SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4437

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2010; 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 act, the

amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population 45,433

Full-time equated unclassified positions..... 21.0

Full-time equated classified positions..... 15,746.1

GROSS APPROPRIATION..... $ 1,930,185,700

Appropriated from:

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers 891,900

ADJUSTED GROSS APPROPRIATION..... $ 1,929,293,800

Federal revenues:

Total federal revenues..... 7,746,100

Special revenue funds:

Total local revenues..... 432,700

Total private revenues..... 0

Total other state restricted revenues..... 50,924,600

State general fund/general purpose..... $ 1,870,190,400

Sec. 102. EXECUTIVE

Full-time equated unclassified positions..... 21.0

Full-time equated classified positions..... 12.0

Unclassified positions--21.0 FTE positions..... $ 1,812,100

Executive direction--12.0 FTE positions..... 2,188,900

1 Neal, et al. settlement agreement		10,000,000
2 GROSS APPROPRIATION	$	14,001,000
3 Appropriated from:		
4 State general fund/general purpose	$	14,001,000
5 **Sec. 103. PLANNING AND COMMUNITY SUPPORT**		
6 Full-time equated classified positions 73.0		
7 Planning and community development support--59.0 FTE		
8 positions	$	6,090,500
9 Mental health awareness training		100,000
10 Prisoner reintegration programs		56,605,700
11 Substance abuse testing and treatment services--14.0		
12 FTE positions		19,191,500
13 Residential services		18,075,500
14 Community corrections comprehensive plans and services		12,758,000
15 Public education and training		50,000
16 Regional jail program		100
17 Felony drunk driver jail reduction and community		
18 treatment program		1,740,100
19 County jail reimbursement program		16,572,100
20 County jail reimbursement program savings		(4,300,000)
21 GROSS APPROPRIATION	$	126,883,500
22 Appropriated from:		
23 Federal revenues:		
24 DOJ, office of justice programs, RSAT		143,500
25 DOJ, prisoner reintegration		1,035,000
26 Special revenue funds:		
27 Civil infraction fees		7,514,400

1 State general fund/general purpose	$	118,190,600
2 **Sec. 104. OPERATIONS SUPPORT ADMINISTRATION**		
3 Full-time equated classified positions..... 142.9		
4 Operations support administration--50.0 FTE positions	$	4,799,000
5 New custody staff training		250,500
6 Compensatory buyout and union leave bank		100
7 Worker's compensation		14,330,800
8 Bureau of fiscal management--59.9 FTE positions		6,442,900
9 Office of legal services--23.0 FTE positions		2,583,700
10 Internal affairs--10.0 FTE positions		1,039,800
11 Rent		2,095,200
12 Equipment and special maintenance		2,425,500
13 Administrative hearings officers		3,549,600
14 Judicial data warehouse user fees		50,000
15 Sheriffs' coordinating and training office		500,000
16 Prosecutorial and detainer expenses		4,051,000
17 GROSS APPROPRIATION	$	42,118,100
18 Appropriated from:		
19 Interdepartmental grant revenues:		
20 IDG-MDSP, Michigan justice training fund		298,400
21 Special revenue funds:		
22 Local corrections officer training fund		500,000
23 Correctional industries revolving fund		110,400
24 State general fund/general purpose	$	41,209,300
25 **Sec. 105. FIELD OPERATIONS ADMINISTRATION**		
26 Full-time equated classified positions..... 2,174.9		
27 Field operations--1,992.6 FTE positions	$	171,935,100

1	Parole board operations--63.0 FTE positions	5,584,900
2	Parole/probation services	2,243,500
3	Community re-entry centers--58.3 FTE positions	15,628,000
4	Electronic monitoring center--61.0 FTE positions	11,306,300
5	GROSS APPROPRIATION ..... $	206,697,800
6	Appropriated from:	
7	Special revenue funds:	
8	Local - community tether program reimbursement	432,700
9	Re-entry center offender reimbursements	136,800
10	Parole and probation oversight fees	8,300,000
11	Parole and probation oversight fees set-aside	2,643,500
12	Public works user fees	249,400
13	Tether program participant contributions	3,033,800
14	State general fund/general purpose ..... $	191,901,600
15	**Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION**	
16	Average population 210	
17	Full-time equated classified positions..... 1,503.6	
18	Correctional facilities administration--28.0 FTE	
19	positions ..... $	5,697,400
20	Prison food service--423.0 FTE positions	72,611,800
21	Transportation--215.6 FTE positions	23,351,600
22	Central records--53.5 FTE positions	4,589,100
23	DOJ psychiatric plan - MDCH mental health services ...	45,489,700
24	DOJ psychiatric plan - MDOC staff and services--149.7	
25	FTE positions	14,622,500
26	Inmate legal services	1,004,900
27	Loans to parolees	179,400

1	Housing inmates in federal institutions	793,900
2	Prison store operations--75.0 FTE positions	4,800,000
3	Prison industries operations--219.0 FTE positions	20,358,300
4	Education services and federal education grants--10.0	
5	FTE positions	3,420,500
6	Federal school lunch program	712,800
7	Leased beds and alternatives to leased beds	100
8	Inmate housing fund--26.3 FTE positions	4,432,200
9	Average population 210	
10	Correctional cost savings	(38,209,200)
11	MPRI education program--303.5 FTE positions	32,467,400
12	GROSS APPROPRIATION	$ 196,322,400
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG-MDCH, forensic center food service	593,500
16	Federal revenues:	
17	DAG-FNS, national school lunch	712,800
18	DED-OESE, title 1	522,900
19	DED-OVAE, adult education	893,000
20	DED-OSERS	108,000
21	DED, vocational education equipment	277,400
22	DED, youthful offender/Specter grant	1,292,100
23	DOJ-BOP, federal prisoner reimbursement	211,000
24	DOJ-OJP, serious and violent offender reintegration	
25	initiative	10,300
26	DOJ, prison rape elimination act grant	1,004,300
27	SSA-SSI, incentive payment	126,600

1 Special revenue funds:
2 Correctional industries revolving fund 20,358,300
3 Resident stores 4,800,000
4 State general fund/general purpose ..... $ 165,412,200
5 **Sec. 107. HEALTH CARE**
6 Full-time equated classified positions..... 1,170.0
7 Health care administration--13.0 FTE positions ..... $ 2,048,300
8 Prisoner health care services 95,881,400
9 Vaccination program 691,200
10 Northern region clinical complexes--249.8 FTE
11 positions 29,481,200
12 Southeastern region clinical complexes--602.9 FTE
13 positions 93,540,500
14 Southwestern region clinical complexes--304.3 FTE
15 positions 38,004,700
16 GROSS APPROPRIATION ..... $ 259,647,300
17 Appropriated from:
18 Special revenue funds:
19 Prisoner health care copayments 336,300
20 State general fund/general purpose ..... $ 259,311,000
21 **Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES**
22 Average population 12,917
23 Full-time equated classified positions..... 3,174.4
24 Alger maximum correctional facility - Munising--268.0
25 FTE positions ..... $ 27,231,400
26 Average population 889
27 Baraga maximum correctional facility - Baraga--332.1

1 FTE positions 31,363,100
2 Average population 884
3 Chippewa correctional facility - Kincheloe--475.3 FTE
4 positions 47,349,800
5 Average population 2,282
6 Kinross correctional facility - Kincheloe--357.3 FTE
7 positions 35,813,100
8 Average population 1,799
9 Marquette branch prison - Marquette--352.1 FTE
10 positions 37,630,100
11 Average population 1,201
12 Newberry correctional facility - Newberry--281.9 FTE
13 positions 26,846,800
14 Average population 978
15 Oaks correctional facility - Eastlake--309.0 FTE
16 positions 33,808,200
17 Average population 1,156
18 Ojibway correctional facility - Marenisco--209.9 FTE
19 positions 19,361,100
20 Average population 1,090
21 Pugsley correctional facility - Kingsley--218.0 FTE
22 positions 20,300,600
23 Average population 1,158
24 Saginaw correctional facility - Freeland--314.8 FTE
25 positions 31,177,000
26 Average population 1,480
27 Northern region administration and support--56.0 FTE

