SUBSTITUTE FOR

SENATE BILL NO. 173

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; to provide anticipated appropriations for the fiscal year ending September 30, 2013; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

FOR FISCAL YEAR 2011-2012

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2012, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY

Average population 45,917	
Full-time equated unclassified positions..... 16.0	
Full-time equated classified positions..... 15,552.8	
GROSS APPROPRIATION.....	$ 1,936,573,800
Appropriated from:	
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	943,800
ADJUSTED GROSS APPROPRIATION.....	$ 1,935,630,000
Federal revenues:	
Total federal revenues.....	7,995,100
Special revenue funds:	
Total local revenues.....	447,300
Total private revenues.....	0
Total other state restricted revenues.....	52,351,400
State general fund/general purpose.....	$ 1,874,836,200

Sec. 102. EXECUTIVE

Full-time equated unclassified positions..... 16.0

1 Full-time equated classified positions..... 46.0
2 Unclassified positions--16.0 FTE positions..... $ 1,192,600
3 Executive direction--46.0 FTE positions..... 5,411,100
4 Neal, et al. settlement agreement..... 15,000,000
5 GROSS APPROPRIATION..... $ 21,603,700
6 Appropriated from:
7 State general fund/general purpose..... $ 21,603,700
8 **Sec. 103. PLANNING AND COMMUNITY SUPPORT**
9 Full-time equated classified positions..... 12.0
10 MPRI residential stability..... $ 7,251,300
11 MPRI employment readiness..... 7,265,100
12 MPRI social support..... 4,861,000
13 MPRI health and behavioral health..... 3,357,700
14 MPRI operations support..... 3,848,400
15 MPRI reintegration, training, and employment..... 600,000
16 MPRI other projects..... 26,726,200
17 MPRI federal grants..... 1,035,000
18 Substance abuse testing and treatment services--12.0
19 FTE positions..... 24,070,900
20 Residential services..... 18,075,500
21 Community corrections comprehensive plans and services 13,958,000
22 Regional jail program..... 100
23 Felony drunk driver jail reduction and community
24 treatment program..... 1,440,100
25 County jail reimbursement program..... 17,072,100
26 GROSS APPROPRIATION..... $ 129,561,400
27 Appropriated from:

