

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 6

A bill to amend 1988 PA 511, entitled
"Community corrections act,"
by amending sections 2 and 4 (MCL 791.402 and 791.404), as amended
by 2014 PA 466.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "City advisory board" means a community corrections
3 advisory board created by a city under sections 6 and 7.

4 (b) "City-county advisory board" means a community corrections
5 advisory board created by a county and the largest city by
6 population within that county under sections 6 and 7.

7 (c) "Community corrections program" means a program that is
8 operated by or contracted for by a city, county, or group of
9 counties, or is operated by a nonprofit service agency, and that

1 offers programs, services, or both, instead of incarceration in
2 prison, and ~~which~~ **THAT** are locally operated and ~~span~~ **PROVIDE** a
3 continuum of programming options from pretrial through post-
4 adjudication.

5 (d) "County advisory board" means a community corrections
6 advisory board created by a county under sections 6 and 7.

7 (e) "Department" means the department of corrections.

8 (f) "Evidence-based practices" means a progressive,
9 organizational use of direct, current scientific evidence to guide
10 and inform efficient and effective correctional services.

11 (g) "Key performance indicator" means a measure that captures
12 the performance of a critical variable to expand and improve
13 community-based corrections programs to promote offender success,
14 ensure accountability, enhance public safety, and reduce
15 recidivism.

16 (h) "Moderate to high risk" means that the individual assessed
17 has scored in the moderate to high range of risk using an
18 actuarial, objective, validated risk and need assessment
19 instrument.

20 (i) "Nonprofit service agency" means a nonprofit organization
21 that provides treatment, guidance, training, or other
22 rehabilitative services to individuals, families, or groups in such
23 areas as health, education, vocational training, special education,
24 social services, psychological counseling, alcohol and drug
25 treatment, community service work, victim restitution, and
26 employment.

27 (j) "Office" means the office of community corrections created

1 in section 3.

2 (k) "Plan" means a comprehensive corrections plan submitted by
3 a county, city, or regional advisory board under section 8.

4 (l) "RECIDIVISM" MEANS ANY REARREST, RECONVICTION, OR
5 REINCARCERATION IN PRISON OR JAIL FOR A FELONY OR MISDEMEANOR
6 OFFENSE OR A PROBATION OR PAROLE VIOLATION OF AN INDIVIDUAL AS
7 MEASURED FIRST AFTER 3 YEARS AND AGAIN AFTER 5 YEARS FROM THE DATE
8 OF HIS OR HER RELEASE FROM INCARCERATION, PLACEMENT ON PROBATION,
9 OR CONVICTION, WHICHEVER IS LATER.

10 (M) ~~(l)~~ "Regional advisory board" means a community
11 corrections advisory board created by a group of 2 or more counties
12 under sections 6 and 7.

13 (N) ~~(m)~~ "State board" means the state community corrections
14 advisory board created in section 3.

15 (O) "TECHNICAL PAROLE VIOLATION" MEANS A VIOLATION OF THE
16 TERMS OF A PAROLEE'S PAROLE ORDER THAT IS NOT A VIOLATION OF A LAW
17 OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE, ANOTHER
18 STATE, OR THE UNITED STATES OR OF TRIBAL LAW.

19 (P) "TECHNICAL PROBATION VIOLATION" MEANS A VIOLATION OF THE
20 TERMS OF A PROBATIONER'S PROBATION ORDER THAT IS NOT A VIOLATION OF
21 A LAW OF THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE, ANOTHER
22 STATE, OR THE UNITED STATES OR OF TRIBAL LAW.

23 Sec. 4. (1) The state board shall do all of the following:

24 (a) Adopt a variety of key performance indicators that promote
25 offender success, ensure the effective monitoring of offenders, and
26 evaluate community corrections programs. Performance indicators
27 must be relevant to this act and must be reviewed on an annual

1 basis. ~~At least~~ **NOT LESS THAN** 1 of the key performance measures
2 must be **THE** recidivism **RATE OF OFFENDERS SUPERVISED UNDER THIS ACT.**
3 There may be multiple recidivism measures to account for
4 accessibility to state and national databases, local ability to
5 collect data, and the resources needed to collect this data.
6 **NOTHING IN THIS SUBDIVISION REQUIRES A COMMUNITY CORRECTIONS**
7 **PROGRAM OPERATED UNDER THIS ACT TO COLLECT, MEASURE, MAINTAIN, OR**
8 **TRACK DATA FOR OFFENDERS WHO ARE NOT SUPERVISED BY THE COMMUNITY**
9 **CORRECTIONS PROGRAM.**

10 (b) Adopt minimum program standards, policies, and rules for
11 community corrections programs. The program standards must include
12 evidence-based practices. Program eligibility must include moderate
13 to high risk offenders regardless of crime class or adjudication
14 status.

15 (c) Adopt an application process and procedures for funding
16 community corrections programs, including the format for
17 comprehensive corrections plans.

18 (d) Review, at least once every 3 years, the actuarial,
19 objective, validated risk and need assessment instruments to ensure
20 that they continue to meet the needs and requirements of community
21 corrections.

22 (e) Recommend funding for community corrections to the
23 director of the department based on program performance,
24 utilization, targeting of appropriate offenders, and adherence to
25 evidence-based practices.

26 (f) Research, review, and make recommendations regarding the
27 use of performance-based contracts within community corrections.

1 (2) ANY DATA COLLECTED AND MAINTAINED UNDER THIS ACT REGARDING
2 RECIDIVISM RATES MUST BE COLLECTED AND MAINTAINED IN A MANNER THAT
3 SEPARATES THE DATA REGARDING TECHNICAL PROBATION VIOLATIONS AND
4 TECHNICAL PAROLE VIOLATIONS FROM DATA ON NEW FELONY AND MISDEMEANOR
5 CONVICTIONS.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.