

# HOUSE BILL No. 5813

## EXECUTIVE BUDGET BILL

February 26, 2008, Introduced by Rep. Alma Smith and referred to the Committee on Appropriations.

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

#### PART 1

#### LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill,

1 the amounts listed in this part are appropriated for the department  
 2 of corrections for the fiscal year ending September 30, 2009, from  
 3 the funds indicated in this part. The following is a summary of the  
 4 appropriations in this part:

5 **DEPARTMENT OF CORRECTIONS**

6 APPROPRIATION SUMMARY:

7	Average population .....	52,641	
8	Full-time equated unclassified positions.....	16.0	
9	Full-time equated classified positions.....	17,499.5	
10	GROSS APPROPRIATION.....		\$ 2,062,052,200
11	Appropriated from:		
12	Interdepartmental grant revenues:		
13	Total interdepartmental grants and intradepartmental		
14	transfers .....		1,277,200
15	ADJUSTED GROSS APPROPRIATION.....		\$ 2,060,775,000
16	Federal revenues:		
17	Total federal revenues.....		10,350,200
18	Special revenue funds:		
19	Total local revenues.....		430,300
20	Total private revenues.....		0
21	Total other state restricted revenues.....		71,731,700
22	State general fund/general purpose.....		\$ 1,978,262,800
23	<b>Sec. 102. EXECUTIVE</b>		
24	Full-time equated unclassified positions.....	16.0	
25	Full-time equated classified positions.....	5.0	

1	Unclassified positions--16.0 FTE positions .....	\$	1,373,500
2	Executive direction--5.0 FTE positions .....		<u>1,329,500</u>
3	GROSS APPROPRIATION.....	\$	2,703,000
4	Appropriated from:		
5	State general fund/general purpose .....	\$	2,703,000
6	<b>Sec. 103. PLANNING AND COMMUNITY SUPPORT</b>		
7	Full-time equated classified positions.....		73.0
8	Planning, community development, and research--33.0		
9	FTE positions .....	\$	3,484,300
10	Prisoner reintegration programs .....		32,373,700
11	Community corrections administration--17.0 FTE		
12	positions .....		1,898,000
13	Substance abuse testing and treatment services--23.0		
14	FTE positions .....		20,047,800
15	Residential services .....		16,125,500
16	Parolee reentry residential services .....		1,600,000
17	Community corrections comprehensive plans and services		12,533,000
18	Public education and training .....		50,000
19	Regional jail program .....		100
20	Local jail program .....		6,900,000
21	Felony drunk driver jail reduction and community		
22	treatment program .....		2,097,400
23	County jail reimbursement program .....		<u>6,349,000</u>
24	GROSS APPROPRIATION.....	\$	103,458,800
25	Appropriated from:		
26	Federal revenues:		
27	Federal revenues and reimbursements .....		1,907,400

1	Special revenue funds:	
2	State restricted revenues and reimbursements .....	17,669,900
3	State general fund/general purpose .....	\$ 83,881,500
4	<b>Sec. 104. OPERATIONS SUPPORT ADMINISTRATION</b>	
5	Full-time equated classified positions.....	147.9
6	Operations support administration--55.0 FTE positions	\$ 5,096,100
7	New custody staff training.....	15,480,900
8	Compensatory buyout and union leave bank .....	100
9	Worker's compensation.....	15,629,000
10	Bureau of fiscal management--61.9 FTE positions .....	5,626,200
11	Office of legal services--22.0 FTE positions .....	2,437,500
12	Internal audit services.....	667,000
13	Internal affairs--9.0 FTE positions .....	924,500
14	Rent.....	2,095,200
15	Equipment and special maintenance .....	2,425,500
16	Administrative hearings officers.....	3,820,500
17	Sheriffs' coordinating and training office .....	500,000
18	Prosecutorial and detainer expenses .....	<u>4,051,000</u>
19	GROSS APPROPRIATION.....	\$ 58,753,500
20	Appropriated from:	
21	Interdepartmental grant revenues:	
22	IDG-MDSP, Michigan justice training fund.....	698,400
23	Special revenue funds:	
24	State restricted revenues and reimbursements .....	608,300
25	State general fund/general purpose .....	\$ 57,446,800
26	<b>Sec. 105. FIELD OPERATIONS ADMINISTRATION</b>	
27	Full-time equated classified positions.....	1,847.9

1	Field operations--1,698.9 FTE positions .....	\$	152,679,300
2	Parole board operations--58.0 FTE positions .....		5,061,100
3	Parole/probation services .....		2,867,300
4	Community re-entry centers--51.0 FTE positions .....		16,835,100
5	Electronic monitoring center--40.0 FTE positions .....		<u>7,138,400</u>
6	GROSS APPROPRIATION .....	\$	184,581,200
7	Appropriated from:		
8	Special revenue funds:		
9	Local - community tether program reimbursement .....		430,300
10	State restricted revenues and reimbursements .....		23,009,400
11	State general fund/general purpose .....	\$	161,141,500
12	<b>Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION</b>		
13	Full-time equated classified positions .....		1,414.7
14	Correctional facilities administration--42.0 FTE		
15	positions .....	\$	7,562,500
16	Prison food service--495.0 FTE positions .....		86,719,500
17	Transportation--243.7 FTE positions .....		25,431,900
18	Central records--58.5 FTE positions .....		4,965,200
19	Inmate legal services .....		704,900
20	Loans to parolees .....		179,400
21	Housing inmates in federal institutions .....		793,900
22	Prison industries operations--219.0 FTE positions ....		19,973,900
23	Education services and federal education grants--10.0		
24	FTE positions .....		5,720,500
25	Federal school lunch program .....		712,800
26	Leased beds and alternatives to leased beds .....		100
27	Inmate housing fund .....		100

1	MPRI education program--346.5 FTE positions .....	<u>38,178,400</u>
2	GROSS APPROPRIATION.....	\$ 190,943,100
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDCH, forensic center food service .....	578,800
6	Federal revenues:	
7	Federal revenues and reimbursements .....	7,454,200
8	Special revenue funds:	
9	State restricted revenues and reimbursements .....	19,973,900
10	State general fund/general purpose .....	\$ 162,936,200
11	<b>Sec. 107. CONSENT DECREES</b>	
12	Full-time equated classified positions..... 236.5	
13	DOJ psychiatric plan - MDCH mental health services ...	39,344,800
14	DOJ psychiatric plan - MDOC staff and services--236.5	
15	FTE positions .....	<u>17,969,800</u>
16	GROSS APPROPRIATION.....	\$ 57,314,600
17	Appropriated from:	
18	State general fund/general purpose .....	\$ 57,314,600
19	<b>Sec. 108. HEALTH CARE</b>	
20	Full-time equated classified positions..... 1,231.6	
21	Health care administration--20.0 FTE positions .....	\$ 2,791,400
22	Hospital and specialty care services .....	86,486,500
23	Vaccination program.....	691,200
24	Northern region clinical complexes--276.4 FTE	
25	positions .....	38,967,900
26	Southeastern region clinical complexes--624.4 FTE	
27	positions .....	101,593,100

