

HOUSE BILL No. 4494

April 19, 2017, Introduced by Rep. Lucido and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 16 (MCL 791.216), as added by 1980 PA 303.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) The department shall develop a comprehensive plan
2 for determining the need for establishing various types of
3 correctional facilities, for selecting the location of a
4 correctional facility, and for determining the size of the
5 correctional facility. The comprehensive plan shall not be
6 implemented until the legislature, by concurrent resolution adopted
7 by a majority of those elected and serving in each house by a
8 record roll call vote, approves the comprehensive plan.

9 (2) The department shall determine the need for a correctional
10 facility based upon the comprehensive plan developed pursuant to
11 subsection (1).

1 (3) The department shall publish a notice that it proposes to
2 establish a correctional facility in a particular city, village, or
3 township. The notice shall appear in a newspaper of general
4 circulation in the area. In addition, the department shall notify
5 the following officials:

6 (a) The state senator and the state representative
7 representing the district in which the correctional facility is to
8 be located.

9 (b) The president of each state supported college or
10 university whose campus is located within 1 mile of the proposed
11 correctional facility.

12 (c) The chief elected official of the city, village, or
13 township in which the correctional facility is to be located.

14 (d) Each member of the governing body of the city, village, or
15 township in which the correctional facility is to be located.

16 (e) Each member of the county board of commissioners **OF THE**
17 **COUNTY** in which the correctional facility is to be located.

18 (f) The president of the local school board of the local
19 school district in which the correctional facility is to be
20 located.

21 (g) The president of the intermediate school board of the
22 intermediate school district in which the correctional facility is
23 to be located.

24 (4) With the notice, the department shall request the
25 chairperson of the county board of commissioners of the county in
26 which the correctional facility is to be located and the ~~person~~
27 **OFFICIAL** notified pursuant to subsection (3)(c) to create a local

1 advisory board to assist in the identification of potential sites
2 for the correctional facility, to act as a liaison between the
3 department and the local community, and to ensure that the
4 comprehensive plan is being followed by the department. The
5 officials requested to create a local advisory board pursuant to
6 this subsection shall serve as co-chairpersons of that local
7 advisory board.

8 (5) After the requirements of subsections (1), (2), (3), and
9 (4) are completed and the department has selected a potential site,
10 the department shall hold a public hearing in the city, village, or
11 township in which the potential site is located. The department
12 shall participate in the hearing and shall make a reasonable effort
13 to respond in writing to concerns and questions raised on the
14 record at the hearing. The hearing shall not be held until the
15 local advisory board created by subsection (4) has organized, or
16 sooner than 30 days after the notice is sent pursuant to subsection
17 (3), whichever occurs first.

18 (6) Hearings **CONDUCTED BY** the department ~~shall conduct~~ under
19 subsection (5) shall be open to the public and shall be held in a
20 place available to the general public. Any person shall be
21 permitted to attend a hearing except as otherwise provided in this
22 section. A person shall not be required as a condition to
23 attendance at a hearing to register or otherwise provide his or her
24 name or other information or otherwise to fulfill a condition
25 precedent to attendance. A person shall be permitted to address the
26 hearing under written procedures established by the department. A
27 person shall not be excluded from a hearing except for a breach of

1 the peace actually committed at the meeting.

2 (7) ~~The following provisions shall apply with respect to~~
3 ~~public notice of hearings required under this section:~~**DEPARTMENT**
4 **SHALL PROVIDE PUBLIC NOTICE OF THE DATE, TIME, AND PLACE OF THE**
5 **HEARING AS FOLLOWS:**

6 (a) ~~A~~**THE** public notice shall ~~always~~ contain the name of the
7 department, its telephone number, and its address.

8 (b) ~~A~~**THE** public notice shall ~~always~~ be posted at the
9 department's principal office and other locations considered
10 appropriate by the department.

11 (c) ~~The required~~**AT LEAST 10 DAYS BEFORE THE HEARING, THE**
12 public notice ~~for a hearing~~ shall be posted in the office of the
13 county clerk of the county in which the facility is to be located
14 and shall be published in a newspaper of general circulation in the
15 county in which the facility is to be located.

16 ~~— (d) A public notice stating the date, time, and place of the~~
17 ~~hearing shall be posted at least 10 days before the hearing.~~

18 (8) Minutes of each hearing required under this section shall
19 be kept showing the date, time, place, members of the local
20 advisory board present, members of the local advisory board absent,
21 and a summary of the discussions at the hearing. The minutes ~~shall~~
22 ~~be~~**ARE** public records open to public inspection and shall be
23 available at the **DEPARTMENT'S** address designated on posted public
24 notices pursuant to subsection (7). Copies of the minutes shall be
25 available from the department to the public at the reasonable
26 estimated cost for printing and copying.

27 (9) On the basis of the information developed by the

1 department during the course of the site selection process, and
2 after community concerns have been responded to by the department
3 pursuant to subsection (5), the commission shall make a final site
4 determination for the correctional facility. The commission shall
5 make a finding that the site determination was made in compliance
6 with this section. This finding and notice of final site selection
7 shall be transmitted in writing by the commission to the local
8 advisory board, the officials described in subsection (3), and the
9 chairpersons of the senate and house appropriations committees.

10 (10) An option to lease, purchase, or use property may be
11 obtained but shall not be exercised by the state for a correctional
12 facility until the commission has made a final site determination
13 and has transmitted a notice of final site selection as required in
14 subsection (9).

15 (11) **THE DEPARTMENT SHALL, BY FIRST-CLASS MAIL OR ELECTRONIC**
16 **MAIL, IMMEDIATELY NOTIFY THE CLERK OF A CITY, VILLAGE, TOWNSHIP, OR**
17 **COUNTY IF EITHER OF THE FOLLOWING OCCURS:**

18 (A) **A CORRECTIONAL FACILITY BEGINS OPERATION IN THAT LOCAL**
19 **UNIT.**

20 (B) **THE DEPARTMENT ENTERS A CONTRACT WITH A PRIVATE VENDOR FOR**
21 **THE PLACEMENT OF PAROLEES IN A COMMUNITY PLACEMENT FACILITY IN THAT**
22 **LOCAL UNIT.**

23 (12) **NOTWITHSTANDING SECTION 4, A CORRECTIONAL FACILITY WITH**
24 **MORE THAN 6 RESIDENTS SHALL NOT BE LOCATED IN A SINGLE-FAMILY**
25 **RESIDENTIAL DISTRICT IN VIOLATION OF A LOCAL ZONING ORDINANCE.**

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