1 positions 3,622,900

2 GROSS APPROPRIATION..... $ 314,504,100

3 Appropriated from:

4 Special revenue funds:

5 Public works user fees..... 512,900

6 State general fund/general purpose..... $ 313,991,200

7 **Sec. 109. SOUTHEASTERN REGION CORRECTIONAL**

8 **FACILITIES**

9 Average population 16,193

10 Full-time equated classified positions..... 4,017.0

11 Cooper street correctional facility - Jackson--275.9

12 FTE positions ..... $ 28,503,700

13 Average population 1,752

14 G. Robert Cotton correctional facility - Jackson--

15 405.5 FTE positions 38,843,000

16 Average population 1,854

17 Charles E. Egeler correctional facility - Jackson--

18 357.3 FTE positions 39,222,400

19 Average population 1,376

20 Gus Harrison correctional facility - Adrian--450.7 FTE

21 positions 45,323,300

22 Average population 2,342

23 Huron Valley correctional complex - Ypsilanti--651.6

24 FTE positions 67,180,900

25 Average population 1,872

26 Macomb correctional facility - New Haven--285.6 FTE

27 positions 27,464,000

Average population 1,228	
Maxey/Woodland Center correctional facility - Whitmore Lake--186.3 FTE positions	15,850,100
Average population 328	
Mound correctional facility - Detroit--300.5 FTE positions	26,309,100
Average population 1,051	
Parnall correctional facility - Jackson--260.8 FTE positions	26,377,800
Average population 1,712	
Ryan correctional facility - Detroit--293.8 FTE positions	29,261,000
Average population 1,059	
Thumb correctional facility - Lapeer--288.0 FTE positions	29,147,500
Average population 1,219	
Special alternative incarceration program (Camp Cassidy Lake)--120.0 FTE positions.....	10,892,600
Average population 400	
Southeastern region administration and support--141.0 FTE positions	21,461,400
GROSS APPROPRIATION.....	$ 405,836,800
Appropriated from:	
Federal revenues:	
DOJ, state criminal alien assistance program.....	1,409,200
Special revenue funds:	
Public works user fees.....	1,295,900

1 State general fund/general purpose ..... $ 403,131,700

2 **Sec. 110. SOUTHWESTERN REGION CORRECTIONAL**

3 **FACILITIES**

4 Average population 16,113

5 Full-time equated classified positions..... 3,478.3

6 Bellamy Creek correctional facility - Ionia--399.4 FTE

7 positions ..... $ 36,767,300

8 Average population 1,850

9 Earnest C. Brooks correctional facility - Muskegon--

10 454.2 FTE positions 45,346,500

11 Average population 2,440

12 Carson City correctional facility - Carson City--459.8

13 FTE positions 46,464,800

14 Average population 2,440

15 Richard A. Handlon correctional facility - Ionia--

16 237.4 FTE positions 23,238,300

17 Average population 1,320

18 Ionia maximum correctional facility - Ionia--306.7 FTE

19 positions 29,583,600

20 Average population 707

21 Lakeland correctional facility - Coldwater--473.8 FTE

22 positions 46,167,900

23 Average population 2,392

24 Michigan reformatory - Ionia--311.1 FTE positions 26,179,100

25 Average population 1,338

26 Pine River correctional facility - St. Louis--211.7

27 FTE positions 20,713,200

1	Average population 1,200	
2	St. Louis correctional facility - St. Louis--524.2 FTE	
3	positions	50,425,800
4	Average population 2,426	
5	Southwestern region administration and support--100.0	
6	FTE positions	16,706,200
7	GROSS APPROPRIATION.....	$ 341,592,700
8	Appropriated from:	
9	Special revenue funds:	
10	Public works user fees.....	371,700
11	State general fund/general purpose.....	$ 341,221,000
12	**Sec. 111. INFORMATION TECHNOLOGY**	
13	Information technology services and projects.....	$ 22,582,000
14	GROSS APPROPRIATION.....	$ 22,582,000
15	Appropriated from:	
16	Special revenue funds:	
17	Correctional industries revolving fund.....	154,900
18	Parole and probation oversight fees set-aside.....	606,300
19	State general fund/general purpose.....	$ 21,820,800

20 PART 2

21 PROVISIONS CONCERNING APPROPRIATIONS

22 **GENERAL SECTIONS**

23 Sec. 201. Pursuant to section 30 of article IX of the state
24 constitution of 1963, total state spending from state resources
25 under part 1 for fiscal year 2009-2010 is $1,921,115,000.00 and

state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is $93,287,000.00. 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	$	48,783,900
Public service work projects		4,859,800
Community corrections comprehensive plans and services		12,758,000
Community corrections residential services		18,075,500
Community corrections public education and training		50,000
Felony drunk driver jail reduction and community treatment program		1,740,100
Community re-entry centers		2,019,600
Regional jail program		100
TOTAL	$	88,287,000

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

Sec. 203. As used in this act:

(a) "DAG" means the United States department of agriculture.

(b) "DAG-FNS" means the DAG food and nutrition service.

(c) "DED" means the United States department of education.

(d) "DED-OESE" means the DED office of elementary and secondary education.

(e) "DED-OSERS" means the DED office of special education and rehabilitative services.

1 (f) "DED-OVAE" means the DED office of vocational and adult
2 education.
3 (g) "Department" or "MDOC" means the Michigan department of
4 corrections.
5 (h) "DOJ" means the United States department of justice.
6 (i) "DOJ-BOP" means the DOJ bureau of prisons.
7 (j) "DOJ-OJP" means the DOJ office of justice programs.
8 (k) "FTE" means full-time equated.
9 (*l*) "GED" means general educational development certificate.
10 (m) "GPS" means global positioning system.
11 (n) "HIV" means human immunodeficiency virus.
12 (o) "IDG" means interdepartmental grant.
13 (p) "IDT" means intradepartmental transfer.
14 (q) "MDCH" means the Michigan department of community health.
15 (r) "Medicaid benefit" means a benefit paid or payable under a
16 program for medical assistance under the social welfare act, 1939
17 PA 280, MCL 400.1 to 400.119b.
18 (s) "MDSP" means the Michigan department of state police.
19 (t) "MPRI" means the Michigan prisoner reentry initiative.
20 (u) "OCC" means the office of community corrections.
21 (v) "RSAT" means residential substance abuse treatment.
22 (w) "SSA" means the United States social security
23 administration.
24 (x) "SSA-SSI" means SSA supplemental security income.
25 Sec. 204. The civil service commission shall bill departments
26 and agencies at the end of the first fiscal quarter for the 1%
27 charge authorized by section 5 of article XI of the state

constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

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

(2) The state budget director may grant exceptions to the hiring freeze when the state budget director believes that this hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 207. At least 120 days before beginning any effort to privatize, except for the current effort to privatize and contract for prisoner mental health services which is necessitated by the critical need for prisoner mental health treatment staff, the

department shall submit a complete project plan to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies within 30 months. In the case of the current effort to privatize and contract for prisoner mental health services, the department shall submit a complete project plan to the appropriate senate and house appropriations committee chairs and appropriate senate and house appropriations subcommittee chairs as well as the senate and house fiscal agency and state budget office 10 days prior to beginning the effort.

Sec. 207a. (1) Before privatizing any services or activities currently provided by state employees in the department, except for the privatization of prisoner mental health services which is necessitated by a critical shortage of mental health professional staff, the department shall submit to the senate and house appropriations committees a preprivatization cost-benefit analysis. This analysis shall utilize accurate, reliable, and objective data. Included in this analysis shall be a comparative estimate of the costs that will be incurred by this state over the life of the contract if 1 or both of the following occur:

(a) The service or activity continues to be provided by state employees.

(b) The service or activity is privatized. The costs of privatizing these services shall include the costs of all necessary

monitoring and oversight of the private entity by this state.

(2) The department shall not commence any efforts to privatize the services or activities currently provided by state employees under part 1, except for prisoner mental health services, until the cost-benefit analysis prescribed by subsection (1) has been sent to both the senate and house appropriations committees 14 days prior to the efforts to privatize, and proves a cost savings equivalent to the savings specified in civil service rules for disbursement for personal services outside the civil service. Before awarding a contract for the provision of prisoner mental health treatment services, a cost-benefit analysis shall be completed as specified in subsection (1) and submitted to the appropriate senate and house appropriations committee chairs and appropriate senate and house appropriations subcommittee chairs as well as the senate and house fiscal agency and state budget office not less than 7 days prior to awarding a contract.

(3) In all cases in which a service or activity is privatized, including the provision of prisoner mental health services, the private entity shall be adequately bonded, so as not to expose the state to any potential future liability or legal causes of action.

(4) A private contractor with a contract with this state that expends state or federal tax dollars shall have all records pertinent to state contracts, including all records detailing compliance with section 209, be subject to disclosure to the department or the department of management and budget.