1	Southwestern region clinical complexes--310.8 FTE	
2	positions .....	<u>45,782,300</u>
3	GROSS APPROPRIATION.....	\$ 276,312,400
4	Appropriated from:	
5	Special revenue funds:	
6	State restricted revenues and reimbursements .....	332,400
7	State general fund/general purpose .....	\$ 275,980,000
8	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
9	Average population .....	15,935
10	Full-time equated classified positions.....	4,036.4
11	Alger maximum correctional facility - Munising--332.1	
12	FTE positions .....	\$ 31,930,700
13	Average population .....	849
14	Baraga maximum correctional facility - Baraga--400.7	
15	FTE positions .....	37,633,300
16	Average population .....	1,172
17	Chippewa correctional facility - Kincheloe--538.2 FTE	
18	positions .....	50,948,200
19	Average population .....	2,282
20	Kinross correctional facility - Kincheloe--565.1 FTE	
21	positions .....	56,082,500
22	Average population .....	3,079
23	Marquette branch prison - Marquette--370.7 FTE	
24	positions .....	38,122,800
25	Average population .....	1,201
26	Newberry correctional facility - Newberry--292.0 FTE	
27	positions .....	26,892,400

1	Average population .....	978	
2	Oaks correctional facility - Eastlake--323.1 FTE		
3	positions .....		34,103,600
4	Average population .....	1,156	
5	Ojibway correctional facility - Marenisco--270.3 FTE		
6	positions .....		24,714,200
7	Average population .....	1,378	
8	Pugsley correctional facility - Kingsley--231.4 FTE		
9	positions .....		21,061,700
10	Average population .....	1,158	
11	Saginaw correctional facility - Freeland--334.8 FTE		
12	positions .....		31,946,800
13	Average population .....	1,480	
14	Standish maximum correctional facility - Standish--		
15	378.0 FTE positions .....		<u>37,880,600</u>
16	Average population .....	1,202	
17	GROSS APPROPRIATION.....	\$	391,316,800
18	Appropriated from:		
19	Special revenue funds:		
20	State restricted revenues and reimbursements .....		3,277,000
21	State general fund/general purpose .....	\$	388,039,800
22	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL</b>		
23	<b>FACILITIES</b>		
24	Average population .....	16,957	
25	Full-time equated classified positions.....	4,421.4	
26	Cooper street correctional facility - Jackson--290.0		
27	FTE positions .....	\$	29,272,100



1	Average population .....	1,752
2	G. Robert Cotton correctional facility - Jackson--	
3	422.7 FTE positions .....	39,364,000
4	Average population .....	1,854
5	Charles E. Egeler correctional facility - Jackson--	
6	377.2 FTE positions .....	39,741,200
7	Average population .....	1,108
8	Gus Harrison correctional facility - Adrian--506.3 FTE	
9	positions .....	48,833,200
10	Average population .....	2,422
11	Huron Valley correctional complex - Ypsilanti--705.6	
12	FTE positions .....	66,652,700
13	Average population .....	1,872
14	Macomb correctional facility - New Haven--339.5 FTE	
15	positions .....	31,640,100
16	Average population .....	1,468
17	Mound correctional facility - Detroit--285.6 FTE	
18	positions .....	26,560,600
19	Average population .....	1,051
20	Parnall correctional facility - Jackson--274.8 FTE	
21	positions .....	26,901,500
22	Average population .....	1,712
23	Ryan correctional facility - Detroit--337.6 FTE	
24	positions .....	29,909,300
25	Average population .....	1,059
26	Robert Scott correctional facility - Plymouth--354.5	
27	FTE positions .....	33,345,200

1	Average population .....	1,040	
2	Thumb correctional facility - Lapeer--308.6 FTE		
3	positions .....		30,022,500
4	Average population .....	1,219	
5	Special alternative incarceration program -		
6	Cassidy Lake--120.0 FTE positions.....		10,984,800
7	Average population .....	400	
8	Jackson area support and services--99.0 FTE positions		<u>17,625,400</u>
9	GROSS APPROPRIATION.....	\$	430,852,600
10	Appropriated from:		
11	Federal revenues:		
12	Federal revenues and reimbursements.....		988,600
13	Special revenue funds:		
14	State restricted revenues and reimbursements .....		3,358,600
15	State general fund/general purpose .....	\$	426,505,400
16	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES</b>		
17	Average population .....	19,749	
18	Full-time equated classified positions.....	4,085.1	
19	Bellamy Creek correctional facility - Ionia--404.5 FTE		
20	positions .....	\$	37,312,700
21	Average population .....	1,850	
22	Earnest C. Brooks correctional facility - Muskegon--		
23	495.1 FTE positions .....		47,522,200
24	Average population .....	2,520	
25	Carson City correctional facility - Carson City--502.8		
26	FTE positions .....		49,045,500
27	Average population .....	2,520	

1	Richard A. Handlon correctional facility - Ionia--	
2	237.2 FTE positions .....	22,568,700
3	Average population .....	1,320
4	Ionia maximum correctional facility - Ionia--317.8 FTE	
5	positions .....	29,870,200
6	Average population .....	707
7	Lakeland correctional facility - Coldwater--615.1 FTE	
8	positions .....	59,351,900
9	Average population .....	3,102
10	Michigan reformatory - Ionia--8.5 FTE	
11	positions .....	41,094,100
12	Average population .....	2,618
13	Muskegon correctional facility - Muskegon--229.4 FTE	
14	positions .....	23,995,700
15	Average population .....	1,326
16	Pine River correctional facility - St. Louis--224.2	
17	FTE positions .....	21,403,100
18	Average population .....	1,280
19	St. Louis correctional facility - St. Louis--564.5 FTE	
20	positions .....	53,124,500
21	Average population .....	2,506
22	Ionia area support and services--56.0 FTE positions ..	<u>11,422,100</u>
23	GROSS APPROPRIATION.....	\$ 396,710,700
24	Appropriated from:	
25	Special revenue funds:	
26	State restricted revenues and reimbursements .....	2,802,000
27	State general fund/general purpose .....	\$ 393,908,700

## Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects .....	\$ <u>19,105,500</u>
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GROSS APPROPRIATION.....	\$	19,105,500
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Appropriated from:

Special revenue funds:

State restricted revenues and reimbursements .....	700,200
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State general fund/general purpose .....	\$	18,405,300
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## Sec. 113. JUSTICE POLICY REFORM

Facility operating efficiencies .....	\$	(21,411,000)
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Facility repurposing.....	(5,000,000)
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Health care efficiencies.....	(4,000,000)
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Program reconfigurations and efficiencies .....	(2,800,000)
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Local reinvestment to achieve prisoner reductions ....	9,601,000
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Field operations reinvestment to achieve prisoner

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reductions ..... 3,304,000
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Reduction in prisoners due to policy changes .....	(29,694,000)
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GROSS APPROPRIATION .....	\$ (50,000,000)
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Appropriated from:

State general fund/general purpose .....	\$ (50,000,000)
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## PART 2

## PROVISIONS CONCERNING APPROPRIATIONS

## GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$2,049,994,500.00 and

state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$107,363,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation	
staff .....	\$ 47,677,800
Public service work projects .....	10,358,600
Community corrections comprehensive plans and services	12,533,000
Community corrections residential services .....	16,125,500
Community corrections public education and training ..	50,000
Felony drunk driver jail reduction and community	
treatment program .....	2,097,400
Community reentry centers .....	2,019,600
Local jail program .....	6,900,000
Regional jail program .....	100
Local reinvestment to achieve prisoner reductions ....	<u>9,601,000</u>
TOTAL .....	\$ 107,363,000

Sec. 202. The appropriations authorized under this bill are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this bill:

(a) "Department" or "MDOC" means the Michigan department of corrections.

(b) "DOJ" means the United States department of justice.

