

HOUSE BILL NO. 5390

January 10, 2024, Introduced by Rep. McKinney and referred to the Committee on Criminal Justice.

A bill to create the juveniles in incarceration education board and the juveniles in incarceration education fund; to prescribe the membership of the juveniles in incarceration education board; to prescribe the duties and responsibilities of the juveniles in incarceration education board; to provide for the distribution and expenditure of funds; and to provide grants to certain entities for certain purposes.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "Daniel Jones juveniles
2 in incarceration education act".

1 Sec. 2. As used in this act:

2 (a) "Board" means the juveniles in incarceration education
3 board created in section 3.

4 (b) "Grant" means a grant under the program.

5 (c) "Incarceration" means custody of a juvenile in the the
6 department of corrections or a secure facility as that term is
7 defined in section 1 of chapter XIIIA of the probate code of 1939,
8 1939 PA 288, MCL 712A.1.

9 (d) "Justice-impacted individual" means an individual who has
10 experience in the juvenile justice system, including, but not
11 limited to, a parent, sibling, or child of an incarcerated juvenile
12 or incarcerated adult.

13 (e) "Juvenile" means that term as defined in section 1 of
14 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

15 (f) "Organization" means a nonprofit that is exempt from
16 taxation under section 501(c)(3) of the internal revenue code of
17 1986, 26 USC 501.

18 (g) "Person" means an individual or a partnership,
19 corporation, limited liability company, association, governmental
20 entity, or other legal entity.

21 (h) "Program" means the juveniles in incarceration education
22 grant program created in section 5.

23 (i) "Program fund" means the juveniles in incarceration
24 education fund created in section 6.

25 Sec. 3. (1) The juveniles in incarceration education board is
26 created in the department of education.

27 (2) Except as provided in this subsection, the governor shall
28 appoint the 8 members of the board. The board must consist of the
29 following members:

1 (a) A chairperson who has experience in juvenile justice
2 education programs.

3 (b) An assistant chairperson, selected by the superintendent
4 of public instruction, who has experience in juvenile education and
5 training.

6 (c) One representative from the department of education.

7 (d) One representative from the department of corrections.

8 (e) One representative from a nongovernmental organization
9 concerned with juvenile justice.

10 (f) One member of the clergy from a religious organization
11 that is concerned with juvenile justice.

12 (g) One community representative.

13 (h) One representative from the legislature or a county board
14 of commissioners.

15 (i) Two or more board members under subdivisions (a) to (h)
16 must be formerly incarcerated juveniles.

17 (3) The governor and superintendent of public instruction
18 shall appoint the first members of the board not later than 30 days
19 after the effective date of this act.

20 (4) The governor shall appoint 2 of the first members to 1-
21 year terms, 2 of the first members to 2-year terms, and 1 of the
22 first members to a 3-year term. The superintendent of public
23 instruction shall appoint the first member under subsection (2)(b)
24 to a 3-year term. After the first appointments, the term of a
25 member of the board is 3 years or until a successor is appointed
26 under subsection (2), whichever is later. A member may not be
27 reappointed to the board.

28 (5) Except as provided in this subsection, if a vacancy occurs
29 on the board, the governor shall appoint an individual to fill the

1 vacancy for the balance of the term. If the chairperson position is
2 vacant, the assistant chairperson shall take over as the
3 chairperson of the board for the balance of the chairperson's term.
4 The superintendent of public instruction shall appoint a new
5 assistant chairperson for the balance of the assistant
6 chairperson's term. If the chairperson is otherwise absent, the
7 assistant chairperson shall take over the duties of the
8 chairperson.

9 (6) The governor may remove a member of the board for
10 incompetence, dereliction of duty, malfeasance, misfeasance, or
11 nonfeasance in office, or any other good cause.

12 (7) The chairperson shall call the first meeting of the board.
13 At the first meeting, the board may elect other officers that it
14 considers necessary or appropriate. The board shall meet at least
15 quarterly, or more frequently at the call of the chairperson or at
16 the request of 2 or more members.

17 (8) A majority of the members of the board constitute a quorum
18 for transacting business. A vote in favor by 5 of the members of
19 the board serving is required for any action of the board.

20 (9) The board shall conduct its business in compliance with
21 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

22 (10) A writing that is prepared, owned, used, possessed, or
23 retained by the board in performing an official function is subject
24 to the freedom of information act, 1976 PA 442, MCL 15.231 to
25 15.246.

26 (11) Beginning 1 year after the effective date of this act and
27 not later than March 1 of each following year, the board shall
28 transmit to the governor, the clerk of the house of
29 representatives, and the secretary of the senate a report on the

1 activities of the program. The report must include all of the
2 following:

3 (a) Detailed statistics on the juveniles in the justice system
4 and in secure facilities over the last year, including, but not
5 limited to, all of the following:

6 (i) The race, gender, and ethnicity of the juveniles in
7 incarceration.

8 (ii) The types of offenses committed by the juveniles who are
9 in custody.

10 (iii) The facilities where the juveniles are held in custody.