(5) State employees shall be given the opportunity to bid on contracts that privatize services that are or were provided by

state employees. If the contract is awarded to any state employee, he or she ceases being an employee of the state.

Sec. 208. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site. There shall be at least 1 separate and distinct electronic file for each section that includes a reporting requirement.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if comparable quality American goods or services, or both, that do not cost more than 5% greater than foreign goods or services are available. Preference shall be given to produce, goods or services, or both, grown, processed, manufactured, or provided by Michigan businesses if they are of comparable quality and do not cost more than 5% greater than non-Michigan manufactured or provided goods or services. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. (1) Individuals seeking employment with the department shall submit to a controlled substance test administered by the department under civil service rules and regulations and applicable collective bargaining agreements.

(2) The department shall deny employment to individuals seeking employment with the department who violate subsection (1)

1 or who submit to testing under subsection (1) but test positive for
2 the illicit use of a controlled substance.
3 Sec. 211. (1) The department may charge fees and collect
4 revenues in excess of appropriations in part 1 not to exceed the
5 cost of offender services and programming, employee meals, parolee
6 loans, academic/vocational services, custody escorts, compassionate
7 visits, and union steward activities. The revenues and fees
8 collected are appropriated for all expenses associated with these
9 services and activities.
10 (2) If a parolee or probationer has been ordered to pay
11 restitution, the department shall ensure that payment is a
12 condition of his or her community supervision. Restitution payments
13 shall be made as provided in section 22 of chapter XV of the code
14 of criminal procedure, 1927 PA 175, MCL 775.22. The department
15 shall collect not more than 50% of all money collected from
16 parolees and probationers for payments other than victim payments,
17 as that term is defined in section 22 of chapter XV of the code of
18 criminal procedure, 1927 PA 175, MCL 775.22.
19 Sec. 213. By February 15, 2010, the department shall provide
20 the members of the senate and house appropriations subcommittees on
21 corrections, the senate and house fiscal agencies, and the state
22 budget director with a report detailing non-general fund/general
23 purpose sources of revenue, including, but not limited to, federal
24 revenues, state restricted revenues, local and private revenues,
25 offender reimbursements and other payments, revolving funds, and 1-
26 time sources of revenue, whether or not those revenues were
27 appropriated. The report shall include statements detailing for

each account the total amount of revenue received during fiscal year 2008-2009, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2008-2009, the account balance at the close of fiscal year 2008-2009, and the projected revenues and expenditures for fiscal year 2009-2010.

Sec. 214. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

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

Sec. 216. (1) Due to the current budgetary problems of this state, out-of-state travel for the fiscal year ending September 30, 2010 shall be limited to situations in which 1 or more of the following conditions apply:

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

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states for similar

reasons.

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

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

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

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

(2) Not later than January 1, 2010, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the senate and house standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general

fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

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

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

Sec. 219. Any contract for prisoner telephone services entered into after the effective date of this act shall include a condition that fee schedules for prisoner telephone calls, including rates and any surcharges other than those necessary to meet special equipment costs, be the same as fee schedules for calls placed from outside of correctional facilities.

Sec. 221. (1) The department shall report no later than March 1, 2010 on each specific policy change made to implement a public act affecting the department that took effect during the previous calendar year to the senate and house appropriations subcommittees on corrections, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the

disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

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

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

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

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

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

Sec. 224. By March 1, 2010, the department shall provide a litigation report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall identify all lawsuits adjudicated through the trial court phase in which the department or an employee acting on behalf of the department was a defendant and in which trial court proceedings resulted in a decision of $250,000.00 or more against the department.

Sec. 225. (1) The department shall make every effort to place employees displaced by any reductions in force within other positions in the department.

(2) It is the intent of the legislature that all employees displaced by any reductions in force who are not placed within other positions in the department be given priority in state programs for job retraining or education, such as the no worker

1 left behind program.

2 Sec. 230. (1) From the funds appropriated in part 1, the
3 department shall complete the study required by section 230 of 2008
4 PA 245. The study shall cover at least 1 county jail in each of the
5 department's 3 administrative regions within the state and at a
6 minimum shall be based on a representative random sample of county
7 jail inmates. To the extent that such information would not
8 conflict with state law on confidentiality for inmates included in
9 the study, at a minimum, the study shall be sufficient to provide
10 all of the information required by subsection (2). In the process
11 of study design, development, and implementation, the department
12 shall assure involvement of and consultation from counties,
13 sheriffs, prosecutors, victims, and consumer, family, advocacy,
14 provider, and professional groups concerned with mental health and
15 justice issues. The methodological basis for the study shall
16 include all of the following:

17 (a) Diagnostic clinical interviews with all of the inmates in
18 the study.

19 (b) Reviews of the criminal history records of all of the
20 inmates in the study.

21 (c) Reviews of the medical and mental health records of all of
22 the inmates in the study, as available.

23 (2) By September 1, 2010, the department shall report to the
24 senate and house appropriations subcommittees on corrections, the
25 senate and house appropriations subcommittees on community health,
26 the senate and house fiscal agencies, and the state budget director
27 on the results and findings of the study, including, at a minimum,

information on all of the following, to the extent that the information does not conflict with state law on confidentiality for the inmates included in the study:

(a) Study methodology, including information on the sample size and counties sampled.

(b) The proportion of county jail inmates with a primary diagnosis of mental illness, the proportion of inmates with a primary diagnosis of addiction disorder, and the proportion of inmates with a dual diagnosis of mental illness and addiction disorder.

(c) For each category of inmates listed in subdivision (b), all of the following information:

(*i*) The proportion considered to currently require treatment and the percentage in need of treatment who are currently receiving it. Information on inmates currently receiving treatment shall identify whether the inmates are receiving inpatient, residential, or outpatient treatment. Treatment information on inmates with a dual diagnosis shall identify whether inmates are receiving mental health inpatient, mental health residential, mental health outpatient, substance abuse residential, or substance abuse outpatient treatment.

(*ii*) Data indicating how many inmates previously had been hospitalized in a state or private psychiatric hospital for persons with mental illness.

(*iii*) Data indicating whether and with what frequency inmates previously had been incarcerated in a jail or committed to the department of corrections.

1 (*iv*) Data indicating whether inmates previously had received
2 services managed by a community mental health program or substance
3 abuse coordinating agency.
4 Sec. 231. The department shall not approve the travel of more
5 than 1 departmental employee to a specific professional development
6 conference or training seminar that is located outside of this
7 state unless a professional development conference or training
8 seminar is funded by a federal or private funding source and
9 requires more than 1 person from a department to attend, or the
10 conference or training seminar includes multiple issues in which 1
11 employee from the department does not have expertise.
12 Sec. 232. By April 1, 2010, the department shall report to the
13 senate and house of representatives appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget director with a listing of Michigan vendors whose contracts
16 were canceled or reduced in favor of single-source contracts from
17 vendors based outside of Michigan. The report shall provide
18 information for fiscal years 2007-2008 and 2008-2009 and shall
19 include pertinent contract amounts.
20 Sec. 233. (1) The negative appropriation for correctional cost
21 savings in part 1 equates to an $841.00 reduction in the
22 department's cost per prisoner and shall be satisfied by cost
23 savings realized through departmental savings and efficiencies
24 directly or indirectly affecting its cost per offender.
25 (2) Appropriation authorization adjustments required due to
26 negative appropriations for correctional cost savings shall be made
27 only after the approval of transfers by the legislature under

section 393 of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) By March 1, 2010, the department shall report to the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of actions taken to meet the savings identified in this section.

EXECUTIVE

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

(2) Information removed from the offender tracking information system due to the expiration of 3 years following release of an offender from the department's jurisdiction shall be retained by the department and maintained in a password-protected archive. Effective October 1, 2009, information in the archive shall be made available upon payment of a fee as determined by the department. Revenue collected under this section is appropriated for the costs of the offender tracking information system, and any revenue collected in excess of the costs of maintaining the offender

tracking information system is appropriated for information technology costs. The department shall report on March 1, 2010 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the fees charged and revenue collected under this section.

Sec. 302. A report on the mental health study required under section 302 of 2007 PA 124, together with any recommendations contained in the study and response from the department, shall be provided to the members of the senate and house appropriations subcommittees on corrections and community health, the senate and house fiscal agencies, MDCH, and the state budget director no later than 30 days after the receipt of the completed study. The report shall include all of the information specified in section 302(2)(a) to (j) of 2007 PA 124. The report also shall include a plan by the department to implement those recommendations with which it agrees and an explanation of any disagreements with recommendations. It is the intent of the legislature to review the department's implementation plan and, in coordination with the department, to identify funds with which to implement the plan, as appropriate.