(c) "FTE" means full-time equated.

(d) "GED" means general education diploma.

1 (e) "GPS" means global positioning system.

2 (f) "HIV" means human immunodeficiency virus.

3 (g) "IDG" means interdepartmental grant.

4 (h) "MDCH" means the Michigan department of community health.

5 (i) "MDSP" means the Michigan department of state police.

6 (j) "MPRI" means the Michigan prisoner reentry initiative.

7 (k) "OCC" means the office of community corrections.

8 Sec. 204. The civil service commission shall bill departments  
9 and agencies at the end of the first fiscal quarter for the 1%  
10 charge authorized by section 5 of article XI of the state  
11 constitution of 1963. Payments shall be made for the total amount  
12 of the billing by the end of the second fiscal quarter.

13 Sec. 205. (1) A hiring freeze is imposed on the state  
14 classified civil service. State departments and agencies are  
15 prohibited from hiring any new full-time state classified civil  
16 service employees and prohibited from filling any vacant state  
17 classified civil service positions. This hiring freeze does not  
18 apply to internal transfers of classified employees from 1 position  
19 to another within a department.

20 (2) The state budget director may grant exceptions to this  
21 hiring freeze when the state budget director believes that the  
22 hiring freeze will result in rendering a state department or agency  
23 unable to deliver basic services, cause loss of revenue to the  
24 state, result in the inability of the state to receive federal  
25 funds, or necessitate additional expenditures that exceed any  
26 savings from maintaining a vacancy. The state budget director shall  
27 report quarterly to the chairpersons of the senate and house of

1 representatives standing committees on appropriations the number of  
2 exceptions to the hiring freeze approved during the previous  
3 quarter and the reasons to justify the exception.

4       Sec. 208. The department shall use the Internet to fulfill the  
5 reporting requirements of this bill. This requirement may include  
6 transmission of reports via electronic mail to the recipients  
7 identified for each reporting requirement, or it may include  
8 placement of reports on an Internet or Intranet site.

9       Sec. 209. Funds appropriated in part 1 shall not be used for  
10 the purchase of foreign goods or services, or both, if  
11 competitively priced and comparable quality American goods or  
12 services, or both, are available. Preference shall be given to  
13 goods or services, or both, manufactured or provided by Michigan  
14 businesses, if they are competitively priced and of comparable  
15 quality. In addition, preference shall be given to goods or  
16 services, or both, that are manufactured or provided by Michigan  
17 businesses owned and operated by veterans, if they are  
18 competitively priced and of comparable quality.

19       Sec. 210. (1) Pursuant to the provisions of civil service  
20 rules and regulations and applicable collective bargaining  
21 agreements, individuals seeking employment with the department  
22 shall submit to a controlled substance test. The test shall be  
23 administered by the department.

24       (2) Individuals seeking employment with the department who  
25 refuse to take a controlled substance test or who test positive for  
26 the illicit use of a controlled substance on such a test shall be  
27 denied employment.

1       Sec. 211. The department may charge fees and collect revenues  
2 in excess of appropriations in part 1 not to exceed the cost of  
3 offender services and programming, employee meals, parolee loans,  
4 academic/vocational services, custody escorts, compassionate  
5 visits, union steward activities, public work programs, and  
6 services provided to units of government. The revenues and fees  
7 collected are appropriated for all expenses associated with these  
8 services and activities.

9       Sec. 212. Preference should be given to purchasing produce  
10 from Michigan growers and processors when their produce is  
11 competitively priced and of comparable quality.

12       Sec. 214. From the funds appropriated in part 1 for  
13 information technology, departments and agencies shall pay user  
14 fees to the department of information technology for technology-  
15 related services and projects. Such user fees shall be subject to  
16 provisions of an interagency agreement between the departments and  
17 agencies and the department of information technology.

18       Sec. 215. Amounts appropriated in part 1 for information  
19 technology may be designated as work projects and carried forward  
20 to support department of corrections technology projects under the  
21 direction of the department of information technology. Funds  
22 designated in this manner are not available for expenditure until  
23 approved as work projects under section 451a of the management and  
24 budget act, 1984 PA 431, MCL 18.1451a.

25       Sec. 216. (1) Due to the current budgetary problems in this  
26 state, out-of-state travel for the fiscal year ending September 30,  
27 2009 shall be limited to situations in which 1 or more of the



1 following conditions apply:

2 (a) The travel is required by legal mandate or court order or  
3 for law enforcement purposes.

4 (b) The travel is necessary to protect the health or safety of  
5 Michigan citizens or visitors or to assist other states in similar  
6 circumstances.

7 (c) The travel is necessary to produce budgetary savings or to  
8 increase state revenues, including protecting existing federal  
9 funds or securing additional federal funds.

10 (d) The travel is necessary to comply with federal  
11 requirements.

12 (e) The travel is necessary to secure specialized training for  
13 staff that is not available within this state.

14 (f) The travel is financed entirely by federal or nonstate  
15 funds.

16 (2) If out-of-state travel is necessary but does not meet 1 or  
17 more of the conditions in subsection (1), the state budget director  
18 may grant an exception to allow the travel. Any exceptions granted  
19 by the state budget director shall be reported on a monthly basis  
20 to the senate and house of representatives standing committees on  
21 appropriations.

22 (3) Not later than January 1 of each year, each department  
23 shall prepare a travel report listing all travel by classified and  
24 unclassified employees outside this state in the immediately  
25 preceding fiscal year that was funded in whole or in part with  
26 funds appropriated in the department's budget. The report shall be  
27 submitted to the senate and house of representatives standing

1 committees on appropriations, the senate and house fiscal agencies,  
2 and the state budget director. The report shall include the  
3 following information:

4 (a) The name of each person receiving reimbursement for travel  
5 outside this state or whose travel costs were paid by this state.

6 (b) The destination of each travel occurrence.

7 (c) The dates of each travel occurrence.

8 (d) A brief statement of the reason for each travel  
9 occurrence.

10 (e) The transportation and related costs of each travel  
11 occurrence, including the proportion funded with state general  
12 fund/general purpose revenues, the proportion funded with state  
13 restricted revenues, the proportion funded with federal revenues,  
14 and the proportion funded with other revenues.

15 (f) A total of all out-of-state travel funded for the  
16 immediately preceding fiscal year.

17 Sec. 217. The director shall take all reasonable steps to  
18 ensure businesses in deprived and depressed communities compete for  
19 and perform contracts to provide services or supplies, or both. The  
20 director shall strongly encourage firms with which the department  
21 contracts to subcontract with certified businesses in depressed and  
22 deprived communities for services, supplies, or both.

23 Sec. 222. Funds appropriated in part 1 shall not be used by a  
24 principal executive department, state agency, or authority to hire  
25 a person to provide legal services that are the responsibility of  
26 the attorney general. This prohibition does not apply to legal  
27 services for bonding activities and for those activities that the

1 attorney general authorizes.

2       Sec. 223. (1) In addition to the funds appropriated in part 1,  
3 there is appropriated an amount not to exceed \$10,000,000.00 for  
4 federal contingency funds. These funds are not available for  
5 expenditure until they have been transferred to another line item  
6 in this bill under section 393(2) of the management and budget act,  
7 1984 PA 431, MCL 18.1393.

8       (2) In addition to the funds appropriated in part 1, there is  
9 appropriated an amount not to exceed \$5,000,000.00 for state  
10 restricted contingency funds. These funds are not available for  
11 expenditure until they have been transferred to another line item  
12 in this bill under section 393(2) of the management and budget act,  
13 1984 PA 431, MCL 18.1393.

