

HOUSE BILL No. 4677

May 30, 2017, Introduced by Reps. Chang and Howrylak and referred to the Committee on Law and Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 14A. (1) THE FAMILY ADVISORY BOARD IS CREATED WITHIN THE**
2 **DEPARTMENT. THE BOARD SHALL CONSIST OF NOT FEWER THAN 10 AND NOT**
3 **MORE THAN 15 MEMBERS, INCLUDING THE FOLLOWING:**

4 **(A) ONE INDIVIDUAL APPOINTED BY THE GOVERNOR WHO IS AN**
5 **EMPLOYEE OF THE DEPARTMENT AS DESIGNATED BY THE DIRECTOR.**

6 **(B) THE LEGISLATIVE CORRECTIONS OMBUDSMAN.**

7 **(2) THE BOARD SHALL ALSO INCLUDE THE FOLLOWING MEMBERS**
8 **APPOINTED BY THE GOVERNOR BASED UPON THE RECOMMENDATIONS SUBMITTED**
9 **TO THE GOVERNOR BY NONPROFIT ENTITIES SERVING INDIVIDUALS WITH**
10 **FAMILY MEMBERS WHO ARE INCARCERATED:**

1 (A) NOT FEWER THAN 2 OR MORE THAN 3 INDIVIDUALS WHO ARE FAMILY
2 MEMBERS OF INDIVIDUALS CURRENTLY INCARCERATED IN MICHIGAN.

3 (B) NOT FEWER THAN 1 OR MORE THAN 3 INDIVIDUALS WHO ARE FAMILY
4 MEMBERS OF INDIVIDUALS WHO WERE FORMERLY INCARCERATED IN MICHIGAN.

5 (C) NOT FEWER THAN 1 INDIVIDUAL WHO HAS A PARENT FORMERLY OR
6 CURRENTLY INCARCERATED IN MICHIGAN.

7 (D) NOT FEWER THAN 1 OR MORE THAN 2 INDIVIDUALS WHO WERE
8 FORMERLY INCARCERATED IN MICHIGAN.

9 (E) ONE INDIVIDUAL WHO IS A SOCIAL WORKER WHO HAS TRAINING AND
10 EXPERTISE DEALING WITH MENTAL HEALTH AND ISSUES ASSOCIATED WITH
11 MENTAL HEALTH.

12 (F) ONE INDIVIDUAL WHO IS AN ADVOCATE FOR OR MENTOR TO
13 INDIVIDUALS INCARCERATED IN MICHIGAN.

14 (G) NOT FEWER THAN 1 OR MORE THAN 2 INDIVIDUALS NOMINATED BY
15 THE STATE BAR OF MICHIGAN WHO HAVE EXPERIENCE WORKING WITH FORMERLY
16 OR CURRENTLY INCARCERATED INDIVIDUALS AND THEIR FAMILY MEMBERS.

17 (3) EXCEPT FOR THE MEMBERS DESCRIBED IN SUBSECTION (1) ,
18 MEMBERS OF THE BOARD SHALL SERVE FOR A TERM OF 2 YEARS, EXCEPT THAT
19 OF THE MEMBERS FIRST APPOINTED, 5 SHALL SERVE 1-YEAR TERMS WITH THE
20 REMAINING MEMBERS SERVING 2-YEAR TERMS.

21 (4) THE MEMBERS DESCRIBED IN SUBSECTION (1) SHALL SERVE FOR
22 TERMS WITHOUT EXPIRATION, EXCEPT THAT A MEMBER DESCRIBED IN
23 SUBSECTION (1) (A) SHALL ONLY SERVE AS A MEMBER OF THE BOARD SO LONG
24 AS HE OR SHE IS A DEPARTMENT EMPLOYEE. A VACANCY CREATED AS A
25 RESULT OF A MEMBER DESCRIBED IN SUBSECTION (1) (A) LEAVING
26 EMPLOYMENT WITH THE DEPARTMENT SHALL BE FILLED IN THE SAME MANNER
27 AS THE ORIGINAL APPOINTMENT.

