

HOUSE BILL No. 4146

February 4, 2009, Introduced by Rep. Hansen and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 20i (MCL 791.220i), as added by 2006 PA 351.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20i. (1) ~~If the~~ **THE FORMER** Michigan youth correctional
2 facility established pursuant to section 20g in Webber township,
3 Lake county, Michigan, ~~is not~~ **MAY BE** utilized by the department for
4 housing inmates or detainees under the jurisdiction of the
5 department, the private vendor that ~~operates~~ **OPERATED** the **FORMER**
6 Michigan youth correctional facility ~~may utilize the facility for~~
7 housing, **FOR EITHER OR BOTH OF THE FOLLOWING PURPOSES:**

8 **(A) HOUSING, CUSTODY, AND CARE OF PRISONERS WHO ARE UNDER THE**
9 **JURISDICTION OF THE DEPARTMENT. THE DEPARTMENT SHALL NOT COMMIT**
10 **PRISONERS TO THE FACILITY UNDER THIS SUBSECTION UNLESS IT ENTERS**

1 INTO A CONTRACT WITH THE PRIVATE VENDOR FOR THAT PURPOSE.

2 (B) HOUSING, custody, and care of detainees or inmates from
3 other local, state, or federal agencies, either by directly
4 contracting with those local, state, or federal agencies or by
5 having 1 or more local, state, or federal agencies enter into an
6 interlocal agreement with Webber township, Lake county, or the
7 county sheriff for Lake county, who in turn may contract with the
8 private vendor for services to be provided under the terms of the
9 interlocal agreement, subject to the requirements of this section.
10 If all contractual factors regarding potential inmates or detainees
11 are equal, the private vendor shall give preference to the
12 admission of inmates or detainees sent from agencies within this
13 state.

14 (2) Any contract under this section for the housing, custody,
15 and care of detainees or inmates from **THE DEPARTMENT OR FROM** other
16 local, state, or federal agencies shall require all of the
17 following:

18 (a) The private vendor that operates the facility shall do all
19 of the following:

20 (i) Obtain accreditation of the facility by the American
21 correctional association within 24 months after the private vendor
22 commences operations at the facility and maintain that
23 accreditation throughout the term of any contract for the use of
24 the facility.

25 (ii) Operate the facility in compliance with the applicable
26 standards of the American correctional association.

27 (b) The personnel employed by the private vendor in the

1 operation of the facility shall meet the employment and training
2 requirements set forth in the applicable standards of the American
3 correctional association, and also shall meet any higher training
4 and employment standards that may be mandated under a contract
5 between the private vendor and **THE DEPARTMENT OR BETWEEN THE**
6 **PRIVATE VENDOR AND** a local, state, or federal agency that sends
7 inmates or detainees to the facility.

8 (c) Any serious incident that occurs at the facility shall be
9 reported immediately to the sheriff of Lake county and the state
10 police.

11 (3) An inmate or detainee housed at the facility shall not
12 participate in work release, a work camp, or another similar
13 program or activity occurring outside the secure perimeter of the
14 facility.

15 (4) The facility shall allow the presence of on-site monitors
16 from **THE DEPARTMENT OR** any local, state, or federal agency that
17 sends inmates or detainees to the facility, for the purpose of
18 monitoring the conditions of confinement of those inmates or
19 detainees. Whenever the private vendor submits a written report to
20 a local, state, or federal agency that sends inmates or detainees
21 to the facility, the private vendor shall send copies of the
22 written report to the township supervisor for Webber township, the
23 board of county commissioners for Lake county, the sheriff of Lake
24 county, and the department.

25 (5) Personnel employed at the facility by the private vendor
26 who have met the employment and training requirements set forth in
27 the applicable standards of the American correctional association

1 have full authority to perform their duties and responsibilities
2 under law, including, but not limited to, exercising the use of
3 force in the same manner and to the same extent as would be
4 authorized if those personnel were employed in a correctional
5 facility operated by the department.

6 (6) A contract with **THE DEPARTMENT OR WITH** a local, state, or
7 federal agency that sends inmates or detainees to the facility
8 shall not require, authorize, or imply a delegation of the
9 authority or responsibility to the private vendor to do any of the
10 following:

11 (a) Develop or implement procedures for calculating inmate
12 release and parole eligibility dates or recommending the granting
13 or denying of parole, although the private vendor may submit
14 written reports that have been prepared in the ordinary course of
15 business.

16 (b) Develop or implement procedures for calculating and
17 awarding earned credits, including good time credits, disciplinary
18 credits, or similar credits affecting the length of an inmate's
19 incarceration, approving the type of work inmates may perform and
20 the wage or earned credits, if any, that may be awarded to inmates
21 engaging in that work, and granting, denying, or revoking earned
22 credits.

23 (7) ~~An~~ **A PRISONER**, inmate, or detainee shall not be housed at
24 the facility unless the security classification of the **PRISONER**,
25 inmate, or detainee, as it **IS DETERMINED BY THE DEPARTMENT FOR A**
26 **PRISONER UNDER THE JURISDICTION OF THE DEPARTMENT OR, IN THE CASE**
27 **OF AN INMATE OR DETAINEE WHO IS NOT UNDER THE JURISDICTION OF THE**

1 **DEPARTMENT, AS IT** would be determined by the department if he or
2 she were being housed in a state correctional facility, is level IV
3 or below, and has never previously been above level IV.

4 (8) Inmates and detainees shall be transferred to and from the
5 facility in a secure manner. Any inmate or detainee housed at the
6 facility who was sent from another state, a local agency outside
7 this state, or the federal government shall be returned to the
8 agency that sent the inmate or detainee upon completion of the
9 inmate's or detainee's term of incarceration in the facility and
10 shall not be released from custody within this state.

11 (9) The department of corrections is not responsible for
12 oversight of the facility. This state, or any department or agency
13 of this state, is not civilly liable for damages arising out of the
14 operation of the facility.

15 (10) As used in this section:

16 (a) "Facility" means the former Michigan youth correctional
17 facility described in subsection (1).

18 (b) "Security classification" means 1 of 6 levels of
19 restrictiveness enforced in housing units at each state
20 correctional facility, as determined by the department, with
21 security level I being the least restrictive and security level VI
22 being the most restrictive.

23 (c) "Serious incident" means a disturbance at the facility
24 involving 5 or more inmates or detainees, a death of an inmate or
25 detainee, a felony or attempted felony committed within the
26 facility, or an escape or attempted escape from the facility.