

Act No. 3
Public Acts of 2017
Approved by the Governor
March 30, 2017
Filed with the Secretary of State
March 31, 2017
EFFECTIVE DATE: June 29, 2017

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Senators Schuitmaker, O'Brien, Proos, Jones, Colbeck, Knollenberg, Horn, Booher, Brandenburg, Hansen, Kowall, Johnson, Gregory and Warren

ENROLLED SENATE BILL No. 6

AN ACT to amend 1988 PA 511, entitled "An act to provide for the funding of community-based corrections programs through local governmental subdivisions or certain nonprofit agencies; to prescribe the powers and duties of certain state officers and agencies; to provide for community corrections advisory boards and prescribe their powers and duties; to create an office of community alternatives and a state community corrections board within the department of corrections and prescribe their powers and duties; and to provide for the promulgation of rules," 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:

Sec. 2. As used in this act:

- (a) "City advisory board" means a community corrections advisory board created by a city under sections 6 and 7.
- (b) "City-county advisory board" means a community corrections advisory board created by a county and the largest city by population within that county under sections 6 and 7.
- (c) "Community corrections program" means a program that is operated by or contracted for by a city, county, or group of counties, or is operated by a nonprofit service agency, and that offers programs, services, or both, instead of incarceration in prison, and that are locally operated and provide a continuum of programming options from pretrial through post-adjudication.
- (d) "County advisory board" means a community corrections advisory board created by a county under sections 6 and 7.
- (e) "Department" means the department of corrections.
- (f) "Evidence-based practices" means a progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective correctional services.
- (g) "Key performance indicator" means a measure that captures the performance of a critical variable to expand and improve community-based corrections programs to promote offender success, ensure accountability, enhance public safety, and reduce recidivism.
- (h) "Moderate to high risk" means that the individual assessed has scored in the moderate to high range of risk using an actuarial, objective, validated risk and need assessment instrument.
- (i) "Nonprofit service agency" means a nonprofit organization that provides treatment, guidance, training, or other rehabilitative services to individuals, families, or groups in such areas as health, education, vocational training, special education, social services, psychological counseling, alcohol and drug treatment, community service work, victim restitution, and employment.
- (j) "Office" means the office of community corrections created in section 3.
- (k) "Plan" means a comprehensive corrections plan submitted by a county, city, or regional advisory board under section 8.

(l) "Recidivism" means any rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation of an individual as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later.

(m) "Regional advisory board" means a community corrections advisory board created by a group of 2 or more counties under sections 6 and 7.

(n) "State board" means the state community corrections advisory board created in section 3.

(o) "Technical parole violation" means a violation of the terms of a parolee's parole order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

(p) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

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

(a) Adopt a variety of key performance indicators that promote offender success, ensure the effective monitoring of offenders, and evaluate community corrections programs. Performance indicators must be relevant to this act and must be reviewed on an annual basis. Not less than 1 of the key performance measures must be the recidivism rate of offenders supervised under this act. There may be multiple recidivism measures to account for accessibility to state and national databases, local ability to collect data, and the resources needed to collect this data. Nothing in this subdivision requires a community corrections program operated under this act to collect, measure, maintain, or track data for offenders who are not supervised by the community corrections program.

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

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

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

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

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

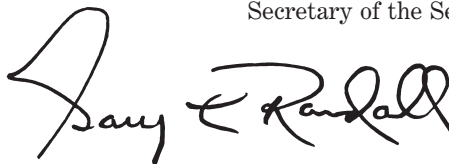
(2) Any data collected and maintained under this act regarding recidivism rates must be collected and maintained in a manner that separates the data regarding technical probation violations and technical parole violations from data on new felony and misdemeanor convictions.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor