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BILL ANALYSIS

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House Bill 5800 (Substitute H-4 as passed by the House)  
Sponsor: Representative Geoff Hansen  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 6-19-06

### **CONTENT**

**The bill would amend the Corrections Code to do all of the following:**

- Allow the private vendor operating the Michigan Youth Correctional Facility (MYCF) to use the facility to house inmates or detainees from other local, state, or Federal agencies, if it were not used to house inmates under the jurisdiction of the Michigan Department of Corrections (DOC).**
- Require that a contract for housing detainees or inmates under the bill mandate that the facility be accredited, that employees meet certain 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 with a local, state, or Federal agency from delegating to the vendor certain authority regarding parole eligibility or earned credits.**
- Require the facility to allow agencies sending inmates to monitor conditions of confinement.**
- Prohibit inmate work release; prescribe inmates' security classification; and prohibit the release in Michigan of inmates sent from out of State.**

#### Use of the MYCF

Under the bill, if the MYCF established in Webber Township, Lake County, were not used by the 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 those agencies or by having one or more of them enter into an interlocal agreement with Webber Township, Lake County, or the county sheriff of Lake County, who in turn could contract with the private vendor for services to be provided 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.

#### Contract Requirements

Any contract under the bill for the housing, custody, and care of detainees or inmates from other local, state, or Federal agencies would have to require the private vendor operating the facility (the former MYCF) to obtain accreditation of the facility by the American Correctional Association (ACA) within 24 months after the vendor began operations at the

facility and to maintain that accreditation throughout the term of any contract for the use of the facility. The contract also would have to require the vendor to operate the facility in compliance with the applicable ACA standards.

In addition, the contract would have to require the personnel employed by the private vendor in the operation of the facility to meet the ACA employment and training requirements, and to meet any higher training and employment standards mandated under a contract between the vendor and a local, state, or Federal agency that sent inmates or detainees to the facility.

The contract also would have to require that any "serious incident" that occurred at the facility be reported immediately to the Lake County sheriff and to the State Police. ("Serious incident" would mean a disturbance at the facility involving five or more inmates or detainees, a death of an inmate or detainee, a felony or attempted felony committed within the facility, or an escape or attempted escape from the facility.)

A contract with a local, state, or Federal agency that sent inmates or detainees to the facility could not require, authorize, or imply a delegation of the authority or responsibility to the private vendor to do either of the following:

- Develop or implement procedures for calculating inmate release and parole eligibility dates or recommending the granting or denying of parole, although the vendor could submit written reports prepared in the ordinary course of business.
- Develop or implement procedures for calculating and awarding earned credits, including good time credits, disciplinary credits, or similar credits affecting the length of an inmate's incarceration; approving the type of work inmates could perform and the wage or earned credits, if any, that could be awarded to inmates engaging in that work; and granting, denying, or revoking earned credits.

### Monitoring

The facility would have to allow the presence of on-site monitors from any local, state, or Federal agency that sent inmates or detainees to the facility, for the purpose of monitoring their conditions of confinement. Whenever the vendor submitted a written report to a local, state, or Federal agency that sent inmates or detainees to the facility, it would have to send copies of the report to the Webber Township supervisor, the Lake County board of commissioners, the Lake County sheriff, and the DOC.

### Other Provisions

Vendor Personnel. Personnel employed at the facility by the private vendor who met the employment and training requirements in the applicable ACA standards would have full authority to perform their duties and responsibilities under law, including exercising the use of force in the same manner and to the same extent as would be authorized if those personnel were employed in a DOC correctional facility.

Outside Work Prohibition. An inmate or detainee housed at the facility could not participate in work release, a work camp, or another similar program or activity occurring outside the facility's secure perimeter.

Security Classification. An inmate or detainee could not be housed at the facility unless his or her security classification, as it would be determined by the DOC if he or she were housed in a State correctional facility, were Level IV or below, and had never previously been above Level IV. ("Security classification" would refer to one of six levels of restrictiveness enforced in housing units at each State correctional facility, as determined by the DOC, with Level I being the least restrictive and Level VI being the most restrictive.)

Transfer & Release. Inmates and detainees would have to be transferred to and from the facility in a secure manner. Any inmate or detainee housed at the facility who was sent from another state, a local agency outside of Michigan, or the Federal government would have to be returned to the agency that sent the inmate or detainee upon completion of his or her term of incarceration in the facility and could not be released from custody within Michigan.

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 of government near the facility would benefit from additional tax revenue.

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.