11 (iv) The educational programs offered to the juveniles.

12 (v) The learning and other disabilities of the juveniles.

13 (b) The information reported under section 5(6) on grants
14 issued by the board.

15 (c) An evaluation of the effectiveness of the education
16 programs created under this act to reduce juveniles' interaction
17 with the justice system.

18 Sec. 4. (1) A member of the board is not entitled to
19 compensation for service on the board, but the board may reimburse
20 a member for actual and necessary expenses incurred in serving.

21 (2) The board shall do all of the following:

22 (a) Develop a curriculum for the training and education of
23 incarcerated juveniles beyond a high school diploma or high school
24 equivalency certificate that prioritizes scientific skills and
25 technology, improves juveniles' development and behavior, and
26 prevents further delinquency and interaction with the justice
27 system.

28 (b) Annually review the curriculum created under subdivision

29 (a) and revise the curriculum as necessary.

1 (c) Develop and administer the program.

2 (d) Publicly notice and host not less than 3 town hall
3 meetings in communities across this state to present findings from
4 the board's annual report and receive feedback from the public.

5 (3) The board may do 1 or both of the following:

6 (a) Recommend the creation of education programs to reduce
7 juveniles' interaction with the justice system.

8 (b) Work in collaboration toward the objectives under this act
9 with other state agencies, local agencies, and approved public or
10 private persons.

11 Sec. 5. (1) The board shall create and operate the juveniles
12 in incarceration education grant program. The board shall use money
13 appropriated to the program fund or other money appropriated to the
14 program to do all of the following:

15 (a) Award grants to a person to plan, establish, operate, or
16 provide an education program to incarcerated juveniles.

17 (b) Award grants to an organization that is created, or led
18 by, a formerly incarcerated juvenile, formerly incarcerated adult,
19 or justice-impacted individual to plan, establish, operate, or
20 provide an education program to incarcerated juveniles, formerly
21 incarcerated juveniles, or vulnerable youth.

22 (c) Award short-term, limited grants to persons that do not
23 meet the requirements to receive a grant under subdivision (a) or
24 (b), if it would support incarcerated juveniles, formerly
25 incarcerated juveniles, or vulnerable youth.

26 (2) The board shall develop a detailed grant application,
27 approval, and compliance process that is also published and
28 available on its website or on the website of the department of
29 corrections.

1 (3) Before entering into a written agreement for a grant as
2 provided under subsection (4), the board shall consider and
3 document both of the following:

4 (a) Whether the applicant is 1 of the following:

5 (i) An individual who is a formerly incarcerated juvenile,
6 formerly incarcerated adult, or justice-impacted individual.

7 (ii) An organization that is created or led by a formerly
8 incarcerated juvenile, formerly incarcerated adult, or justice-
9 impacted individual.

10 (iii) A community-based organization.

11 (b) Any other criteria approved by the board that are
12 consistent with the purpose of the program.

13 (4) To award a grant to a person under the program, the board
14 shall enter into a written agreement with the person that includes
15 in a clear and concise manner all of the terms and conditions
16 imposed on the person to receive the grant, including, but not
17 limited to, the following:

18 (a) A written and oral report must be presented by the person
19 to the board.

20 (b) The funds may be applied to any aspect of the person's
21 budget that supports incarcerated juveniles.

22 (c) An audit provision that requires the board to verify that
23 the terms and conditions for the grant have been met.

24 (d) A requirement that the person provide any information
25 necessary for the board to comply with the reporting requirement
26 under subsection (6) and any other reporting requirements under
27 this act.

28 (5) A grant under this act must not be less than \$1,000.00 or
29 more than \$100,000.00.

1 (6) By February 1 of each year, the board shall gather and
2 report to the senate and house standing committees and
3 appropriation subcommittees with oversight of juvenile
4 incarceration the following information on each grant issued by the
5 board from the fund:

6 (a) The amount, recipient, and purpose of the grant.

7 (b) The impact of the grant on reducing juveniles' interaction
8 with the justice system, reducing recidivism, or providing
9 juveniles in incarceration educational opportunities, as
10 applicable.

11 (c) The number of justice-impacted individuals engaged in each
12 program supported by the grant.

13 (7) The board shall post on its website or post on the website
14 of the department of corrections the name and location of each
15 recipient of a grant and the amount of the grant.

16 Sec. 6. (1) The juveniles in incarceration education fund is
17 created in the state treasury.

18 (2) The state treasurer shall deposit money and other assets
19 received from any other source in the fund. The state treasurer
20 shall direct the investment of money in the fund and credit
21 interest and earnings from the investments to the fund.

22 (3) Money in the fund at the close of the fiscal year must
23 remain in the fund and does not lapse to the general fund.

24 (4) The board is the administrator of the fund for audits of
25 the fund.

26 (5) The juveniles in incarceration education board shall
27 expend money from the fund on appropriation, only for 1 or more of
28 the following purposes:

29 (a) To award grants under the program.

1 (b) To award authorized reimbursement to board members.