agencies sending inmates to monitor conditions of confinement.
- Specify that the DOC would not be responsible for oversight of the facility, and the State would not be civilly liable for damages arising out of the facility's operation.
- Prohibit inmate work release; provide that inmates or detainees with a security classification above Level IV could not be housed at the facility; require inmates and detainees to be transferred in a secure manner; and prohibit the release in Michigan of inmates sent from out of State.

Proposed MCL 791.220i

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill would provide an option for the Department of Corrections or local units of government to house inmates at a cost saving, the State or local units would incur decreased corrections costs. To the extent that the bill would result in additional employment at the facility and in region, and thus cause improvements in the local economy, local units near the facility would benefit from additional tax revenue.

Date Completed: 6-22-06

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.