14       (3) In addition to the funds appropriated in part 1, there is  
15 appropriated an amount not to exceed \$2,000,000.00 for local  
16 contingency funds. These funds are not available for expenditure  
17 until they have been transferred to another line item in this bill  
18 under section 393(2) of the management and budget act, 1984 PA 431,  
19 MCL 18.1393.

20       (4) In addition to the funds appropriated in part 1, there is  
21 appropriated an amount not to exceed \$2,000,000.00 for private  
22 contingency funds. These funds are not available for expenditure  
23 until they have been transferred to another line item in this bill  
24 under section 393(2) of the management and budget act, 1984 PA 431,  
25 MCL 18.1393.

26       EXECUTIVE

1       Sec. 301. For 3 years after a felony offender is released from  
2 the department's jurisdiction, the department shall maintain the  
3 offender's file on the offender tracking information system and  
4 make it publicly accessible in the same manner as the file of the  
5 current offender. However, the department shall immediately remove  
6 the offender's file from the offender tracking information system  
7 upon determination that the offender was wrongfully convicted and  
8 the offender's file is not otherwise required to be maintained on  
9 the offender tracking information system.

#### 10    PLANNING AND COMMUNITY SUPPORT

11       Sec. 401. The department shall submit 3-year and 5-year prison  
12 population projection updates by February 15, 2009 to the senate  
13 and house appropriations subcommittees on corrections, the senate  
14 and house fiscal agencies, and the state budget director. The  
15 report shall include explanations of the methodology and  
16 assumptions used in developing the projection updates.

17       Sec. 402. The funds appropriated in part 1 for prisoner  
18 reintegration programs shall be expended for the purpose of  
19 reducing victimization by reducing offender recidivism through the  
20 following prisoner reintegration programming:

21       (a) The provision of employment and job training.

22       (b) The provision of assistance in acquiring the documents  
23 necessary to obtain a state identification card or operator's  
24 license.

25       (c) The provision of housing assistance.

26       (d) Referral to mental health services.

1 (e) Referral to substance abuse services.

2 (f) Referral to public health services.

3 (g) Referral to education.

4 (h) Referral to any other services necessary for successful  
5 reintegration.

6 Sec. 403. (1) By April 1, 2009, the department shall provide a  
7 report on prisoner reintegration programs to the members of the  
8 senate and house appropriations subcommittees on corrections, the  
9 senate and house fiscal agencies, and the state budget director. At  
10 a minimum, the report shall include all of the following  
11 information:

12 (a) Allocations and projected expenditures for each project  
13 funded and for each project to be funded, itemized by service to be  
14 provided and service provider.

15 (b) An explanation of the objectives and results measures for  
16 each program.

17 (c) An explanation of how the programs will be evaluated.

18 (d) A discussion of the evidence and research upon which each  
19 program is based.

20 (e) A discussion and estimate of the impact of prisoner  
21 reintegration programs on reoffending and returns to prison.

22 (f) A progress report on applicable results of each program,  
23 including, but not limited to, the estimated bed space impact of  
24 prisoner reintegration programs.

25 (2) The department shall provide biannual reports on January  
26 1, 2009 and September 30, 2009 to the senate and house  
27 appropriations subcommittees on corrections, the senate and house

1 fiscal agencies, and the state budget director on the status and  
2 recidivism levels of offenders who participated in the MPRI and  
3 have been released. The data should be broken out by the  
4 controlling sentence for the following 4 offender types: drug,  
5 nonassaultive, assaultive, and sex.

6 (3) By September 30, 2009, the department shall report to the  
7 senate and house appropriations subcommittees on corrections, the  
8 senate and house fiscal agencies, and the state budget director a  
9 comparison of the overall recidivism rates and length of time prior  
10 to prison return of offenders who participated in the MPRI with  
11 those of offenders who did not. The report should disaggregate the  
12 information by each site in order to compare the practices and  
13 success rates of each site.

14 (4) The department shall include prisoners nearing their  
15 maximum sentence in the prison phases of the MPRI.

16 (5) The MPRI shall include programming on understanding  
17 conditions of parole, and each offender's transition accountability  
18 plan shall include a plan for following conditions of parole. The  
19 department shall ensure that each offender understands his or her  
20 conditions of parole prior to release from prison.

21 (6) The department shall provide biannual reports to the  
22 senate and house appropriations subcommittees on corrections, the  
23 senate and house fiscal agencies, and the state budget director on  
24 parolees who participated in the MPRI and have tested positive for  
25 substances in the previous month and since October 1, 2007. The  
26 report shall include any sanctions imposed by the department in  
27 response to the positive substance test.

1           Sec. 404. (1) The department shall screen and assess each  
2 prisoner at intake for alcohol and other drug involvement to  
3 determine the need for further treatment. The assessment process  
4 shall be designed to identify the severity of alcohol and other  
5 drug addiction and determine the treatment plan, if appropriate.

6           (2) Subject to the availability of funding resources, the  
7 department shall provide substance abuse treatment to prisoners  
8 with priority given to those prisoners who are most in need of  
9 treatment and who can best benefit from program intervention based  
10 on the screening and assessment provided under subsection (1).

11          Sec. 405. (1) In expending residential substance abuse  
12 treatment services funds appropriated under this bill, the  
13 department shall ensure to the maximum extent possible that  
14 residential substance abuse treatment services are available  
15 statewide.

16          (2) By April 1, 2009, the department shall report to the  
17 senate and house appropriations subcommittees on corrections, the  
18 senate and house fiscal agencies, and the state budget director on  
19 the allocation, distribution, and expenditure of all funds  
20 appropriated by the substance abuse testing and treatment line item  
21 during fiscal year 2007-2008 and projected for fiscal year 2008-  
22 2009. The report shall include, but not be limited to, an  
23 explanation of an anticipated year-end balance, the number of  
24 participants in substance abuse programs, and the number of  
25 offenders on waiting lists for residential substance abuse  
26 programs. Information required under this subsection shall, where  
27 possible, be separated by MDOC administrative region and by

1 offender type, including, but not limited to, a distinction between  
2 prisoners, parolees, and probationers.

3 Sec. 407. The department shall provide biannual reports to the  
4 senate and house subcommittees on corrections, the senate and house  
5 fiscal agencies, and the state budget director on offenders who  
6 have served their maximum sentence and been released from prison in  
7 the previous six months. The reports shall include the following  
8 information:

9 (a) The number of offenders who were paroled and returned to  
10 prison prior to serving their maximum sentence compared to the  
11 number of offenders who served their maximum sentence without ever  
12 having been paroled.

13 (b) The number of offenders disaggregated by major offense  
14 type: assaultive, nonassaultive, drug, and sex.

15 Sec. 409. The office of community corrections shall provide  
16 and coordinate the delivery and implementation of services in  
17 communities to facilitate successful offender reintegration into  
18 the community. Programs and services to be offered shall include,  
19 but are not limited to, technical assistance for comprehensive  
20 corrections plan development, new program start-up funding, program  
21 funding for those programs delivering services for eligible  
22 offenders in geographic areas identified by the office of community  
23 corrections as having a shortage of available services, technical  
24 assistance, referral services for education, employment services,  
25 and substance abuse and family counseling. As used in this bill:

26 (a) "Alternative to incarceration in a state facility or jail"  
27 means a program that involves offenders who receive a sentencing



1 disposition that appears to be in place of incarceration in a state  
2 correctional facility or jail based on historical local sentencing  
3 patterns or that amounts to a reduction in the length of sentence  
4 in a jail.