Sec. 303. It is the intent of the legislature that the quantity of database systems in use by the department be optimal for efficient data usage and communications. By March 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of the plan to implement secure, encrypted, Internet-based database systems that can electronically communicate with each other and with other law-

1 enforcement-related databases by September 30, 2010.
2 Sec. 304. The director of the department shall maintain a
3 staff savings initiative program to invite employees to submit
4 suggestions for saving costs for the department. The department
5 shall report semiannually to the senate and house appropriations
6 subcommittees on corrections, the senate and house fiscal agencies,
7 and the state budget director on the suggestions submitted under
8 this section, the implementation plan for those suggestions with
9 which the department agrees, and an explanation of any
10 disagreements with suggestions.
11 Sec. 305. By March 1, 2010, the department shall report to the
12 senate and house appropriations subcommittees on corrections, the
13 senate and house fiscal agencies, and the state budget director on
14 the number of prisoners who committed suicide during the previous
15 calendar year. To the extent permitted by law, the report shall
16 include all of the following information:
17 (a) The prisoner's age, offense, sentence, and admission date.
18 (b) Each prisoner's facility and unit.
19 (c) A description of the circumstances of the suicide.
20 (d) The date of the suicide.
21 (e) Whether the suicide occurred in a housing unit, a
22 segregation unit, a mental health unit, or elsewhere on the grounds
23 of the facility.
24 (f) Whether the prisoner had been denied parole and the date
25 of any denial.
26 (g) Whether the prisoner had received a mental health
27 evaluation or assessment.

(h) Details on the department's responses to each suicide, including immediate on-site responses and subsequent internal investigations.

(i) A description of any monitoring and psychiatric interventions that had been undertaken prior to the prisoner's suicide, including any changes in placement or mental health care.

(j) Whether the prisoner had previously attempted suicide.

PLANNING AND COMMUNITY SUPPORT

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2010 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall include explanations of the methodology and assumptions used in developing the projection updates.

Sec. 402. It is the intent of the legislature that the funds appropriated in part 1 for prisoner reintegration programs be expended for the purpose of reducing victimization by reducing repeat offending through the following prisoner reintegration programming:

(a) The provision of employment or employment services and job training.

(b) The provision of housing assistance.

(c) Referral to mental health services.

(d) Referral to substance abuse services.

(e) Referral to public health services.

(f) Referral to education.

(g) Referral to any other services necessary for successful reintegration.

Sec. 403. By March 1, 2010, the department shall provide a report on MPRI expenditures and allocations to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include information on both of the following:

(a) Details on prior-year expenditures, including amounts spent on each project funded, itemized by service provided and service provider.

(b) Allocations and projected expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider.

Sec. 403a. (1) In collaboration with a technical committee composed of representatives from the department, designees of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the justice center of the council of state governments, the department shall develop a performance-based dashboard tracking and reporting system that establishes key indicators of the success and failure of offenders. Indicators shall reflect the status of and trends in key program elements, behavior improvements on the part of offenders, and whether targeted goals are being met.

(2) By April 1, 2010, the department shall report dashboard data to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state

1 budget director.
2 Sec. 404. (1) The department shall screen and assess each
3 prisoner for alcohol and other drug involvement to determine the
4 need for further treatment. The assessment process shall be
5 designed to identify the severity of alcohol and other drug
6 addiction and determine the treatment plan, if appropriate.
7 (2) The department shall provide substance abuse treatment to
8 prisoners with priority given to those prisoners who are most in
9 need of treatment and who can best benefit from program
10 intervention based on the screening and assessment provided under
11 subsection (1).
12 Sec. 405. (1) In expending residential substance abuse
13 treatment services funds appropriated under this act, the
14 department shall ensure to the maximum extent possible that
15 residential substance abuse treatment services are available
16 statewide.
17 (2) By March 1, 2010, the department shall report to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director on
20 the allocation, distribution, and expenditure of all funds
21 appropriated by the substance abuse testing and treatment line item
22 during fiscal year 2008-2009 and projected for fiscal year 2009-
23 2010. The report shall include, but not be limited to, an
24 explanation of an anticipated year-end balance, the number of
25 participants in substance abuse programs, and the number of
26 offenders on waiting lists for residential substance abuse
27 programs. Information required under this subsection shall, where

1 possible, be separated by MDOC administrative region and by
2 offender type, including, but not limited to, a distinction between
3 prisoners, parolees, and probationers.
4 (3) By March 1, 2010, the department shall report to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house fiscal agencies, and the state budget director on
7 substance abuse testing and treatment program objectives, outcome
8 measures, and results, including program impact on offender
9 behavior and success as defined in section 409.
10 Sec. 405a. It is the intent of the legislature that the
11 department work cooperatively with MDCH and substance abuse
12 coordinating agencies in referring offenders as appropriate to
13 intensive substance abuse services, including residential services.
14 Sec. 407. (1) By June 30, 2010, the department shall place the
15 2009 statistical report on an Internet site. The statistical report
16 shall include, but not be limited to, the information as provided
17 in the 2004 statistical report.
18 (2) It is the intent of the legislature that starting with
19 calendar year 2009, the statistical report be placed on an Internet
20 site within 6 months after the end of each calendar year.
21 Sec. 408. The department shall measure the repeat offense
22 rates of offenders using at least a 3-year period following their
23 release from prison.
24 Sec. 409. The office of community corrections shall provide
25 and coordinate the delivery and implementation of services in
26 communities to facilitate successful offender reintegration into
27 the community. Programs and services to be offered shall include,

but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this act:

(a) "Alternative to incarceration in a state facility or jail" means a program that involves offenders who receive a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or that amounts to a reduction in the length of sentence in a jail.

(b) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce repeat offending, criminogenic and high-risk behaviors, prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

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

(d) "Objective risk and needs assessment" means an evaluation of an offender's criminal history; the offender's noncriminal history; and any other factors relevant to the risk the offender would present to the public safety, including, but not limited to, having demonstrated a pattern of violent behavior, and a criminal record that indicates a pattern of violent offenses.

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

(f) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not likely increase the risk to the public safety based on an objective risk and needs assessment that indicates that the offender can be safely treated and supervised in the community.

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

(*i*) A felon or misdemeanant who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(*ii*) A currently incarcerated felon or misdemeanant who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

(h) "Success" means that an offender has done all of the following:

(*i*) Regularly reported to his or her assigned field agent.

(*ii*) Is participating in or has successfully completed all required substance abuse, mental health, sex offender, or other

1 treatment as approved by the field agent.
2 (*iii*) Obtained employment, has enrolled or participated in a
3 program of education or job training, or has investigated all bona
4 fide employment opportunities.
5 (*iv*) Obtained housing.
6 (*v*) Obtained a state identification card.
7 (*vi*) Not sent or returned to prison for the conviction of a new
8 crime or the revocation of probation or parole.
9 (*vii*) Not been sentenced to a jail term for a new criminal
10 offense.
11 Sec. 410. (1) The funds included in part 1 for community
12 corrections comprehensive plans and services are to encourage the
13 development through technical assistance grants, implementation,
14 and operation of community corrections programs that enhance
15 offender success and that also may serve as an alternative to
16 incarceration in a state facility or jail. The comprehensive
17 corrections plans shall include an explanation of how the public
18 safety will be maintained, the goals for the local jurisdiction,
19 offender target populations intended to be affected, offender
20 eligibility criteria for purposes outlined in the plan, and how the
21 plans will meet the following objectives, consistent with section
22 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:
23 (a) Reduce admissions to prison of offenders who would have
24 otherwise received an active sentence, including probation
25 violators.
26 (b) Improve the appropriate utilization of jail facilities,
27 the first priority of which is to open jail beds intended to house

otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

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

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

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

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

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

Sec. 411. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services, the special alternative incarceration program, probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the

