

SENATE BILL No. 6

January 18, 2017, Introduced by Senators SCHUITMAKER, O'BRIEN, PROOS, JONES, COLBECK, KNOLLENBERG, HORN, BOOHER, BRANDENBURG, HANSEN, KOWALL, JOHNSON, GREGORY and WARREN and referred to the Committee on Michigan Competitiveness.

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

1 operated by or contracted for by a city, county, or group of
2 counties, or is operated by a nonprofit service agency, and that
3 offers programs, services, or both, instead of incarceration in
4 prison, and ~~which~~ **THAT** are locally operated and ~~span~~ **PROVIDE** a
5 continuum of programming options from pretrial through post-
6 adjudication.

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

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

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

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

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

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

1 employment.

2 (j) "Office" means the office of community corrections created
3 in section 3.

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

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

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

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

18 (O) "TECHNICAL PAROLE VIOLATION" MEANS A VIOLATION OF THE
19 TERMS OF A PAROLEE'S PAROLE ORDER THAT IS NOT IN AND OF ITSELF A
20 VIOLATION OF A LAW OF THIS STATE, A POLITICAL SUBDIVISION OF THIS
21 STATE, ANOTHER STATE, OR THE UNITED STATES OR OF TRIBAL LAW.

22 (P) "TECHNICAL PROBATION VIOLATION" MEANS A VIOLATION OF THE
23 TERMS OF A PROBATIONER'S PROBATION ORDER THAT IS NOT IN AND OF
24 ITSELF A VIOLATION OF A LAW OF THIS STATE, A POLITICAL SUBDIVISION
25 OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES OR OF TRIBAL
26 LAW.

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

1 (a) Adopt a variety of key performance indicators that promote
2 offender success, ensure the effective monitoring of offenders, and
3 evaluate community corrections programs. Performance indicators
4 must be relevant to this act and must be reviewed on an annual
5 basis. At least 1 of the key performance measures must be
6 recidivism. There may be multiple recidivism measures to account
7 for accessibility to state and national databases, local ability to
8 collect data, and the resources needed to collect this data.

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

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

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

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

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

27 **(2) ANY DATA COLLECTED AND MAINTAINED UNDER THIS ACT REGARDING**

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

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