5 (b) "Goal" means the intended or projected result of a  
6 comprehensive corrections plan or community corrections program to  
7 reduce prison commitment rates, to reduce the length of stay in a  
8 jail, or to improve the utilization of a jail.

9 (c) "Jail" means a facility operated by a local unit of  
10 government for the physical detention and correction of persons  
11 charged with or convicted of criminal offenses.

12 (d) "Offender eligibility criteria" means particular criminal  
13 violations, state felony sentencing guidelines descriptors, and  
14 offender characteristics developed by advisory boards and approved  
15 by local units of government that identify the offenders suitable  
16 for community corrections programs funded through the office of  
17 community corrections.

18 (e) "Offender target population" means felons or misdemeanants  
19 who would likely be sentenced to imprisonment in a state  
20 correctional facility or jail, who would not increase the risk to  
21 the public safety, who have not demonstrated a pattern of violent  
22 behavior, and who do not have criminal records that indicate a  
23 pattern of violent offenses.

24 (f) "Offender who would likely be sentenced to imprisonment"  
25 means either of the following:

26 (i) A felon or misdemeanor who receives a sentencing  
27 disposition that appears to be in place of incarceration in a state

1 correctional facility or jail, according to historical local  
2 sentencing patterns.

3 (ii) A currently incarcerated felon or misdemeanor who is  
4 granted early release from incarceration to a community corrections  
5 program or who is granted early release from incarceration as a  
6 result of a community corrections program.

7 Sec. 410. (1) The funds included in part 1 for community  
8 corrections comprehensive plans and services are to encourage the  
9 development through technical assistance grants, implementation,  
10 and operation of community corrections programs that serve as an  
11 alternative to incarceration in a state facility or jail. The  
12 comprehensive corrections plans shall include an explanation of how  
13 the public safety will be maintained, the goals for the local  
14 jurisdiction, offender target populations intended to be affected,  
15 offender eligibility criteria for purposes outlined in the plan,  
16 and how the plans will meet the following objectives, consistent  
17 with section 8(4) of the community corrections act, 1988 PA 511,  
18 MCL 791.408:

19 (a) Reduce admissions to prison of nonviolent offenders who  
20 would have otherwise received an active sentence, including  
21 probation violators.

22 (b) Improve the appropriate utilization of jail facilities,  
23 the first priority of which is to open jail beds intended to house  
24 otherwise prison-bound felons, and the second priority being to  
25 appropriately utilize jail beds so that jail crowding does not  
26 occur.

27 (c) Open jail beds through the increase of pretrial release

1 options.

2 (d) Reduce the readmission to prison of parole violators.

3 (e) Reduce the admission or readmission to prison of  
4 offenders, including probation violators and parole violators, for  
5 substance abuse violations.

6 (2) The award of community corrections comprehensive plans and  
7 residential services funds shall be based on criteria that include,  
8 but are not limited to, the prison commitment rate by category of  
9 offenders, trends in prison commitment rates and jail utilization,  
10 historical trends in community corrections program capacity and  
11 program utilization, and the projected impact and outcome of annual  
12 policies and procedures of programs on prison commitment rates and  
13 jail utilization.

14 (3) Funds awarded for residential services in part 1 shall  
15 provide for a per diem reimbursement of not more than \$47.50.

16 Sec. 411. The comprehensive corrections plans shall also  
17 include, where appropriate, descriptive information on the full  
18 range of sanctions and services that are available and utilized  
19 within the local jurisdiction and an explanation of how jail beds,  
20 residential services, the special alternative incarceration program  
21 (boot camp), probation detention centers, the electronic monitoring  
22 program for probationers, and treatment and rehabilitative services  
23 will be utilized to support the objectives and priorities of the  
24 comprehensive corrections plans and the purposes and priorities of  
25 section 8(4) of the community corrections act, 1988 PA 511, MCL  
26 791.408. The plans shall also include, where appropriate,  
27 provisions that detail how the local communities plan to respond to

1 sentencing guidelines found in chapter XVII of the code of criminal  
2 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the  
3 county jail reimbursement program under section 414. The state  
4 community corrections board shall encourage local community  
5 corrections advisory boards to include in their comprehensive  
6 corrections plans strategies to collaborate with local alcohol and  
7 drug treatment agencies of the MDCH for the provision of alcohol  
8 and drug screening, assessment, case management planning, and  
9 delivery of treatment to alcohol- and drug-involved offenders,  
10 including, but not limited to, probation and parole violators who  
11 are at risk of revocation.

12       Sec. 412. (1) As part of the March biannual report specified  
13 in section 12(2) of the community corrections act, 1988 PA 511, MCL  
14 791.412, that requires an analysis of the impact of that act on  
15 prison admissions and jail utilization, the department shall submit  
16 to the senate and house appropriations subcommittees on  
17 corrections, the senate and house fiscal agencies, and the state  
18 budget director the following information for each county and  
19 counties consolidated for comprehensive corrections plans:

20       (a) Approved technical assistance grants and comprehensive  
21 corrections plans including each program and level of funding, the  
22 utilization level of each program, and profile information of  
23 enrolled offenders.

24       (b) If federal funds are made available, the number of  
25 participants funded, the number served, the number successfully  
26 completing the program, and a summary of the program activity.

27       (c) Status of the community corrections information system and

1 the jail population information system.

2 (d) Data on residential services, including participant data,  
3 participant sentencing guideline scores, program expenditures,  
4 average length of stay, and bed utilization data.

5 (e) Offender disposition data by sentencing guideline range,  
6 by disposition type, number and percent statewide and by county,  
7 current year, and comparisons to the previous 3 years.

8 (2) The report required under subsection (1) shall include the  
9 total funding allocated, program expenditures, required program  
10 data, and year-to-date totals.

11 Sec. 413. (1) The department shall identify and coordinate  
12 information regarding the availability of and the demand for  
13 community corrections programs, jail-based community corrections  
14 programs, and basic state-required jail data.

15 (2) The department is responsible for the collection,  
16 analysis, and reporting of state-required jail data.

17 (3) As a prerequisite to participation in the programs and  
18 services offered through the department, counties shall provide  
19 basic jail data to the department.

20 Sec. 414. (1) Subject to subsection (3), from the funds  
21 appropriated in part 1 for the county jail reimbursement program,  
22 the department shall administer a county jail reimbursement program  
23 for the purpose of reimbursing counties for housing in jail  
24 convicted felons who meet both of the following criteria:

25 (a) The conviction was for a felony committed on or after  
26 January 1, 1999.

27 (b) Either the felon's sentencing guidelines recommended range

1 for the minimum sentence has a lower limit of more than 12 months,  
2 or the felon was sentenced to jail for a felony committed while he  
3 or she was on parole and under the jurisdiction of the parole board  
4 and for which the sentencing guidelines recommended range for the  
5 minimum sentence has an upper limit of more than 18 months.

6 (2) Subject to subsection (3), the department shall reimburse  
7 counties for all applicable offenders for whom documentation is  
8 received by October 15 for the fiscal year ending the previous  
9 September 30.

10 (3) Expenditures for the county jail reimbursement program  
11 shall not exceed the revenues collected under part 1 for the county  
12 jail reimbursement program. Expenditures under the county jail  
13 reimbursement program shall not exceed the amount of restricted  
14 revenue collected and allocated for the county jail reimbursement  
15 program.

