

# HOUSE BILL No. 5800

March 1, 2006, Introduced by Reps. Hansen, Green, Jones, Booher, Shaffer, Palsrok, Stahl, Elsenheimer and Casperson and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending section 20g (MCL 791.220g), as amended by 2000 PA 211.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 20g. (1) The department may establish a youth  
2   correctional facility which shall house only prisoners committed to  
3   the jurisdiction of the department who are 19 years of age or less.  
4   If the department establishes or contracts with a private vendor  
5   for the operation of a youth correctional facility, following  
6   intake processing in a department operated facility, the department  
7   shall house all male prisoners who are 16 years of age or less at  
8   the youth correctional facility unless the department determines  
9   that the prisoner should be housed at a different facility for

1 reasons of security, safety, or because of the prisoner's  
2 specialized physical or mental health care needs.

3 (2) Except as provided in subsection (3), a prisoner who is 16  
4 years of age or less and housed at a youth correctional facility  
5 shall only be placed in a general population housing unit with  
6 prisoners who are 16 years of age or less.

7 (3) A prisoner who becomes 17 years of age while being housed  
8 at a youth correctional facility and who has a satisfactory prison  
9 record may remain in a general population housing unit for no more  
10 than 1 year with prisoners who are 16 years of age or less.

11 (4) Except as provided in subsection (3), a prisoner who is 16  
12 years of age or less and housed at a youth correctional facility  
13 shall not be allowed to be in the proximity of a prisoner who is 17  
14 years of age or more without the presence and direct supervision of  
15 custody personnel in the immediate vicinity.

16 (5) The department may establish and operate the youth  
17 correctional facility or may contract on behalf of the state with a  
18 private vendor for the construction or operation, or both, of the  
19 youth correctional facility. If the department contracts with a  
20 private vendor to construct, rehabilitate, develop, renovate, or  
21 operate any existing or anticipated facility pursuant to this  
22 section, the department shall require a written certification from  
23 the private vendor regarding all of the following:

24 (a) If practicable to efficiently and effectively complete the  
25 project, the private vendor shall follow a competitive bid process  
26 for the construction, rehabilitation, development, or renovation of  
27 the facility, and this process shall be open to all Michigan

1 residents and firms. The private vendor shall not discriminate  
2 against any contractor on the basis of its affiliation or  
3 nonaffiliation with any collective bargaining organization.

4 (b) The private vendor shall make a good faith effort to  
5 employ, if qualified, Michigan residents at the facility.

6 (c) The private vendor shall make a good faith effort to  
7 employ or contract with Michigan residents and firms to construct,  
8 rehabilitate, develop, or renovate the facility.

9 (6) If the department contracts with a private vendor for the  
10 operation of the youth correctional facility, the department shall  
11 require by contract that the personnel employed by the private  
12 vendor in the operation of the facility be certified as  
13 correctional officers to the same extent as would be required if  
14 those personnel were employed in a correctional facility operated  
15 by the department. The department also shall require by contract  
16 that the private vendor meet requirements specified by the  
17 department regarding security, protection of the public,  
18 inspections by the department, programming, liability and  
19 insurance, conditions of confinement, educational services required  
20 under subsection (11), and any other issues the department  
21 considers necessary for the operation of the youth correctional  
22 facility. The department shall also require that the contract  
23 include provisions to protect the public's interest if the private  
24 vendor defaults on the contract. Before finalizing a contract with  
25 a private vendor for the construction or operation of the youth  
26 correctional facility, the department shall submit the proposed  
27 contract to the standing committees of the senate and the house of

1 representatives having jurisdiction of corrections issues, the  
2 corrections subcommittees of the standing committees on  
3 appropriations of the senate and the house of representatives, and,  
4 with regard to proposed construction contracts, the joint committee  
5 on capital outlay. A contract between the department and a private  
6 vendor for the construction or operation of the youth correctional  
7 facility shall be contingent upon appropriation of the required  
8 funding. If the department contracts with a private vendor under  
9 this section, the selection of that private vendor shall be by  
10 open, competitive bid.

11 (7) The department shall not site a youth correctional  
12 facility under this section in a city, village, or township unless  
13 the local legislative body of that city, village, or township  
14 adopts a resolution approving the location.

15 (8) A private vendor operating a youth correctional facility  
16 under a contract under this section shall not do any of the  
17 following, unless directed to do so by the department policy:

18 (a) Calculate inmate release and parole eligibility dates.

19 (b) Award good time or disciplinary credits, or impose  
20 disciplinary time.

21 (c) Approve inmates for extensions of limits of confinement.

22 (9) The youth correctional facility shall be open to visits  
23 during all business hours, and during nonbusiness hours unless an  
24 emergency prevents it, by any elected state senator or state  
25 representative.

26 (10) Once each year, the department shall report on the  
27 operation of the facility. Copies of the report shall be submitted

1 to the chairpersons of the house and senate committees responsible  
2 for legislation on corrections or judicial issues, and to the clerk  
3 of the house of representatives and the secretary of the senate.