1 (5) A VACANCY ON THE BOARD SHALL BE FILLED IN THE SAME MANNER
2 AS THE ORIGINAL APPOINTMENT. A MEMBER APPOINTED TO FILL A VACANCY
3 OCCURRING OTHER THAN BY EXPIRATION OF A TERM SHALL BE APPOINTED FOR
4 THE REMAINDER OF THE UNEXPIRED TERM.

5 (6) THE FIRST MEETING OF THE BOARD MUST BE CALLED NOT MORE
6 THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
7 ADDED THIS SECTION. AT THE FIRST MEETING, THE BOARD SHALL ELECT
8 FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT
9 CONSIDERS NECESSARY OR APPROPRIATE, WHO SHALL SERVE 1-YEAR TERMS
10 AND WHO MAY BE REELECTED. AFTER THE FIRST MEETING, THE BOARD SHALL
11 MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE
12 CHAIRPERSON, OR IF REQUESTED BY A MAJORITY OF THE MEMBERS THEN
13 SERVING.

14 (7) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM
15 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A
16 MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR THE
17 OFFICIAL ACTION OF THE BOARD.

18 (8) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BUSINESS THAT
19 THE BOARD MAY PERFORM MUST BE CONDUCTED AT A PUBLIC MEETING OF THE
20 BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267,
21 MCL 15.261 TO 15.275. THE BOARD MAY CLOSE A MEETING TO THE PUBLIC
22 FOR PURPOSES OF SHARING OR DISCUSSING CONFIDENTIAL OR PRIVATE
23 INFORMATION REGARDING A PRISONER OR HIS OR HER FAMILY MEMBER. IF
24 THE BOARD CLOSES A MEETING TO THE PUBLIC AS DESCRIBED IN THIS
25 SUBSECTION, THE BOARD SHALL REOPEN THE MEETING TO THE PUBLIC AFTER
26 THE SHARING OR DISCUSSION OF CONFIDENTIAL OR PRIVATE INFORMATION IS
27 COMPLETED. THE BOARD SHALL CLOSE A MEETING TO THE PUBLIC FOR

1 PURPOSES OF SHARING OR DISCUSSING MEDICAL OR PSYCHOLOGICAL
2 INFORMATION ABOUT A NAMED PRISONER AND ENSURE THAT THE SHARING OR
3 DISCUSSION OF MEDICAL OR PSYCHOLOGICAL INFORMATION ABOUT A NAMED
4 PRISONER ALSO COMPLIES WITH ANY CURRENT DEPARTMENTAL POLICIES
5 REGARDING THE SHARING OR DISCUSSION OF MEDICAL OR PSYCHOLOGICAL
6 INFORMATION ABOUT A NAMED PRISONER. NOTHING IN THIS SECTION AFFECTS
7 THE RIGHTS PROVIDED TO A DEPARTMENT EMPLOYEE UNDER THE STATE CIVIL
8 SERVICE COMMISSION RULES OR AN APPLICABLE COLLECTIVE BARGAINING
9 AGREEMENT. AS USED IN THIS SUBSECTION, "CONFIDENTIAL OR PRIVATE
10 INFORMATION" MEANS INFORMATION REGARDING INTIMIDATION OF OR BY A
11 NAMED PRISONER, FORMAL AND DOCUMENTED COMPLAINTS OF UNPROFESSIONAL
12 OR CRIMINAL BEHAVIOR BY A NAMED DEPARTMENT EMPLOYEE OR AN
13 INDIVIDUAL WORKING UNDER A CONTRACT WITH THE DEPARTMENT, MEDICAL OR
14 PSYCHOLOGICAL INFORMATION ABOUT A NAMED PRISONER OR A NAMED FAMILY
15 MEMBER OF A PRISONER, OR ANY OTHER SIMILAR SENSITIVE AND PRIVATE
16 INFORMATION REGARDING A SPECIFIC PRISONER THAT THE BOARD REASONABLY
17 DETERMINES SHOULD BE KEPT CONFIDENTIAL. CONFIDENTIAL OR PRIVATE
18 INFORMATION DOES NOT INCLUDE INFORMATION THAT IS CURRENTLY
19 AVAILABLE TO THE PUBLIC, OR THAT IS READILY AVAILABLE TO THE PUBLIC
20 FROM ANOTHER SOURCE.