16 (4) The reimbursement rate under this section shall be \$43.50  
17 per eligible felon per diem, up to a 1-year total.

18 (5) Payments to counties under the county jail reimbursement  
19 program shall be made in the order in which properly documented  
20 requests for reimbursements are received. A request shall be  
21 considered to be properly documented if it meets MDOC requirements  
22 for documentation. The department shall by October 15, 2008  
23 distribute the documentation requirements to all counties.

24 Sec. 416. (1) Funds included in part 1 for the felony drunk  
25 driver jail reduction and community treatment program are  
26 appropriated for and may be expended for any of the following  
27 purposes:

1 (a) To increase availability of treatment options to reduce  
2 drunk driving and drunk driving-related deaths by addressing the  
3 alcohol addiction of felony drunk drivers who otherwise likely  
4 would be sentenced to jail or a combination of jail and other  
5 sanctions.

6 (b) To divert from jail sentences or to reduce the length of  
7 jail sentences for felony drunk drivers who otherwise would have  
8 been sentenced to jail and whose recommended minimum sentence  
9 ranges under sentencing guidelines established under chapter XVII  
10 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to  
11 777.69, have upper limits of 18 months or less, through funding  
12 programs that may be used in lieu of incarceration and that  
13 increase the likelihood of rehabilitation.

14 (c) To provide a policy and funding framework to make  
15 additional jail space available for housing convicted felons whose  
16 recommended minimum sentence ranges under sentencing guidelines  
17 established under chapter XVII of the code of criminal procedure,  
18 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or  
19 less and who likely otherwise would be sentenced to prison, with  
20 the aim of enabling counties to meet or exceed amounts received  
21 through the county jail reimbursement program during fiscal year  
22 2002-2003 and reducing the numbers of felons sentenced to prison.

23 (2) Expenditure of funds included in part 1 for the felony  
24 drunk driver jail reduction and community treatment program shall  
25 be by grant awards consistent with standards developed by a  
26 committee of the state community corrections advisory board. The  
27 chairperson of the committee shall be the board member representing

1 county sheriffs. Remaining members of the committee shall be  
2 appointed by the chairperson of the board.

3 (3) In developing annual standards, the committee shall  
4 consult with interested agencies and associations. Standards  
5 developed by the committee shall include application criteria,  
6 performance objectives and measures, funding allocations, and  
7 allowable uses of the funds, consistent with the purposes specified  
8 in this section.

9 (4) Allowable uses of the funds shall include reimbursing  
10 counties for transportation, treatment costs, and housing felony  
11 drunk drivers during a period of assessment for treatment and case  
12 planning. Reimbursements for housing during the assessment process  
13 shall be at the rate of \$43.50 per day per offender, up to a  
14 maximum of 5 days per offender.

15 (5) The standards developed by the committee shall assign each  
16 county a maximum funding allocation based on the amount the county  
17 received under the county jail reimbursement program in fiscal year  
18 2001-2002 for housing felony drunk drivers whose recommended  
19 minimum sentence ranges under the sentencing guidelines described  
20 in subsection (1)(c) had upper limits of 18 months or less.

21 (6) Awards of funding under this section shall be provided  
22 consistent with the local comprehensive corrections plans developed  
23 under the community corrections act, 1988 PA 511, MCL 791.401 to  
24 791.414. Funds awarded under this section may be used in  
25 conjunction with funds awarded under grant programs established  
26 under that act. Due to the need for felony drunk drivers to be  
27 transitioned from county jails to community treatment services, it



1 is the intent of the legislature that local units of government  
2 utilize funds received under this section to support county sheriff  
3 departments.

4 (7) As used in this section, "felony drunk driver" means a  
5 felon convicted of operating a motor vehicle under the influence of  
6 intoxicating liquor or a controlled substance, or both, third or  
7 subsequent offense, under section 625(9)(c) of the Michigan vehicle  
8 code, 1949 PA 300, MCL 257.625, or its predecessor statute,  
9 punishable as a felony.

10 Sec. 418. The department shall ensure that each prisoner make  
11 all reasonable efforts to obtain the documents necessary to obtain  
12 a state operator's license or state identification card prior to a  
13 prisoner's discharge or parole hearing. The process for prisoners  
14 to acquire this documentation shall be part of the department's  
15 operating procedure by the end of the fiscal year.

16 Sec. 419. (1) The department shall provide weekly electronic  
17 mail reports to the senate and house appropriations subcommittees  
18 on corrections, the senate and house fiscal agencies, and the state  
19 budget director on prisoner, parolee, and probationer populations  
20 by facility, and prison capacities.

21 (2) The department shall provide biannual electronic mail  
22 reports to the senate and house appropriations subcommittees on  
23 corrections, the senate and house fiscal agencies, and the state  
24 budget director. By July 1, 2009, the department shall provide a  
25 biannual report for March 2007 through September 2008. The report  
26 shall include information on end-of-month prisoner populations in  
27 county jails, the net operating capacity according to the most

1 recent certification report, identified by date, and end-of-month  
2 data, year-to-date data, and comparisons to the prior year for the  
3 following:

4 (a) Community residential program populations, separated by  
5 centers and electronic monitoring.

6 (b) Parole populations.

7 (c) Probation populations, with identification of the number  
8 in special alternative incarceration.

9 (d) Prison and camp populations, with separate identification  
10 of the number in special alternative incarceration and the number  
11 of lifers.

12 (e) Parole board activity, including the numbers and  
13 percentages of parole grants and parole denials.

14 (f) Prisoner exits, identifying transfers to community  
15 placement, paroles from prisons and camps, paroles from community  
16 placement, total movements to parole, prison intake, prisoner  
17 deaths, prisoners discharging on the maximum sentence, and other  
18 prisoner exits.

19 (g) Prison intake and returns, including probation violators,  
20 new court commitments, violators with new sentences, escaper new  
21 sentences, total prison intake, returns from court with additional  
22 sentences, community placement returns, technical parole violator  
23 returns, and total returns to prison and camp.

24 Sec. 420. Funds appropriated under part 1 for local jail  
25 programs shall be used by the department to fund projects and  
26 proposals submitted to the department and consistent with local  
27 comprehensive corrections plans and which are undertaken or in

1 place due to changes in Michigan's sentencing laws enacted during  
2 fiscal year 2007-08. Funds described in the section may be used for  
3 any of the following:

4 (a) Services including, but not limited to, employment and  
5 training services, education, community service, and drug, alcohol,  
6 and mental health treatment services, including when provided as  
7 treatment components of a drug court program or mental health  
8 diversion program.

9 (b) Jail construction or renovation.

#### 10 **OPERATIONS AND SUPPORT ADMINISTRATION**

11 Sec. 501. From the funds appropriated in part 1 for  
12 prosecutorial and detainer expenses, the department shall reimburse  
13 counties for housing and custody of parole violators and offenders  
14 being returned by the department from community placement who are  
15 available for return to institutional status and for prisoners who  
16 volunteer for placement in a county jail.

17 Sec. 502. Funds included in part 1 for the sheriffs'  
18 coordinating and training office are appropriated for and may be  
19 expended to defray costs of continuing education, certification,  
20 recertification, decertification, and training of local corrections  
21 officers, the personnel and administrative costs of the sheriffs'  
22 coordinating and training office, the local corrections officers  
23 advisory board, and the sheriffs' coordinating and training council  
24 under the local corrections officers training act, 2003 PA 125, MCL  
25 791.531 to 791.546.

26 Sec. 503. Funds appropriated in part 1 for administrative

1 hearings officers are appropriated as an interdepartmental grant to  
2 the department of labor and economic growth for the purpose of  
3 funding administrative hearings officers for adjudication of  
4 grievances pertaining to the department of corrections. The  
5 department shall not expend appropriations from part 1 to satisfy  
6 charges from the department of labor and economic growth for  
7 administrative hearings officers in excess of the amount expressly  
8 appropriated by this bill for the administrative hearings officers  
9 unless funding is transferred into this line item under section  
10 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

11 **FIELD OPERATIONS ADMINISTRATION**

12 Sec. 601. From the funds appropriated in part 1, the  
13 department shall conduct a statewide caseload audit of field  
14 agents. The audit shall address public protection issues and assess  
15 the ability of the field agents to complete their professional  
16 duties. The results of the audit shall be submitted to the senate  
17 and house appropriations subcommittees on corrections and the  
18 senate and house fiscal agencies, and the state budget office by  
19 February 15, 2009.

20 Sec. 602. (1) Of the amount appropriated in part 1 for field  
21 operations, a sufficient amount shall be allocated for the  
22 community service work program and shall be used for salaries and  
23 wages and fringe benefit costs of community service coordinators  
24 employed by the department to supervise offenders participating in  
25 work crew assignments. Funds shall also be used to cover motor  
26 transport division rates on state vehicles used to transport

1 offenders to community service work project sites.

2 (2) The community service work program shall provide offenders  
3 with community service work of tangible benefit to a community  
4 while fulfilling court-ordered community service work sanctions and  
5 other postconviction obligations.

6 (3) As used in this section, "community service work" means  
7 work performed by an offender in an unpaid position with a  
8 nonprofit or tax-supported or government agency for a specified  
9 number of hours of work or service within a given time period.

10 Sec. 603. (1) All prisoners, probationers, and parolees  
11 involved with the electronic tether program shall reimburse the  
12 department for costs associated with their participation in the  
13 program. The department may require community service work  
14 reimbursement as a means of payment for those able-bodied  
15 individuals unable to pay for the costs of the equipment.

16 (2) Program participant contributions and local community  
17 tether program reimbursement for the electronic tether program  
18 appropriated in part 1 are related to program expenditures and may  
19 be used to offset expenditures for this purpose.

20 (3) Included in the appropriation in part 1 is adequate  
21 funding to implement the community tether program to be  
22 administered by the department. The community tether program is  
23 intended to provide sentencing judges and county sheriffs in  
24 coordination with local community corrections advisory boards  
25 access to the state's electronic tether program to reduce prison  
26 admissions and improve local jail utilization. The department shall  
27 determine the appropriate distribution of the tether units

1 throughout the state based upon locally developed comprehensive  
2 corrections plans under the community corrections act, 1988 PA 511,  
3 MCL 791.401 to 791.414.

4 (4) For a fee determined by the department, the department  
5 shall provide counties with the tether equipment, replacement  
6 parts, administrative oversight of the equipment's operation,  
7 notification of violators, and periodic reports regarding county  
8 program participants. Counties are responsible for tether equipment  
9 installation and service. For an additional fee as determined by  
10 the department, the department shall provide staff to install and  
11 service the equipment. Counties are responsible for the  
12 coordination and apprehension of program violators.

13 (5) Any county with tether charges outstanding over 60 days  
14 shall be considered in violation of the community tether program  
15 agreement and lose access to the program.

16 Sec. 604. Community-placement prisoners and parolees shall  
17 reimburse the department for the total costs of the program. As an  
18 alternative method of payment, the department may develop a  
19 community service work schedule for those individuals unable to  
20 meet reimbursement requirements established by the department.

21 Sec. 608. By April 1, 2009, the department shall report to the  
22 senate and house appropriations subcommittees on corrections, the  
23 senate and house fiscal agencies, and the state budget director on  
24 the use of GPS electronic monitoring. At a minimum, the report  
25 shall include all of the following:

26 (a) Details on the failure rate of parolees for whom GPS  
27 tether is utilized, including the number and rate of parolee

1 technical violations, including specifying failures due to  
2 committing a new crime that is uncharged but leads to parole  
3 termination, and the number and rate of parolee violators with new  
4 sentences.

5 (b) Information on the factors considered in determining  
6 whether an offender is placed on active GPS tether, passive GPS  
7 tether, radio frequency tether, or some combination of these or  
8 other types of electronic monitoring.

9 (c) Monthly data on the number of offenders on active GPS  
10 tether, passive GPS tether, radio frequency tether, and any other  
11 type of tether.

12 Sec. 611. The department shall prepare by April 1, 2008  
13 individual reports for the community re-entry program, the  
14 electronic tether program, and the special alternative to  
15 incarceration program. The reports shall be submitted to the house  
16 and senate appropriations subcommittees on corrections, the house  
17 and senate fiscal agencies, and the state budget director. Each  
18 program's report shall include information on all of the following:

19 (a) Monthly new participants by type of offender. Community  
20 re-entry program participants shall be categorized by reason for  
21 placement. For technical rule violators, the report shall sort  
22 offenders by length of time since release from prison, by the most  
23 recent violation, and by the number of violations occurring since  
24 release from prison.

25 (b) Monthly participant unsuccessful terminations, including  
26 cause.

27 (c) Number of successful terminations.

1 (d) End month population by facility/program.

2 (e) Average length of placement.

3 (f) Return to prison statistics.

4 (g) Description of each program location or locations,  
5 capacity, and staffing.

6 (h) Sentencing guideline scores and actual sentence statistics  
7 for participants, if applicable.

8 (i) Comparison with prior year statistics.

9 (j) Analysis of the impact on prison admissions and jail  
10 utilization and the cost effectiveness of the program.

11 Sec. 612. (1) The department shall review and revise as  
12 necessary policy proposals that provide alternatives to prison for  
13 offenders being sentenced to prison as a result of technical  
14 probation violations and technical parole violations. To the extent  
15 the department has insufficient policies or resources to affect the  
16 continued increase in prison commitments among these offender  
17 populations, the department shall explore other policy options to  
18 allow for program alternatives, including department or OCC-funded  
19 programs, local level programs, and programs available through  
20 private agencies that may be used as prison alternatives for these  
21 offenders.

22 (2) To the extent policies or programs described in subsection  
23 (1) are used, developed, or contracted for, the department may  
24 request that funds appropriated in part 1 be transferred under  
25 section 393(2) of the management and budget act, 1984 PA 431, MCL  
26 18.1393, for their operation.

27 (3) The department shall continue to utilize parole violator



1 processing guidelines that require parole agents to utilize all  
2 available appropriate community-based, nonincarcerative postrelease  
3 sanctions and services when appropriate. The department shall  
4 periodically evaluate such guidelines for modification, in response  
5 to emerging information from the pilot projects for substance abuse  
6 treatment provided under this bill and applicable provisions of  
7 prior budget acts for the department.

8 (4) The department shall provide quarterly reports to the  
9 senate and house appropriations subcommittees on corrections, the  
10 senate and house fiscal agencies, and the state budget director on  
11 the number of all parolees returned to prison and probationers  
12 sentenced to prison for either a technical violation or new  
13 sentence during the preceding calendar quarter. The reports shall  
14 include the following information each for probationers, parolees  
15 after their first parole, and parolees who have been paroled more  
16 than once:

17 (a) The numbers of parole and probation violators returned to  
18 or sent to prison for a new crime with a comparison of original  
19 versus new offenses by major offense type: assaultive,  
20 nonassaultive, drug, and sex.

21 (b) The numbers of parole and probation violators returned to  
22 or sent to prison for a technical violation and the type of  
23 violation, including, but not limited to, zero gun tolerance and  
24 substance abuse violations. For parole technical rule violators,  
25 the report shall list violations by type, by length of time since  
26 release from prison, by the most recent violation, and by the  
27 number of violations occurring since release from prison.

1 (c) The educational history of those offenders, including how  
2 many had a GED or high school diploma prior to incarceration in  
3 prison, how many received a GED while in prison, and how many  
4 received a vocational certificate while in prison.

5 (d) The number of offenders who participated in the MPRI  
6 versus the number of those who did not.

7 (e) The unduplicated number of offenders who participated in  
8 substance abuse treatment programs, mental health treatment  
9 programs, or both, while in prison, itemized by diagnosis.

#### 10 CONSENT DECREES

11 Sec. 701. Funding appropriated in part 1 for consent decree  
12 line items is appropriated into separate control accounts created  
13 for each line item. Funding in each control account shall be  
14 distributed as necessary into separate accounts created for the  
15 purpose of separately identifying costs and expenditures associated  
16 with each consent decree.

#### 17 HEALTH CARE

18 Sec. 801. The department shall not expend funds appropriated  
19 under part 1 for any surgery, procedure, or treatment to provide or  
20 maintain a prisoner's sex change unless it is determined medically  
21 necessary by the chief medical officer of the department.

22 Sec. 804. The department shall report quarterly to the senate  
23 and house appropriations subcommittees on corrections, the senate  
24 and house fiscal agencies, and the state budget director on  
25 prisoner health care utilization. The report shall include the

1 number of inpatient hospital days, outpatient visits, and emergency  
2 room visits in the previous quarter and since October 1, 2008, by  
3 facility.

4       Sec. 805. The bureau of health care services shall develop  
5 information on Hepatitis C and human immunodeficiency virus (HIV)  
6 prevention and the risks associated with exposure to Hepatitis C  
7 and HIV. The health care providers shall disseminate this  
8 information verbally and in writing to each prisoner at the health  
9 screening and full health appraisal conducted at admissions, at the  
10 annual health care screening 30 days before or after a prisoner's  
11 birthday, and prior to release to the community by parole, transfer  
12 to community residential placement, or discharge on the maximum  
13 sentence.

14       Sec. 806. (1) From the funds appropriated in part 1, the  
15 department shall require a Hepatitis C antibody test and an HIV  
16 test for each prisoner prior to release to the community by parole,  
17 transfer to community residential placement, or discharge on the  
18 maximum sentence. The department shall require an HIV test and a  
19 Hepatitis C risk factor screening for each prisoner at the health  
20 screening at admissions. If Hepatitis C risk factors are  
21 identified, the department shall offer the prisoner a Hepatitis C  
22 antibody test. An explanation of results of the tests shall be  
23 provided confidentially to the prisoner, and if appropriate based  
24 on the test results, the prisoner shall also be provided a  
25 recommendation to seek follow-up medical attention.

26       (2) By March 1, 2009, the department shall report to the  
27 senate and house appropriations subcommittees on corrections, the

senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the number of offenders tested and the number of offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission and parole, transfer to community residential placement, or discharge on the maximum sentence. The department shall keep records of those offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission, parole, transfer to community residential placement, and discharge. These records shall clearly state the date each test was performed.

(3) As a condition of expenditure of the funds appropriated in part 1, the department shall keep records of the following:

(a) The number of offenders testing positive for the Hepatitis C antibody who do not receive treatment, by reason for not participating.

(b) The number of offenders achieving a sustained viral response from Hepatitis C treatment.

(c) Cost and duration of treatment by offender.

Sec. 807. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another. Prisoners being released shall be provided with a supply of medication to allow for continuity of care in the community.

#### **CORRECTIONAL FACILITIES ADMINISTRATION**

Sec. 902. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot

1 children's visitation program. The pilot program shall teach  
2 parenting skills and arrange for day visitation at these facilities  
3 for parents and their children, except for the families of  
4 prisoners convicted of a crime involving criminal sexual conduct in  
5 which the victim was less than 18 years of age or involving child  
6 abuse.

7       Sec. 903. Except as otherwise provided in this section, the  
8 department shall prohibit prisoners' access to or use of the  
9 Internet or any similar system. Under adequate supervision and with  
10 security precautions that ensure appropriate computer use by  
11 prisoners, the department may allow a prisoner access to or use of  
12 the Internet for the purposes of educational programming,  
13 employment training, job searches, or other Internet-based programs  
14 and services consistent with programming objectives, efficient  
15 operations, and the safety and security of the institution.

16       Sec. 904. Any department employee who, in the course of his or  
17 her job, is determined by a physician to have had a potential  
18 exposure to the Hepatitis B virus, shall receive a Hepatitis B  
19 vaccination upon request.

20       Sec. 905. (1) The inmate housing fund shall be used for the  
21 custody, treatment, clinical, and administrative costs associated  
22 with the housing of prisoners other than those specifically  
23 budgeted for elsewhere in this bill. Funding in the inmate housing  
24 fund is appropriated into a separate control account. Funding in  
25 the control account shall be distributed as necessary into separate  
26 accounts created to separately identify costs for specific  
27 purposes.

1           (2) Quarterly reports on all expenditures from the inmate  
2 housing fund shall be submitted by the department to the state  
3 budget director, the senate and house appropriations subcommittees  
4 on corrections, and the senate and house fiscal agencies.

5           Sec. 906. The department shall establish a uniform rate to be  
6 paid by public and private agencies that benefit from public work  
7 services provided by special alternative incarceration participants  
8 and prisoners.

9           Sec. 907. (1) The negative appropriations for justice reform  
10 in part 1 shall be satisfied by savings from reforms and  
11 efficiencies identified through the justice reinvestment initiative  
12 in consultations between the legislature and the department and  
13 approval by the state budget director.

14           (2) Appropriation authorizations shall be adjusted after the  
15 approval of transfers by the legislature pursuant to section 393(2)  
16 of the management and budget act, 1984 PA 431, MCL 18.1393.

17           Sec. 908. Included in the appropriations in part 1 for local  
18 reinvestment to achieve prisoner reductions is \$9,601,000, which  
19 shall be used by the department to fund local programs for offender  
20 services or treatment. A request for funding under this subsection  
21 would have to be submitted to the department and consistent with a  
22 local comprehensive corrections plan and would have to be for a  
23 service or services being provided due to changes in Michigan's  
24 sentencing laws enacted during the 2007-2008 legislative session.  
25 Offender services which may be funded under this section include,  
26 but are not limited to, offender employment and training services,  
27 education, community service, and drug, alcohol, and mental health

1 treatment services, including when provided as treatment components  
2 of a drug court program or mental health diversion program. Funds  
3 described in this subsection also may be used for administrative  
4 costs for a drug court program that specifically limits its  
5 services to participating felons who meet at least one of the  
6 following criteria:

7 (a) The felon's sentencing guidelines recommended range for  
8 the minimum sentence has a lower limit of more than 12 months.

9 (b) The felon was sentenced to jail for a felony committed  
10 while he or she was on parole and under the jurisdiction of the  
11 parole board.