4 (11) Regardless of whether the department itself operates the  
5 youth correctional facility or contracts with a private vendor to  
6 operate the youth correctional facility, all of the following  
7 educational services shall be provided for juvenile prisoners  
8 housed at the facility who have not earned a high school diploma or  
9 received a general education certificate (GED):

10 (a) The department or private vendor shall require that a  
11 prisoner whose academic achievement level is not sufficient to  
12 allow the prisoner to participate effectively in a program leading  
13 to the attainment of a GED certificate participate in classes that  
14 will prepare him or her to participate effectively in the GED  
15 program, and shall provide those classes in the facility.

16 (b) The department or private vendor shall require that a  
17 prisoner who successfully completes classes described in  
18 subdivision (a), or whose academic achievement level is otherwise  
19 sufficient, participate in classes leading to the attainment of a  
20 GED certificate, and shall provide those classes.

21 (12) Neither the department nor the private vendor shall seek  
22 to have the youth correctional facility authorized as a public  
23 school academy under the revised school code, 1976 PA 451, MCL  
24 380.1 to 380.1852.

25 (13) A private vendor that operates the youth correctional  
26 facility under a contract with the department shall provide written  
27 notice of its intention to discontinue its operation of the

1 facility. This subsection does not authorize or limit liability for  
2 a breach or default of contract. If the reason for the  
3 discontinuance is that the private vendor intends not to renew the  
4 contract, the notice shall be delivered to the director of the  
5 department at least 1 year before the contract expiration date. If  
6 the discontinuance is for any other reason, the notice shall be  
7 delivered to the director of the department at least 6 months  
8 before the date on which the private vendor will discontinue its  
9 operation of the facility. This subsection does not authorize or  
10 limit liability for a breach or default of contract.

11 (14) IF THE MICHIGAN YOUTH CORRECTIONAL FACILITY ESTABLISHED  
12 PURSUANT TO THIS SECTION IN WEBBER TOWNSHIP, LAKE COUNTY, MICHIGAN,  
13 IS NOT UTILIZED BY THE DEPARTMENT FOR HOUSING PRISONERS UNDER THE  
14 JURISDICTION OF THE DEPARTMENT, THE PRIVATE VENDOR THAT OPERATES  
15 THE MICHIGAN YOUTH CORRECTIONAL FACILITY MAY UTILIZE THE FACILITY  
16 FOR HOUSING, CUSTODY, AND CARE OF DETAINEES OR INMATES FROM OTHER  
17 LOCAL, STATE, OR FEDERAL AGENCIES, EITHER BY DIRECTLY CONTRACTING  
18 WITH THOSE LOCAL, STATE, OR FEDERAL AGENCIES OR BY ENTERING INTO AN  
19 INTERLOCAL AGREEMENT BETWEEN 1 OR MORE LOCAL, STATE, OR FEDERAL  
20 AGENCIES AND THE VILLAGE OF BALDWIN, WEBBER TOWNSHIP, LAKE COUNTY,  
21 OR THE COUNTY SHERIFF FOR LAKE COUNTY, WHO IN TURN MAY CONTRACT  
22 WITH THE PRIVATE VENDOR FOR SERVICES TO BE PROVIDED UNDER THE TERMS  
23 OF THE INTERLOCAL AGREEMENT, SUBJECT TO ALL OF THE FOLLOWING:

24 (A) ANY CONTRACT FOR THE HOUSING, CUSTODY, AND CARE OF  
25 DETAINEES OR INMATES FROM OTHER LOCAL, STATE, OR FEDERAL AGENCIES  
26 SHALL INCLUDE A REQUIREMENT THAT THE OPERATION OF THE FACILITY WILL  
27 COMPLY WITH THE APPLICABLE STANDARDS OF THE AMERICAN CORRECTIONAL

1 ASSOCIATION AND THAT THE PERSONNEL EMPLOYED BY THE PRIVATE VENDOR  
2 IN THE OPERATION OF THE FACILITY SHALL MEET THE APPLICABLE  
3 EMPLOYMENT AND TRAINING REQUIREMENTS OF THOSE STANDARDS.

4 (B) ANY SERIOUS INCIDENTS THAT OCCUR AT THE FACILITY SHALL BE  
5 IMMEDIATELY REPORTED TO THE DEPARTMENT AND TO LOCAL LAW ENFORCEMENT  
6 AGENCIES.

7 (C) THE DEPARTMENT MAY INSPECT AND REVIEW THE FACILITY'S  
8 OPERATIONS AT ANY TIME.

9 (15) PERSONNEL EMPLOYED AT THE FACILITY BY THE PRIVATE VENDOR  
10 PURSUANT TO SUBSECTION (14) WHO HAVE MET THE APPLICABLE EMPLOYMENT  
11 REQUIREMENTS SET FORTH IN THE APPLICABLE STANDARDS OF THE AMERICAN  
12 CORRECTIONAL ASSOCIATION HAVE FULL AUTHORITY TO PERFORM THEIR  
13 DUTIES AND RESPONSIBILITIES UNDER LAW, INCLUDING, BUT NOT LIMITED  
14 TO, EXERCISING THE USE OF FORCE IN THE SAME MANNER AND TO THE SAME  
15 EXTENT AS WOULD BE AUTHORIZED IF THOSE PERSONNEL WERE EMPLOYED IN A  
16 CORRECTIONAL FACILITY OPERATED BY THE DEPARTMENT.