1 comprehensive corrections plans and the purposes and priorities of
2 section 8(4) of the community corrections act, 1988 PA 511, MCL
3 791.408, which contribute to the success of offenders. The plans
4 shall also include, where appropriate, provisions that detail how
5 the local communities plan to respond to sentencing guidelines
6 found in chapter XVII of the code of criminal procedure, 1927 PA
7 175, MCL 777.1 to 777.69, and use the county jail reimbursement
8 program under section 414. The state community corrections board
9 shall encourage local community corrections advisory boards to
10 include in their comprehensive corrections plans strategies to
11 collaborate with local alcohol and drug treatment agencies of the
12 MDCH for the provision of alcohol and drug screening, assessment,
13 case management planning, and delivery of treatment to alcohol- and
14 drug-involved offenders.
15 Sec. 412. (1) As part of the March biannual report specified
16 in section 12(2) of the community corrections act, 1988 PA 511, MCL
17 791.412, that requires an analysis of the impact of that act on
18 prison admissions and jail utilization, the department shall submit
19 to the senate and house appropriations subcommittees on
20 corrections, the senate and house fiscal agencies, and the state
21 budget director the following information for each county and
22 counties consolidated for comprehensive corrections plans:
23 (a) Approved technical assistance grants and comprehensive
24 corrections plans including each program and level of funding, the
25 utilization level of each program, and profile information of
26 enrolled offenders.
27 (b) If federal funds are made available, the number of

1 participants funded, the number served, the number successfully
2 completing the program, and a summary of the program activity.
3 (c) Status of the community corrections information system and
4 the jail population information system.
5 (d) Data on residential services, including participant data,
6 participant sentencing guideline scores, program expenditures,
7 average length of stay, and bed utilization data.
8 (e) Offender disposition data by sentencing guideline range,
9 by disposition type, number and percent statewide and by county,
10 current year, and comparisons to the previous 3 years.
11 (f) Data on the use of funding made available under the felony
12 drunk driver jail reduction and community treatment program.
13 (2) The report required under subsection (1) shall include the
14 total funding allocated, program expenditures, required program
15 data, and year-to-date totals.
16 Sec. 413. (1) The department shall identify and coordinate
17 information regarding the availability of and the demand for
18 community corrections programs, jail-based community corrections
19 programs, jail-based probation violation sanctions, and basic
20 state-required jail data.
21 (2) The department is responsible for the collection,
22 analysis, and reporting of state-required jail data.
23 (3) As a prerequisite to participation in the programs and
24 services offered through the department, counties shall provide
25 basic jail data to the department.
26 Sec. 414. (1) The department shall administer a county jail
27 reimbursement program from the funds appropriated in part 1 for the

purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(3) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be $43.50 per diem for up to a 1-year total.

(4) The department, the state budget office, the Michigan association of counties, and the Michigan sheriffs' association shall, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (2) at meetings convened by the chairs of the house and senate appropriations subcommittees on corrections.

(5) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable

offense.

(6) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2008 distribute the documentation requirements to all counties.

Sec. 415. (1) As a condition of receipt of the funds appropriated in part 1 for community corrections plans and services and residential services, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

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

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the

alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

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

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

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

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

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

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

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff

departments.

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

Sec. 417. (1) By March 1, 2010, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

(a) The county jail reimbursement program.

(b) The felony drunk driver jail reduction and community treatment program.

(c) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report shall include information on each of the following:

(a) Program objectives and outcome measures, including, but not limited to, the number of offenders who successfully completed the program, and the number of offenders who successfully remained in the community during the 3 years following termination from the program.

(b) Expenditures by location.

(c) The impact on jail utilization.

(d) The impact on prison admissions.

(e) Other information relevant to an evaluation of the program.

Sec. 418. (1) The department shall ensure that each prisoner make all reasonable efforts to obtain the documents necessary to obtain a state operator's license or state identification card prior to a prisoner's discharge or parole hearing. The process for prisoners to acquire this documentation shall be part of the department's operating procedure.

(2) The department shall cooperate with MDCH to maintain a process by which prisoners can obtain their birth certificates. By March 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the process developed under this section.

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

(2) The department shall provide monthly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall include information on end-of-month prisoner populations in county jails, the net operating capacity according to the most recent certification report, identified by date, and end-of-month data, year-to-date data, and comparisons to the prior year for the following:

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

(b) Parole populations.

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

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

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

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

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

Sec. 420. By March 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house judiciary committees, the senate and house fiscal agencies, and the state budget director on performance data and efforts to improve efficiencies relative to departmental staffing, health care services, food service, prisoner transportation, mental health care services, and pharmaceutical costs.

Sec. 421. Of the funds appropriated in part 1, $100,000.00 is appropriated for the purpose of providing an IDG to the MDSP for the purpose of providing grants for training teams of law enforcement officers and mental health treatment providers. The teams shall be trained in effective and safe ways of assisting people with mental illness during law enforcement contacts and directing people with mental illness to treatment programs. It is the intent of the legislature that mental health awareness training be incorporated into continuing education for all law enforcement officers in the state.

Sec. 422. It is the intent of the legislature that MPRI programs as measured by success as identified in section 409 are maintained as standard operating procedure in the department.

Sec. 424. (1) From the funds appropriated in part 1 for residential services, the department shall develop and implement, in collaboration with the judiciary and as approved by the state court administrative office, a demonstration project based on evidence-based practices related to judicial and case management interventions that have been proven to increase public safety for high-risk, high-need probationers as determined by a validated risk and need assessment instrument. As used in this section, "probationer" means a circuit court probationer serving a probation sentence for a crime.

(2) The demonstration project shall be implemented in 4 areas of the state identified jointly by the department and the state court administrative office. Preference shall be given to locations that are representative of areas with high rates of violent crimes

as described in the council of state governments' justice center report on analyses of crime, community corrections, and sentencing policies in this state.

(3) The primary goal of the demonstration project is to reduce crime and revictimization by high-risk, high-need probationers. The secondary goal of the demonstration project is to reduce expenditures for long-term incarceration.

(4) The demonstration project may provide up to 6 months of residential services, and treatment methods, and interventions that are evidence-based, including, but not limited to, the following:

(a) Risk/needs assessment.

(b) Motivational techniques.

(c) Type, intensity, and duration of treatment based on each probationer's risk and needs and delivered consistent with evidence-based practices.

(5) The department shall implement the evidence-based practice of collaborative case management and utilize the services of the department and of local community corrections consistent with the local comprehensive corrections plan developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(6) The department shall assign a probation officer to the demonstration project to supervise a specialized caseload for high-risk, high-need probationers. All probation officers supervising a specialized caseload under this section shall receive substantial education and training on issues of substance abuse, mental health, and drug and alcohol testing.

(7) The probation officer shall work in cooperation with the

local judiciary and the community corrections advisory board in a collaborative effort toward the goals of promoting probationer success and reducing crime and revictimization.

(8) The probation officer assigned to the demonstration project shall comply with supervision requirements established for the demonstration project by the field operations administration deputy director.

(9) The department shall identify and coordinate information for each local jurisdiction selected for the demonstration project regarding the rate of incarceration of high-risk, high-need probationers to ensure that appropriate probationers are targeted for the demonstration project.

(10) From the funds appropriated in part 1 for public education and training, the department shall collaborate with the local judiciary, community corrections advisory board, and service providers to develop and provide appropriate training for all local stakeholders involved in the demonstration project described in this section.

(11) From the funds provided to the local jurisdiction for the demonstration project, the department shall collaborate with the local judiciary and the community corrections advisory board to develop and implement an evaluation of the demonstration project that will show the impact of the project on the arrests, convictions, technical violations, and commitments to prison of the demonstration project participants. This evaluation shall be performed in accordance with department of corrections policy and procedure on evaluation design in cooperation with the office of

research and planning.

(12) By May 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of the demonstration project prescribed under this section, including information on all of the following:

(a) Demonstration project locations and participating courts.

(b) The number of probationers participating in the pilot categorized by location and offense.

(c) Evaluation status and methodology.

(d) Preliminary results, if any.

Sec. 426. It is the intent of the legislature that the department cooperate with nonprofit agencies to establish recycling programs for the purpose of employing at-risk youth and offenders on parole. The programs shall be administered by Michigan-chartered nonprofit corporations. The nonprofit corporations must have expertise in recycling and expertise in creating employment opportunities for parolees.

Sec. 429. It is the intent of the legislature that the department work with other state departments and agencies to implement the policy options provided to the state by the council of state governments in January 2009.

Sec. 430. The department shall ensure that each prisoner has the opportunity to meet with his or her transition team prior to release from prison. If applicable, community providers shall enter the prison to meet with the prisoner prior to release.

Sec. 431. The department shall ensure that prior to release

from prison, each offender has possession of all of the following:

(a) All documents necessary to obtain a state operator's license or state identification card.

(b) A set of clothing that would be appropriate and suitable for wearing to an interview for employment.