1 Federal revenues:

2 DOJ, office of justice programs, RSAT 143,900

3 DOJ, prisoner reintegration 1,035,000

4 Special revenue funds:

5 Jail reimbursement program fund 5,900,000

6 State general fund/general purpose ..... $ 122,482,500

7 **Sec. 104. OPERATIONS SUPPORT ADMINISTRATION**

8 Full-time equated classified positions..... 152.9

9 Operations support administration--45.0 FTE positions $ 4,110,700

10 New custody staff training 4,094,100

11 Compensatory buyout and union leave bank 100

12 Worker's compensation 16,278,900

13 Bureau of fiscal management--90.9 FTE positions 8,448,300

14 Office of legal services--6.0 FTE positions 2,345,100

15 Internal affairs--11.0 FTE positions 1,219,300

16 Rent 2,095,200

17 Equipment and special maintenance 2,425,500

18 Administrative hearings officers 2,682,900

19 Judicial data warehouse user fees 50,000

20 Interdepartmental grant to judiciary 1,000,000

21 Interdepartmental grant to corrections ombudsman 250,000

22 Sheriffs' coordinating and training office 500,000

23 Prosecutorial and detainer expenses 4,051,000

24 GROSS APPROPRIATION ..... $ 49,551,100

25 Appropriated from:

26 Interdepartmental grant revenues:

27 IDG-MDSP, Michigan justice training fund 313,200

1 Special revenue funds:
2 Local corrections officer training fund 500,000
3 Correctional industries revolving fund 534,600
4 State general fund/general purpose ..... $ 48,203,300
5 **Sec. 105. FIELD OPERATIONS ADMINISTRATION**
6 Full-time equated classified positions..... 2,161.9
7 Field operations--2,007.9 FTE positions ..... $ 184,553,200
8 Parole board operations--45.0 FTE positions 4,517,400
9 Parole/probation services 2,243,500
10 Community re-entry centers--48.0 FTE positions 14,269,300
11 Electronic monitoring center--61.0 FTE positions 16,570,200
12 GROSS APPROPRIATION ..... $ 222,153,600
13 Appropriated from:
14 Special revenue funds:
15 Local - community tether program reimbursement 447,300
16 Re-entry center offender reimbursements 141,600
17 Parole and probation oversight fees 6,300,000
18 Parole and probation oversight fees set-aside 2,649,500
19 Tether program participant contributions 2,033,800
20 State general fund/general purpose ..... $ 210,581,400
21 **Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION**
22 Average population 1,750
23 Full-time equated classified positions..... 1,249.1
24 Correctional facilities administration--29.0 FTE
25 positions ..... $ 8,186,400
26 Prison food service--394.0 FTE positions 56,718,200
27 Transportation--211.6 FTE positions 19,043,600

1	Central records--53.5 FTE positions	3,906,100
2	Inmate legal services	715,900
3	Loans to parolees	179,400
4	Housing inmates in federal institutions	793,900
5	Prison store operations--75.0 FTE positions	1,467,100
6	Prison industries operations--189.0 FTE positions	21,325,400
7	Federal school lunch program	712,800
8	Leased beds and alternatives to leased beds	10,000,100
9	Public works programs	10,000,000
10	Cost-effective housing initiative	47,906,300
11	Average population 1,750	
12	Inmate housing fund	(79,232,700)
13	Education program--252.0 FTE positions	31,279,600
14	GROSS APPROPRIATION	$ 133,002,100
15	Appropriated from:	
16	Interdepartmental grant revenues:	
17	IDG-MDCH, forensic center food service	630,600
18	Federal revenues:	
19	DAG-FNS, national school lunch	712,800
20	DED-OESE, title 1	533,500
21	DED-OVAE, adult education	911,200
22	DED-OSERS	110,200
23	DED, vocational education equipment	283,100
24	DED, youthful offender/Specter grant	1,318,400
25	DOJ-BOP, federal prisoner reimbursement	211,100
26	DOJ-OJP, serious and violent offender reintegration	
27	initiative	10,400

1 DOJ, prison rape elimination act grant 1,037,900
2 SSA-SSI, incentive payment 144,300
3 Special revenue funds:
4 Correctional industries revolving fund 21,325,400
5 Public works user fees 10,000,000
6 Resident stores 1,467,100
7 State general fund/general purpose ..... $ 94,306,100
8 **Sec. 107. HEALTH CARE**
9 Full-time equated classified positions 1,690.0
10 Health care administration--14.0 FTE positions ..... $ 3,236,200
11 Prisoner health care services 93,095,500
12 Vaccination program 691,200
13 Interdepartmental grant to human services, eligibility
14 specialists 100,000
15 Mental health services and support--546.0 FTE
16 positions 55,069,200
17 Northern region clinical complexes--366.6 FTE
18 positions 43,198,100
19 Southern region clinical complexes--763.4 FTE
20 positions 116,384,000
21 GROSS APPROPRIATION ..... $ 311,774,200
22 Appropriated from:
23 Special revenue funds:
24 Prisoner health care copayments 354,900
25 State general fund/general purpose ..... $ 311,419,300
26 **Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES**
27 Average population 18,983

1 Full-time equated classified positions..... 4,282.9
2 Alger maximum correctional facility - Munising--265.0
3 FTE positions ..... $ 27,249,700
4 Average population 889
5 Baraga maximum correctional facility - Baraga--325.1
6 FTE positions 31,829,200
7 Average population 884
8 Earnest C. Brooks correctional facility - Muskegon--
9 447.0 FTE positions 45,545,500
10 Average population 2,440
11 Chippewa correctional facility - Kincheloe--467.4 FTE
12 positions 47,846,400
13 Average population 2,282
14 Kinross correctional facility - Kincheloe--339.0 FTE
15 positions 35,237,600
16 Average population 1,799
17 Marquette branch prison - Marquette--339.6 FTE
18 positions 37,544,000
19 Average population 1,201
20 Newberry correctional facility - Newberry--263.9 FTE
21 positions 26,091,500
22 Average population 978
23 Oaks correctional facility - Eastlake--306.0 FTE
24 positions 34,317,200
25 Average population 1,156
26 Ojibway correctional facility - Marenisco--205.9 FTE
27 positions 19,053,300