21 (9) EXCEPT AS PROVIDED IN THIS SUBSECTION, A WRITING PREPARED,
22 OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE BOARD IN THE
23 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
24 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. A WRITING
25 PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE
26 BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS NOT SUBJECT TO
27 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,

1 IF THE WRITING CONTAINS CONFIDENTIAL OR PRIVATE INFORMATION AS THAT
2 TERM IS DEFINED IN SUBSECTION (8).

3 (10) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.
4 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL
5 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
6 OFFICIAL DUTIES AS MEMBERS OF THE BOARD.

7 (11) THE BOARD SHALL DO ALL OF THE FOLLOWING:

8 (A) ASSIST AND ADVISE THE DEPARTMENT REGARDING THE DEVELOPMENT
9 OF POLICIES AND PROCEDURES THAT SUPPORT FAMILY REUNIFICATION DURING
10 AND AFTER INCARCERATION.

11 (B) ASSIST AND ADVISE THE DEPARTMENT REGARDING THE DEVELOPMENT
12 OF PROGRAMS THAT SUPPORT FAMILY REUNIFICATION DURING AND AFTER
13 INCARCERATION.

14 (C) ENHANCE COMMUNICATION BETWEEN THE DEPARTMENT AND FAMILIES
15 REGARDING ISSUES THAT IMPACT A BROAD RANGE OF INCARCERATED AND
16 FORMERLY INCARCERATED INDIVIDUALS AND THEIR FAMILIES, INCLUDING,
17 BUT NOT LIMITED TO, GATHERING INFORMATION FROM INDIVIDUALS IN THE
18 REGION AND ACROSS THE STATE WITH FAMILY MEMBERS WHO ARE OR HAVE
19 BEEN INCARCERATED, INCLUDING A REVIEW OF COMMENT CARDS SUBMITTED AT
20 INDIVIDUAL CORRECTIONAL FACILITIES.

21 (D) IDENTIFY BARRIERS CONCERNING FAMILY REUNIFICATION DURING
22 AND AFTER INCARCERATION.

23 (E) FILE AN ANNUAL REPORT WITH THE CHAIRS OF THE COMMITTEES OF
24 THE SENATE AND HOUSE OF REPRESENTATIVES CONCERNED WITH THE
25 DEPARTMENT AND CRIMINAL JUSTICE ISSUES REGARDING ITS ACTIVITIES
26 UNDER THIS SECTION. THE REPORT MUST BE FILED NOT LATER THAN OCTOBER
27 1 OF EACH YEAR.

1 (12) THE DEPARTMENT SHALL PROVIDE ANY STAFFING NECESSARY FOR
2 THE BOARD TO FULFILL ITS DUTIES UNDER THIS SECTION.

3 (13) THE BOARD MAY, IN ITS DISCRETION, CREATE REGIONAL
4 COMMITTEES OR FACILITY-FOCUSED FAMILY COUNCILS TO CARRY OUT ITS
5 DUTIES.

6 (14) THE DEPARTMENT SHALL PROVIDE INFORMATION ABOUT THE BOARD
7 ON ITS WEBSITE AND IN THE WAITING ROOMS OF CORRECTIONAL FACILITIES,
8 INCLUDING THE BOARD'S CONTACT INFORMATION FOR OBTAINING INFORMATION
9 AND ASSISTANCE WITH FAMILY-RELATED ISSUES.

10 Enacting section 1. This amendatory act takes effect October
11 1, 2018.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 4678 (request no.
14 01872'17 a) of the 99th Legislature is enacted into law.