Sec. 433. The department shall report quarterly on January 1, 2010, April 1, 2010, July 1, 2010, and September 30, 2010 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of any contracts entered into under the June 2009 request for proposals for the re-entry initiative project for offenders with special needs. The report shall include information on all of the following:

(a) The number of prisoners and participating parolees in each of the target population subgroups, including medically fragile, mentally ill, developmentally disabled, and youthful offenders.

(b) Descriptions of the key services being provided to each subgroup under the contract or contracts.

(c) Estimates of the average per-offender costs of services for each target population subgroup under each contract, compared to the average cost of prison incarceration for those populations.

Sec. 434. (1) The negative appropriation for county jail reimbursement program savings in part 1 shall be satisfied by savings realized through departmental savings and efficiencies.

(2) Appropriation authorization adjustments required due to negative appropriations for county jail reimbursement program savings shall be made only after the approval of transfers by the

legislature according to section 393 of the management and budget act, 1984 PA 431, MCL 18.1393.

OPERATIONS AND SUPPORT ADMINISTRATION

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

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

Sec. 503. Funds appropriated in part 1 for administrative hearings officers are appropriated as an interdepartmental grant to the department of energy, labor, and economic growth for the purpose of funding administrative hearings officers for adjudication of grievances pertaining to the department of corrections. The department shall not expend appropriations from part 1 to satisfy charges from the department of energy, labor, and economic growth for administrative hearings officers in excess of

the amount expressly appropriated by this act for the administrative hearings officers unless funding is transferred into this line under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 504. Of the funds appropriated in part 1, $50,000.00 is appropriated to provide an interdepartmental grant to the judiciary for use of the judicial data warehouse by department employees.

Sec. 505. The department shall train all custody staff in effective and safe ways of handling prisoners with mental illness and referring prisoners to mental health treatment programs. Mental health awareness training shall be incorporated into the training of new custody staff.

FIELD OPERATIONS ADMINISTRATION

Sec. 601. (1) From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by March 1, 2010.

(2) It is the intent of the legislature that the department maintain a number of field agents sufficient to meet supervision and workload standards.

Sec. 602. (1) Of the amount appropriated in part 1 for field operations, a sufficient amount shall be allocated for the

1 community service work program and shall be used for salaries and
2 wages and fringe benefit costs of community service coordinators
3 employed by the department to supervise offenders participating in
4 work crew assignments. Funds shall also be used to cover motor
5 transport division rates on state vehicles used to transport
6 offenders to community service work project sites.
7 (2) The community service work program shall provide offenders
8 with community service work of tangible benefit to a community
9 while fulfilling court-ordered community service work sanctions and
10 other postconviction obligations.
11 (3) As used in this section, "community service work" means
12 work performed by an offender in an unpaid position with a
13 nonprofit or tax-supported or government agency for a specified
14 number of hours of work or service within a given time period.
15 Sec. 603. (1) All prisoners, probationers, and parolees
16 involved with the electronic tether program shall reimburse the
17 department for costs associated with their participation in the
18 program. The department may require community service work
19 reimbursement as a means of payment for those able-bodied
20 individuals unable to pay for the costs of the equipment.
21 (2) Program participant contributions and local community
22 tether program reimbursement for the electronic tether program
23 appropriated in part 1 are related to program expenditures and may
24 be used to offset expenditures for this purpose.
25 (3) Included in the appropriation in part 1 is adequate
26 funding to implement the community tether program to be
27 administered by the department. The community tether program is

intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

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

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

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

Sec. 606. It is the intent of the legislature that the department shall ensure that parolees and probationers may timely

1 contact their parole or probation agents and maintain procedures
2 that preclude any necessity for an offender to have access to an
3 agent's home telephone number or other personal information
4 pertaining to the agent.
5 Sec. 608. By March 1, 2010, the department shall report to the
6 senate and house appropriations subcommittees on corrections, the
7 senate and house fiscal agencies, and the state budget director on
8 the use of electronic monitoring. At a minimum, the report shall
9 include all of the following:
10 (a) Details on the failure rate of parolees for whom GPS
11 tether is utilized, including the number and rate of parolee
12 technical violations, including specifying failures due to
13 committing a new crime that is uncharged but leads to parole
14 termination, and the number and rate of parolee violators with new
15 sentences.
16 (b) Information on the factors considered in determining
17 whether an offender is placed on active GPS tether, passive GPS
18 tether, radio frequency tether, or some combination of these or
19 other types of electronic monitoring.
20 (c) Monthly data on the number of offenders on active GPS
21 tether, passive GPS tether, radio frequency tether, and any other
22 type of tether.
23 Sec. 609. By March 1, 2010, the department shall report to the
24 senate and house appropriations subcommittees on corrections, the
25 senate and house fiscal agencies, and the state budget director on
26 the use of kiosk reporting stations. At a minimum, the report shall
27 include all of the following:

(a) Factors considered in determining whether an offender is assigned to report at a kiosk.

(b) Information on the location, costs, safety features, and other features of kiosks used for offender reporting.

(c) Information on demonstration project outcome measures.

(d) An evaluation of the kiosk reporting demonstration project, including any need for improvement and an assessment of the potential for expanded use of kiosk reporting stations.

Sec. 611. The department shall prepare by March 1, 2010 individual reports for the community reentry program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. Each program's report shall include information on all of the following:

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

(b) Monthly participant unsuccessful terminations, including cause.

(c) Number of successful terminations.

(d) End month population by facility/program.

(e) Average length of placement.

(f) Return to prison statistics.

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

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

(i) Comparison with prior year statistics.

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

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

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

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall

1 periodically evaluate such guidelines for modification, in response
2 to emerging information from the demonstration projects for
3 substance abuse treatment provided under this act and applicable
4 provisions of prior budget acts for the department.
5 (4) The department shall provide quarterly reports to the
6 senate and house appropriations subcommittees on corrections, the
7 senate and house fiscal agencies, and the state budget director on
8 the number of all parolees returned to prison and probationers
9 sentenced to prison for either a technical violation or new
10 sentence during the preceding calendar quarter. The reports shall
11 include the following information each for probationers, parolees
12 after their first parole, and parolees who have been paroled more
13 than once:
14 (a) The numbers of parole and probation violators returned to
15 or sent to prison for a new crime with a comparison of original
16 versus new offenses by major offense type: assaultive,
17 nonassaultive, drug, and sex.
18 (b) The numbers of parole and probation violators returned to
19 or sent to prison for a technical violation and the type of
20 violation, including, but not limited to, zero gun tolerance and
21 substance abuse violations. For parole technical rule violators,
22 the report shall list violations by type, by length of time since
23 release from prison, by the most recent violation, and by the
24 number of violations occurring since release from prison.
25 (c) The educational history of those offenders, including how
26 many had a GED or high school diploma prior to incarceration in
27 prison, how many received a GED while in prison, and how many

received a vocational certificate while in prison.

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

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

Sec. 613. Subject to the appropriations in part 1, the department is encouraged to expand the use of continuous remote alcohol monitors for parolees and probationers who test positive for alcohol abuse or have alcohol-abuse-related violations of their community supervision.

Sec. 614. (1) As a condition of probation, community control, payment plan for the payment of a fine or restitution, or any other court-ordered supervision, the court may order the posting of a bond to secure the defendant's appearance at any subsequent court proceeding or to otherwise enforce the orders of the court. An appearance bond executed under this section shall be filed with the court or with the sheriff by a licensed professional bail agent who shall provide a copy of the bond to the clerk of court.

(2) The court may issue an order to produce the defendant sua sponte or upon notice by the clerk or the probation officer that the person has violated the terms of probation, community control, court-ordered supervision, or other applicable court order. The court or the clerk of the court shall give the bail agent not less than 72 hours to bring the defendant before the court. If the bail agent fails to produce the defendant in court or to the sheriff at the time noticed by the court or the clerk of court, the appearance

bond required under subsection (1) shall be forfeited according to the procedures set forth in section 15 of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.15. The defendant's failure to appear shall be the sole grounds for forfeiture of the appearance bond.

HEALTH CARE

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

Sec. 802. As a condition of expenditure of the funds appropriated in part 1, the department shall provide the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with all of the following:

(a) Quarterly reports on physical and mental health care detailing the average number of days between a prisoner's diagnosis and commencement of treatment for that diagnosis, quarterly and fiscal year-to-date expenditures itemized by vendor, allocations, status of payments from contractors to vendors, and projected year-end expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment.

(b) Regular updates on progress on requests for proposals and requests for information pertaining to prisoner health care and mental health care, until the applicable contract is approved.