1 Average population 1,090
2 Central Michigan correctional facility - St. Louis--
3 416.9 FTE positions 40,278,900
4 Average population 2,400
5 Pugsley correctional facility - Kingsley--216.0 FTE
6 positions 20,464,400
7 Average population 1,158
8 Saginaw correctional facility - Freeland--312.8 FTE
9 positions 31,952,400
10 Average population 1,480
11 St. Louis correctional facility - St. Louis--320.3 FTE
12 positions 32,541,300
13 Average population 1,226
14 Northern region administration and support--58.0 FTE
15 positions 4,304,300
16 GROSS APPROPRIATION..... $ 434,255,700
17 Appropriated from:
18 Special revenue funds:
19 State general fund/general purpose..... $ 434,255,700
20 **Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES**
21 Average population 25,184
22 Full-time equated classified positions..... 5,958.0
23 Bellamy Creek correctional facility - Ionia--394.4 FTE
24 positions ..... $ 39,857,300
25 Average population 1,850
26 Carson City correctional facility - Carson City--455.1
27 FTE positions 47,496,100

1 Average population 2,440
2 Cooper street correctional facility - Jackson--260.9
3 FTE positions 28,092,100
4 Average population 1,799
5 G. Robert Cotton correctional facility - Jackson--
6 402.5 FTE positions 39,548,100
7 Average population 1,841
8 Charles E. Egeler correctional facility - Jackson--
9 355.3 FTE positions 39,929,200
10 Average population 1,376
11 Richard A. Handlon correctional facility - Ionia--
12 233.4 FTE positions 24,033,900
13 Average population 1,373
14 Gus Harrison correctional facility - Adrian--444.7 FTE
15 positions 45,738,200
16 Average population 2,342
17 Huron Valley correctional complex - Ypsilanti--559.7
18 FTE positions 58,478,700
19 Average population 1,872
20 Ionia maximum correctional facility - Ionia--304.7 FTE
21 positions 30,890,400
22 Average population 654
23 Lakeland correctional facility - Coldwater--262.8 FTE
24 positions 24,877,200
25 Average population 1,336
26 Macomb correctional facility - New Haven--304.3 FTE
27 positions 30,406,800

1	Average population 1,228	
2	Maxey/Woodland Center correctional facility - Whitmore	
3	Lake--272.2 FTE positions	26,084,800
4	Average population 328	
5	Michigan reformatory - Ionia--320.1 FTE positions	34,309,700
6	Average population 1,338	
7	Mound correctional facility - Detroit--283.4 FTE	
8	positions	26,010,600
9	Average population 1,062	
10	Parnall correctional facility - Jackson--266.2 FTE	
11	positions	27,548,800
12	Average population 1,678	
13	Ryan correctional facility - Detroit--281.8 FTE	
14	positions	29,198,600
15	Average population 1,048	
16	Thumb correctional facility - Lapeer--292.5 FTE	
17	positions	30,251,400
18	Average population 1,219	
19	Special alternative incarceration program (Camp	
20	Cassidy Lake)--120.0 FTE positions.....	10,149,700
21	Average population 400	
22	Southern region administration and support--144.0 FTE	
23	positions	19,946,000
24	GROSS APPROPRIATION.....	$ 612,847,600
25	Appropriated from:	
26	Federal revenues:	
27	DOJ, state criminal alien assistance program	1,543,300

1 Special revenue funds:
2 Public works user fees 358,700
3 State general fund/general purpose ..... $ 610,945,600
4 **Sec. 110. INFORMATION TECHNOLOGY**
5 Information technology services and projects ..... $ 21,824,400
6 GROSS APPROPRIATION ..... $ 21,824,400
7 Appropriated from:
8 Special revenue funds:
9 Correctional industries revolving fund 159,600
10 Parole and probation oversight fees set-aside 626,200
11 State general fund/general purpose ..... $ 21,038,600