1 Sec. 804. (1) The department shall report quarterly to the
2 senate and house appropriations subcommittees on corrections, the
3 senate and house fiscal agencies, and the state budget director on
4 prisoner health care utilization. The report shall include the
5 number of inpatient hospital days, outpatient visits, and emergency
6 room visits in the previous quarter and since October 1, 2009, by
7 facility.
8 (2) By March 1, 2010, the department shall report to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director on
11 prisoners receiving off-site inpatient medical care that would have
12 received care in a state correctional facility if beds were
13 available. The report shall include the number of prisoners
14 receiving off-site inpatient medical care and average length of
15 stay in an off-site facility during the period they would have
16 received care in a state correctional facility if beds were
17 available, by month and correctional facilities administration
18 region.
19 Sec. 805. The bureau of health care services shall develop
20 information on hepatitis C and HIV prevention and the risks
21 associated with exposure to hepatitis C and HIV. The health care
22 providers shall disseminate this information verbally and in
23 writing to each prisoner at the health screening and full health
24 appraisal conducted at admissions, at the annual health care
25 screening 30 days before or after a prisoner's birthday, and prior
26 to release to the community by parole, transfer to community
27 residential placement, or discharge on the maximum sentence.

1 Sec. 806. (1) From the funds appropriated in part 1, the
2 department shall require a hepatitis C antibody test and an HIV
3 test for each prisoner prior to release to the community by parole,
4 transfer to community residential placement, or discharge on the
5 maximum sentence. The department shall require an HIV test and a
6 hepatitis C risk factor screening for each prisoner at the health
7 screening at admissions. If hepatitis C risk factors are
8 identified, the department shall offer the prisoner a hepatitis C
9 antibody test. An explanation of results of the tests shall be
10 provided confidentially to the prisoner, and if appropriate based
11 on the test results, the prisoner shall also be provided a
12 recommendation to seek follow-up medical attention.
13 (2) By March 1, 2010, the department shall report to the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house appropriations subcommittees on community health,
16 the senate and house fiscal agencies, and the state budget director
17 on the number of offenders tested and the number of offenders
18 testing positive for HIV, the hepatitis C antibody, or both at
19 prison admission and parole, transfer to community residential
20 placement, or discharge on the maximum sentence. The department
21 shall keep records of those offenders testing positive for HIV, the
22 hepatitis C antibody, or both at prison admission, parole, transfer
23 to community residential placement, and discharge. These records
24 shall clearly state the date each test was performed.
25 (3) As a condition of expenditure of the funds appropriated in
26 part 1, the department shall keep records of the following:
27 (a) The number of offenders testing positive for the hepatitis

1 C antibody who do not receive treatment, by reason for not
2 participating.
3 (b) The number of offenders achieving a sustained viral
4 response from hepatitis C treatment.
5 (c) Cost and duration of treatment by offender.
6 Sec. 807. The department shall ensure that all medications for
7 a prisoner be transported with that prisoner when the prisoner is
8 transferred from 1 correctional facility to another. Prisoners
9 being released shall be provided with a supply of medication to
10 allow for continuity of care in the community.
11 Sec. 808. There are sufficient funds and FTEs appropriated in
12 part 1 to provide a full complement of nurses for clinical
13 complexes working regular pay hours, and it is the intent of the
14 legislature that sufficient nurses be hired or retained to limit
15 the use of overtime other-than-holiday pay.
16 Sec. 809. The department, in conjunction with efforts to
17 implement the MPRI, shall cooperate with the MDCH to share data and
18 information as they relate to prisoners being released who are HIV
19 positive or positive for the hepatitis C antibody. By March 1,
20 2010, the department shall report to the senate and house
21 appropriations subcommittees on corrections, the senate and house
22 fiscal agencies, and the state budget director on all of the
23 following:
24 (a) Programs and the location of programs implemented as a
25 result of the work under this section.
26 (b) The number of prisoners released to the community by
27 parole, discharge on the maximum sentence, or transfer to community

1 residential placement who are HIV positive, positive for the
2 hepatitis C antibody, or both.
3 (c) The number of offenders referred to the local public
4 health department, by county.
5 Sec. 811. By February 1, 2010, the department shall report to
6 the senate and house appropriations subcommittees on corrections,
7 the senate and house fiscal agencies, and the state budget director
8 on the status of efforts to implement continuous quality
9 improvement for prisoner health care. At a minimum, the report
10 shall identify the processes that were in place before the start of
11 the fiscal year, the processes undertaken since the beginning of
12 the fiscal year, and plans for future changes.
13 Sec. 812. (1) It is the intent of the legislature that the
14 department continue to provide the department of human services
15 with a monthly list of prisoners newly committed to the department
16 of corrections. The department and the department of human services
17 shall enter into an interagency agreement under which the
18 department of human services provides the department of corrections
19 with monthly lists of newly committed prisoners who are eligible
20 for Medicaid benefits in order to maintain the process by which
21 Medicaid benefits are suspended rather than terminated. The
22 department shall assist prisoners who may be eligible for Medicaid
23 benefits after release from prison with the Medicaid enrollment
24 process prior to release from prison.
25 (2) The department shall provide the senate and house
26 appropriations subcommittees on corrections, the senate and house
27 fiscal agencies, and the state budget director with regular updates

on the utilization of Medicaid benefits for prisoners.

CORRECTIONAL FACILITIES ADMINISTRATION

Sec. 902. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a demonstration children's visitation program. The demonstration program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

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

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

Sec. 905. (1) The inmate housing fund shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically

budgeted for elsewhere in this act. Funding in the inmate housing fund is appropriated into a separate control account. Funding in the control account shall be distributed as necessary into separate accounts created to separately identify costs for specific purposes.

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

Sec. 906. (1) The department shall establish a uniform rate to be paid by public and private agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

(2) It is the intent of the legislature that to the degree consistent with public safety and the safety and security of the institutions, public works projects be continued at the level provided in 2006 PA 331.

(3) It is the intent of the legislature that public works fee schedules be maintained at half the rates in effect on September 30, 2008.

(4) The department shall maintain a list of the number of prisoners available for public works crews at each department facility, and the number of prisoners necessary to fulfill current public works contracts at each department facility. The department shall place the list on a publicly accessible Internet site and update the list weekly.

(5) It is the intent of the legislature that pay rates for

prisoners classified to public works assignments be increased by 50 cents per day from the rates in effect on September 30, 2009.

Sec. 907. The department shall report quarterly to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of instructors and the number of instructor vacancies, by program and facility.

(b) The number of prisoners enrolled in each program, the number of prisoners completing each program, the number of prisoners who fail each program, the number of prisoners who do not complete each program and the reason for not completing the program, the number of prisoners transferred to another facility while enrolled in a program and the reason for transfer, the number of prisoners enrolled who are repeating the program by reason, and the number of prisoners on waiting lists for each program, all itemized by facility.

(c) The steps the department has undertaken to improve programs, track records, accommodate transfers and prisoners with health care needs, and reduce waiting lists.

(d) The number of prisoners paroled without a high school diploma and the number of prisoners paroled without a GED.

(e) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(f) An identification of program outcomes for each academic and vocational program.

(g) An explanation of the department's plans for academic and vocational programs, including plans to contract with intermediate school districts for GED and high school diploma programs.

(h) The number of prisoners not paroled at their earliest release date due to lack of a GED, and the reason those prisoners have not obtained a GED.

Sec. 908. By February 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, the percent of offenders included in the prison population intake for fiscal years 2007-2008 and 2008-2009 who have a high school diploma or a GED.

Sec. 909. As a condition of expending funds appropriated for academic/vocational programs under part 1, the department shall by January 31, 2009 provide a plan to contract with intermediate school districts for GED and high school diploma programs at correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on the development of the curriculum, how the program will be administered, how the program will improve employability, and how the program will be evaluated.

Sec. 910. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund

at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high-quality materials for use by the visually impaired.

Sec. 911. (1) From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution.

(2) By March 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2009.

(3) The department shall not reduce the ratio of custody officers to prisoners at any correctional facility below the levels that existed October 1, 2008. Any correctional facility that reduces its security level after October 1, 2008 shall not have a ratio of custody officers to prisoners below that of a comparable facility. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director if it is unable to comply with this section. The report shall include all of the following:

(a) A list of the correctional facilities that reduced their ratio of custody officers to prisoners in violation of this subsection.

(b) An explanation of why the department is unable to comply with this subsection.

(c) A plan to maintain the safety and security of the facilities or units.

(4) Subsection (3) does not apply to facilities or portions of facilities that have closed.

Sec. 912. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by March 1, 2010 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Sec. 913. The department shall develop and maintain a statewide waiting list for offenders referred for assessment for the assaultive offender program for parole eligibility and, if possible, shall transfer prisoners into facilities where assaultive offender programs are available in order to facilitate timely participation and completion prior to parole eligibility hearings. Nothing in this section should be deemed to make parole denial appealable in court.

Sec. 916. The department shall conduct a feasibility study focusing on the budgetary impact of converting the law library collections at correctional facilities to an electronic medium. The department shall report its findings to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2010.

Sec. 917. From the funds appropriated in part 1, the department shall allocate sufficient funds to implement evidence-based demonstration projects that change offenders' behaviors, values, beliefs, and attitudes toward victims and the community.

Sec. 918. Following receipt of an auditor general performance audit on offender transportation, the department, in conjunction with the department of management and budget, shall issue a request for information on the possible bidding of all offender transportation services. State employees shall be given the opportunity to respond to a request for information on offender transportation services. Any response to the request for information shall include an explanation of how savings of at least 5% over existing costs of offender transportation would be realized.

Sec. 919. (1) As a condition of expending funds appropriated in part 1 for prison food service, the department shall comply with the provisions of sections 207 and 207a, including, but not limited to, all of the following criteria:

(a) Providing a complete project plan at least 120 days prior to issuing a request for proposals or an invitation to bid for all or a substantial portion of food service, including a contract for food procurement.

(b) Conducting a preprivatization cost-benefit analysis as described by section 207a.

(c) Providing a copy of the cost-benefit analysis to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director

before the earliest of the following:

(*i*) Issuance of a request for proposals or invitation to bid.

(*ii*) Filing a contract change request with the state administrative board.

(*iii*) Entering into a contract for all or a substantial portion of prison food service.

(2) As a condition of expending funds appropriated in part 1 for prison food service, any contract for prison food service or prison food procurement shall identify all of the following:

(a) How savings equivalent to the savings specified in civil service rules for personal services outside the civil service would be realized.

(b) How the department will comply with the requirements of sections 209 and 212.

(c) How food quality will be maintained in conjunction with any cost savings.

(d) The impact on local vendors, growers, and processors, identified by facility or region, as appropriate, compared to prior-year purchases.

Sec. 920. The department shall make every effort to operate a garden or horticultural operation at each correctional facility, where practical, in order to provide food for correctional facilities and not-for-profit organizations.

Sec. 921. (1) By April 30, 2010, the department shall report to the chairs of the senate and house appropriations committees, the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director

on the following:

(a) The actual savings realized between October 1, 2009 and April 1, 2010 as a result of closing correctional facilities and correctional camps between June 1, 2009 and January 1, 2010, itemized by correctional facility or correctional camp.

(b) The projected fiscal year 2009-2010 savings by closing correctional facilities and correctional camps between June 1, 2009 and January 1, 2010, itemized by correctional facility or correctional camp.

(2) The report in subsection (1) shall include information on all of the following:

(a) The savings realized or projected to be realized, itemized by program or type of expenditure.

(b) Any cost of field supervision, field operations programs, or prisoner reintegration programs related to the closure of correctional facilities and correctional camps between June 1, 2009 and January 1, 2010.

Sec. 922. It is the intent of the legislature that all prisoners work 40 hours per week in the correctional facility, as part of a public works crew or in private enterprise, or participate in vocational or training programs. Prisoners may be enrolled in GED or education programs in combination with employment. Prisoners not employed shall be enrolled in GED or other educational programs for not less than 20 hours per week. This section does not apply to prisoners classified in level V or administrative segregation.

Sec. 923. The department shall cooperate with the department

of education to evaluate the feasibility of local school districts providing education programming to targeted prisoners under the age of 20 who have not received a high school diploma. By June 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on any plans or evaluations developed under this section.

Sec. 924. The department shall evaluate all prisoners at intake for substance abuse disorders, developmental disorders, and serious mental illness. Prisoners with serious mental illness shall not be confined in administrative segregation due to behavior that is symptomatic of serious mental illness. Under the supervision of a mental health professional, a prisoner with serious mental illness may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in seclusion shall be evaluated every 12 hours by a mental health professional in order to remain in seclusion. As used in this section:

(a) "Administrative segregation" means confinement for maintenance of order or discipline to a cell or room apart from accommodations provided for inmates who are participating in programs of the facility.

(b) "Serious mental illness" means that term as defined in section 100d(3) of the mental health code, 1974 PA 328, MCL 330.1100d.

Sec. 925. By March 1, 2010, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on

1 the annual number of prisoners in administrative segregation
2 between October 1, 2003 and September 30, 2009, and the annual
3 number of prisoners in administrative segregation between October
4 1, 2003 and September 30, 2009 who at any time during the current
5 or prior prison term were diagnosed with serious mental illness or
6 have a developmental disorder and the number of days each of the
7 prisoners with serious mental illness or a developmental disorder
8 have been confined to administrative segregation. As used in this
9 section:
10 (a) "Administrative segregation" means confinement for
11 maintenance of order or discipline to a cell or room apart from
12 accommodations provided for inmates who are participating in
13 programs of the facility.
14 (b) "Serious mental illness" means that term as defined in
15 section 100d(3) of the mental health code, 1974 PA 328, MCL
16 330.1100d.
17 Sec. 927. It is the intent of the legislature that the
18 department of corrections and the department of human services
19 examine the potential of entering into an intergovernmental
20 agreement to place offenders less than 19 years of age who are
21 committed to the department of corrections in underutilized units
22 of the W.J. Maxey training school. The facilities shall be used to
23 house offenders less than 19 years of age who are currently
24 committed to the department of corrections.
25 Sec. 928. Funding appropriated in part 1 for consent decree
26 line items is appropriated into separate control accounts created
27 for each line item. Funding in each control account shall be

1 distributed as necessary into separate accounts created for the
2 purpose of separately identifying costs and expenditures associated
3 with each consent decree.
4 Sec. 929. From the funds appropriated in part 1, the
5 department shall do all of the following:
6 (a) Ensure that any inmate care and control staff in contact
7 with prisoners less than 19 years of age are adequately trained
8 with regard to the developmental and mental health needs of
9 prisoners less than 19 years of age.
10 (b) Provide appropriate placement for prisoners less than 19
11 years of age who have serious mental illness or a developmental
12 disorder and who need to be housed separately from the general
13 population. Prisoners less than 19 years of age who have serious
14 mental illness or a developmental disorder shall not be placed in
15 administrative segregation due to behavior that is symptomatic of
16 serious mental illness. Under the supervision of a mental health
17 professional, a prisoner less than 19 years of age with serious
18 mental illness may be secluded in a therapeutic environment for the
19 safety of the prisoner or others. A prisoner in seclusion shall be
20 evaluated every 12 hours by a mental health professional in order
21 to remain in seclusion. As used in this section:
22 (*i*) "Administrative segregation" means confinement for
23 maintenance of order or discipline to a cell or room apart from
24 accommodations provided for inmates who are participating in
25 programs of the facility.
26 (*ii*) "Serious mental illness" means that term as defined in
27 section 100d(3) of the mental health code, 1974 PA 328, MCL

330.1100d.

(c) Implement a specialized re-entry program that recognizes the needs of prisoners less than 19 years old for supervised re-entry.

Sec. 930. The department shall not have a shooting range located on property east of 3760 Foco Road, Standish, Michigan.

Sec. 931. (1) Included in the annual cost per prisoner are funds appropriated in part 1 for the following:

(a) Northern, southeastern, and southwestern region correctional facilities.

(b) Northern, southeastern, and southwestern region administration and support.

(c) Northern, southeastern, and southwestern region clinical complexes.

(d) Prisoner health care services.

(e) Health care administration.

(f) Vaccination program.

(g) Prison food service and federal school lunch program.

(h) Transportation.

(i) Inmate legal services.

(j) Correctional facilities administration.

(k) Central records.

(*l*) DOJ psychiatric plan.

(m) Workers compensation.

(n) New custody staff training.

(o) Housing inmates in federal institutions.

(p) Prison store operations.

1 (q) Education services and federal education grants.

2 (r) MPRI education program.

3 (2) It is the intent of the legislature that the department

4 reduce the annual cost per prisoner by $841.00 in comparison to the

5 annual cost per prisoner in fiscal year 2008-2009.