12 PART 2
13 PROVISIONS CONCERNING APPROPRIATIONS
14 FOR FISCAL YEAR 2011-2012
15 **GENERAL SECTIONS**
16 Sec. 201. Pursuant to section 30 of article IX of the state
17 constitution of 1963, total state spending from state resources
18 under part 1 for fiscal year 2011-2012 is $1,927,187,600.00 and
19 state spending from state resources to be paid to local units of
20 government for fiscal year 2011-2012 is $89,893,500.00. The
21 itemized statement below identifies appropriations from which
22 spending to local units of government will occur:
23 DEPARTMENT OF CORRECTIONS
24 Field operations - assumption of county probation
25 staff ..... $ 53,642,400

Public service work projects		707,800
Community corrections comprehensive plans and services		13,958,000
Community corrections residential services		18,075,500
Community corrections public education and training		50,000
Felony drunk driver jail reduction and community treatment program		1,440,100
Community re-entry centers		2,019,600
Regional jail program		100
TOTAL	$	89,893,500

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

(a) "Administrative segregation" means confinement for maintenance of order or discipline to a cell or room apart from accommodations provided for inmates who are participating in programs of the facility.

(b) "Cost per prisoner" means the sum total of the funds appropriated under part 1 for the following, divided by the projected prisoner population in fiscal year 2010-2011:

(*i*) Northern and southern region correctional facilities.

(*ii*) Northern and southern region administration and support.

(*iii*) Northern and southern region clinical complexes.

(*iv*) Prisoner health care services.

(*v*) Health care administration.

(*vi*) Vaccination program.

(*vii*) Prison food service and federal school lunch program.

(*viii*) Transportation.

(*ix*) Inmate legal services.

(*x*) Correctional facilities administration.

(*xi*) Central records.

(*xii*) DOJ psychiatric plan.

(*xiii*) Worker's compensation.

(*xiv*) New custody staff training.

(*xv*) Prison store operations.

(*xvi*) Education services and federal education grants.

(*xvii*) Education program.

(c) "DAG" means the United States department of agriculture.

(d) "DAG-FNS" means the DAG food and nutrition service.

(e) "DED" means the United States department of education.

(f) "DED-OESE" means the DED office of elementary and secondary education.

(g) "DED-OSERS" means the DED office of special education and rehabilitative services.

(h) "DED-OVAE" means the DED office of vocational and adult education.

(i) "Department" or "MDOC" means the Michigan department of corrections.

(j) "DOJ" means the United States department of justice.

(k) "DOJ-BOP" means the DOJ bureau of prisons.

(*l*) "DOJ-OJP" means the DOJ office of justice programs.

(m) "Evidence-based practices" or "EBP" means a decision-making process that integrates the best available research, clinician expertise, and client characteristics.

(n) "FTE" means full-time equated.

(o) "GED" means general educational development certificate.

(p) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce repeat offending, criminogenic and high-risk behaviors, prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(q) "GPS" means global positioning system.

(r) "HIV" means human immunodeficiency virus.

(s) "IDG" means interdepartmental grant.

(t) "IDT" means intradepartmental transfer.

(u) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(v) "MDCH" means the Michigan department of community health.

(w) "Medicaid benefit" means a benefit paid or payable under a program for medical assistance under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(x) "MDSP" means the Michigan department of state police.

(y) "MPRI" means the Michigan prisoner reentry initiative.

(z) "Objective risk and needs assessment" means an evaluation of an offender's criminal history; the offender's noncriminal history; and any other factors relevant to the risk the offender would present to the public safety, including, but not limited to, having demonstrated a pattern of violent behavior, and a criminal record that indicates a pattern of violent offenses.

(aa) "Offender eligibility criteria" means particular criminal

violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(bb) "Offender success" means that an offender has done all of the following:

(*i*) Regularly reported to his or her assigned field agent.

(*ii*) Is participating in or has successfully completed all required substance abuse, mental health, sex offender, or other treatment as approved by the field agent.

(*iii*) Not sent or returned to prison for the conviction of a new crime or the revocation of probation or parole.

(*iv*) Not been sentenced to a jail term for a new criminal offense.

(*v*) Obtained employment, has enrolled or participated in a program of education or job training, or has investigated all bona fide employment opportunities.

(*vi*) Obtained housing.

(cc) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not likely increase the risk to the public safety based on an objective risk and needs assessment that indicates that the offender can be safely treated and supervised in the community.

(dd) "Offender who would likely be sentenced to imprisonment" means either of the following:

(*i*) A felon or misdemeanant who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(*ii*) A currently incarcerated felon or misdemeanant who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

(ee) "Programmatic success" means that the department program or initiative has ensured that the offender has accomplished all of the following:

(*i*) Obtained employment, has enrolled or participated in a program of education or job training, or has investigated all bona fide employment opportunities.

(*ii*) Obtained housing.

(*iii*) Obtained a state identification card.

(ff) "Recidivism" means any of the following:

(*i*) The arrest and conviction of a supervised individual for a new offense while under community supervision.

(*ii*) The adjudication of a supervised individual for a violation of the conditions of supervision while under community supervision.

(*iii*) A sanction resulting from a violation of terms of supervision that results in a return to prison without being adjudicated.

(gg) "RSAT" means residential substance abuse treatment.

(hh) "Serious emotional disturbance" means that term as

1 defined in section 100d(2) of the mental health code, 1974 PA 328,
2 MCL 330.1100d.
3 (ii) "Serious mental illness" means that term as defined in
4 section 100d(3) of the mental health code, 1974 PA 328, MCL
5 330.1100d.
6 (jj) "SSA" means the United States social security
7 administration.
8 (kk) "SSA-SSI" means SSA supplemental security income.
9 Sec. 204. The civil service commission shall bill departments
10 and agencies at the end of the first fiscal quarter for the charges
11 authorized by section 5 of article XI of the state constitution of
12 1963. Payments shall be made for the total amount of the billing by
13 the end of the second fiscal quarter.
14 Sec. 204a. (1) The department shall collaborate with the civil
15 service commission and the department of civil service to review
16 the compensation rates for health care professionals who provide
17 direct health care services to prisoners within the corrections
18 system, including, but not limited to, doctors, all nursing
19 professionals, pharmacists, pharmacy technicians, and
20 psychologists. The review shall include health care professionals
21 employed by the state as well as those employed through state
22 contractors. These rates shall be compared to available data on
23 compensation rates for comparable medical professionals in the
24 private sectors who provide services to the general public to
25 estimate any disparity in compensation.
26 (2) Following the review, the department shall make
27 recommendations on changes needed to the state compensation plan

for health care professional positions and to department contracts with health care providers so that compensation levels are sufficient to ensure that needed health care professional positions with vacancies are filled, that the department experiences adequate retention levels for these positions, and that necessary health care services are delivered in a timely manner to the prisoner population. A report outlining these recommendations shall be submitted to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget office by May 1, 2011.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 207. State employees shall be given the opportunity to bid on contracts that privatize services that are or were provided by state employees. If the contract is awarded to any state employee, he or she ceases being an employee of the state.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference shall be given to

goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 211. (1) The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, parolee loans, academic/vocational services, custody escorts, compassionate visits, union steward activities, and public works programs and services provided to local units of government. The revenues and fees collected are appropriated for all expenses associated with these services and activities.

(2) If a parolee or probationer has been ordered to pay restitution, the department shall ensure that payment is a condition of his or her community supervision. Restitution payments shall be made as provided in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22. The department shall collect not more than 50% of all money collected from parolees and probationers for payments other than victim payments, as that term is defined in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22.

(3) By April 1, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing the collection of fees under this section.

At minimum, this report shall include a categorical accounting of all fees collected under this section.

Sec. 212. On a quarterly basis, each executive branch department and agency receiving appropriations in part 1 shall report on the number of full-time equated positions in pay status by civil service classification to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies. This report shall include a detailed accounting of the long-term vacancies that exist within each department. As used in this subsection, "long-term vacancy" means any full-time equated position that has not been filled at any time during the past 24 calendar months.

Sec. 213. By February 15, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing non-general fund/general purpose sources of revenue, including, but not limited to, federal revenues, state restricted revenues, local and private revenues, offender reimbursements and other payments, revolving funds, and 1-time sources of revenue, whether or not those revenues were appropriated. The report shall include statements detailing for each account the total amount of revenue received during fiscal year 2009-2010, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2009-2010, the account balance at the close of fiscal year 2009-2010, and the projected revenues and expenditures for fiscal year 2010-2011.

Sec. 214. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of technology, management, and budget for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of technology, management, and budget. It is the intent of the legislature that the department consider using third-party software and information technologies before contracting for such services through the department of technology, management, and budget.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of technology, management, and budget. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems of this state, out-of-state travel for the fiscal year ending September 30, 2012 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states for similar reasons.

(c) The travel is necessary to produce budgetary savings or to

increase state revenues, or both, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

Sec. 218. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines.

Sec. 219. Any contract for prisoner telephone services entered into after the effective date of this act shall include a condition that fee schedules for prisoner telephone calls, including rates and any surcharges other than those necessary to meet special equipment costs, be the same as fee schedules for calls placed from outside of correctional facilities.

Sec. 220. Not later than November 15, the department shall

prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house of representatives standing committees on appropriations, and the senate and house fiscal agencies.

Sec. 221. (1) The department shall maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

(a) Fiscal year-to-date expenditures by category.

(b) Fiscal year-to-date expenditures by appropriation unit.

(c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.

(d) The number of active department employees by job classification.

(e) Job specifications and wage rates.

(2) The department may develop and operate its own website to provide this information or may reference the state's central transparency website as the source for this information.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed $10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act,

1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed $5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed $2,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed $2,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 224. By March 1, the department shall provide a litigation report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall identify all lawsuits adjudicated through the trial court phase in which the department or an employee acting on behalf of the department was a defendant and in which trial court proceedings resulted in a decision of $250,000.00 or more against the department.

Sec. 225. (1) The department shall make every effort to place employees displaced by any reductions in force within other positions in the department.

(2) It is the intent of the legislature that all employees displaced by any reductions in force who are not placed within other positions in the department be given priority in state programs for job retraining or education, such as the no worker left behind program.

Sec. 229. Within 14 days after the release of the executive budget recommendation, the department shall provide the state budget director, the senate and house appropriations chairs, the senate and house appropriations subcommittees on corrections, respectively, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2011 and September 30, 2012.

Sec. 235. It is the intent of the legislature that the department reduce expenditures using the following strategies:

(a) Following the recommendations outlined in audit report 471-0130-08 of June 2009 issued by the Michigan office of the auditor general, which found $7,534,039.00 in known savings that would have been achieved through cost-neutral operation of the bureau of correctional industries, as follows:

(*i*) Finding 1 indicates that the bureau of correctional industries has consistently failed to maintain profitable or cost-neutral operations.

(*ii*) Finding 2 indicates that the bureau of correctional industries had not developed or implemented a comprehensive business plan.

(*iii*) Finding 3 indicates that the bureau of correctional industries did not efficiently schedule and utilize its trucks and drivers for delivery of products and services.

(*iv*) Finding 4 indicates that the bureau of correctional industries had not established comprehensive policies and procedures for setting prices and discounts for products and services.

(b) Continuing the supply chain transformation (SCT) with the new fiscal year beginning October 1, 2011. The SCT shall address all goods and services delivered into the department, with special focus in the following areas: food service, offender transport, warehousing, prisoner stores, laundries, textiles, transportation, reverse logistics, education, sex offender programming, assaultive offender programming, Michigan state industries manufacturing and related material, and capital and service purchase contracts under development or due to expire. The department shall continually detail its supply chain strategy and implementation plan including tasks, timing, resources, costs, and benefits to be achieved. The department shall provide quarterly cost and benefit savings report information. The department shall contract with a world-class supply chain external resource with the following capabilities: demonstrated success working in a department of corrections environment in the targeted supply chain areas of focus; demonstrated expertise in defining, developing, and implementing

cross-functional infrastructures; continuous quality improvement teams; stakeholder and communications outreach programs; six sigma/lean tools and templates; hands-on supply chain; continuous quality improvement and six sigma tool training; and positive working relations and measurable, documented client satisfaction results.

(c) Following the recommendations outlined in audit report 471-0620-07L of October 2008 issued by the Michigan office of the auditor general, which found $14,800,000.00 in estimated savings that could be achieved through reforms of the department's staffing and purchasing policies, as follows:

(*i*) Finding 1 indicates that the department needs to improve its administration of custody officer staffing.

(*ii*) Finding 2 indicates that the department needs to pursue additional cost-saving measures through future contract negotiations and review of its organizational structure.

(*iii*) Finding 3 indicates that the department did not have a formal process in place to negotiate prices for goods and services purchased from Michigan state industries.

(d) Following the recommendations outlined in audit report 471-0623-07L of December 2008 issued by the Michigan office of the auditor general, which found significant but indeterminate savings could be achieved through reforms of prisoner transportation policies, specifically, finding 4 indicates that the department should continue to seek the cooperation of the state court administrative office and its medical service providers to fully use existing technology to conduct videoconferencing for court and

medical appointments.

Sec. 236. It is the intent of the legislature that from the revenue resulting from the sale of the former Scott correctional facility sufficient funds shall be appropriated to the department to reimburse Michigan state industries for costs related to the construction of the Industries Building, which was operated by Michigan state industries on the site of the Scott correctional facility.

Sec. 237. The department shall observe all requirements set forth in statute and administrative rules related to procurement requests and shall ensure that proper communication is maintained with the department of technology, management, and budget regarding the use of delegated purchasing authority granted by the department of technology, management, and budget. The department shall not pursue the procurement of any good or service on its own that falls outside its delegated authority from the department of technology, management, and budget. If any requests for proposal or requests for qualifications are delayed due to the department's improper use of purchasing authority under statute and administrative rules, the department shall report on the improper use to the house and senate appropriations subcommittees on corrections within 15 days after determining that the improper use occurred. The report shall review the purpose of the relevant procurement effort, explain why the improper use of delegated authority occurred, and outline steps being taken to ensure that improper use of delegated authority does not occur again in the future.

Sec. 238. It is the intent of the legislature that the

department make additional efforts to sell, rent, or otherwise repurpose closed correctional facilities.

Sec. 239. It is the intent of the legislature that the department establish and maintain a management-to-staff ratio of 1 supervisor for each 5 employees at the department's central office in Lansing and at both the northern and southern region administration offices.

Sec. 240. On or before March 1, 2012, the department shall solicit and evaluate proposals for services related to the audit of vendor and contract payments and the recovery of improper payments. The period covered by the proposed audit shall be not less than 3 prior fiscal years. On or before September 1, 2012, the department shall provide to the house and senate committees on appropriations and the house and senate fiscal agencies a complete report on the results of the proposal solicitation and findings and amounts recovered from subsequent recovery audits.

EXECUTIVE

Sec. 301. (1) For 3 years after a felony offender is released from the department's jurisdiction, the department shall maintain the offender's file on the offender tracking information system and make it publicly accessible in the same manner as the file of the current offender. However, the department shall immediately remove the offender's file from the offender tracking information system upon determination that the offender was wrongfully convicted and the offender's file is not otherwise required to be maintained on the offender tracking information system.

(2) Information removed from the offender tracking information system due to the expiration of 3 years following release of an offender from the department's jurisdiction shall be retained by the department and maintained in a password-protected archive. Effective October 1, 2009, information in the archive shall be made available upon payment of a fee as determined by the department. Revenue collected under this section is appropriated for the costs of the offender tracking information system, and any revenue collected in excess of the costs of maintaining the offender tracking information system is appropriated for information technology costs. The department shall report on March 1 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the fees charged and revenue collected under this section.

Sec. 302. The department shall provide a report to the members of the senate and house appropriations subcommittees on corrections and community health, the senate and house fiscal agencies, MDCH, and the state budget director by May 1, reviewing actions taken to implement the recommendations of the mental health study required under section 302 of 2007 PA 124 with which it agrees and an explanation of any disagreements with recommendations. It is the intent of the legislature to review the department's implementation plan and, in coordination with the department, to identify funds with which to implement the plan, as appropriate.

Sec. 304. The director of the department shall maintain a staff savings initiative program to invite employees to submit suggestions for saving costs for the department. The department

shall report semiannually to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the suggestions submitted under this section, the implementation plan for those suggestions with which the department agrees, and an explanation of any disagreements with suggestions.

Sec. 305. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of prisoners who committed suicide during the previous calendar year. To the extent permitted by law, the report shall include all of the following information:

(a) The prisoner's age, offense, sentence, and admission date.

(b) Each prisoner's facility and unit.

(c) A description of the circumstances of the suicide.

(d) The date of the suicide.

(e) Whether the suicide occurred in a housing unit, a segregation unit, a mental health unit, or elsewhere on the grounds of the facility.

(f) Whether the prisoner had been denied parole and the date of any denial.

(g) Whether the prisoner had received a mental health evaluation or assessment.

(h) Details on the department's responses to each suicide, including immediate on-site responses and subsequent internal investigations.

(i) A description of any monitoring and psychiatric

1 interventions that had been undertaken prior to the prisoner's
2 suicide, including any changes in placement or mental health care.
3 (j) Whether the prisoner had previously attempted suicide.

4 **PLANNING AND COMMUNITY SUPPORT**

5 Sec. 401. The department shall submit 3-year and 5-year prison
6 population projection updates concurrent with submission of the
7 executive budget to the senate and house appropriations
8 subcommittees on corrections, the senate and house fiscal agencies,
9 and the state budget director. The report shall include
10 explanations of the methodology and assumptions used in developing
11 the projection updates.
12 Sec. 402. It is the intent of the legislature that the funds
13 appropriated in part 1 for prisoner reintegration programs be
14 expended for the purpose of reducing victimization by reducing
15 repeat offending through the following prisoner reintegration
16 programming:
17 (a) The provision of employment or employment services and job
18 training.
19 (b) The provision of housing assistance.
20 (c) Referral to mental health services.
21 (d) Referral to substance abuse services.
22 (e) Referral to public health services.
23 (f) Referral to education.
24 (g) Referral to any other services necessary for successful
25 reintegration.
26 Sec. 403. By March 1, the department shall provide a report on

MPRI expenditures and allocations to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include information on both of the following:

(a) Details on prior-year expenditures, including amounts spent on each project funded, itemized by service provided and service provider.

(b) Allocations and planned expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider. The department shall provide an amended report at least 60 days before making revisions to allocations or planned expenditures.

Sec. 403a. (1) In collaboration with a technical committee composed of representatives from the department, designees of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the justice center of the council of state governments, the department shall develop a performance-based dashboard tracking and reporting system that establishes key indicators of the success and failure of offenders. Indicators shall reflect the status of and trends in key program elements, behavior improvements on the part of offenders, and whether targeted goals are being met.

(2) By April 1, the department shall report dashboard data to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director.

Sec. 404. (1) The department shall screen and assess each

prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) The department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Sec. 405. (1) In expending residential substance abuse treatment services funds appropriated under this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2010-2011 and projected for fiscal year 2011-2012. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required under this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and

1 probationers.

2 (3) By March 1, the department shall report to the senate and
3 house appropriations subcommittees on corrections, the senate and
4 house fiscal agencies, and the state budget director on substance
5 abuse testing and treatment program objectives, outcome measures,
6 and results, including program impact on offender success and
7 programmatic success as those terms are defined in section 203.

8 Sec. 405a. The department shall work cooperatively with MDCH and
9 substance abuse coordinating agencies in referring offenders as
10 appropriate to intensive substance abuse services, including
11 residential services.

12 Sec. 406. As a condition for expending any money appropriated
13 in part 1 for reinvestment in prisoner re-entry programs, the
14 department shall establish a pilot program with an allocation of at
15 least $2,000,000.00 from the funding appropriated to prisoner
16 reintegration programs to contract with faith-based nonprofit
17 agencies with established programs that assist prisoners exiting
18 the prison system to reintegrate into the community. The department
19 shall report to the house and senate appropriations subcommittees
20 on corrections, the house and senate fiscal agencies, and the state
21 budget director by December 1 on the contracts awarded under the
22 pilot program, including the faith-based, nonprofit agencies
23 selected and the contract amounts awarded to each agency. The
24 department shall analyze and compare the success and failure rates
25 of prisoners served under the pilot program and those served
26 through other department reintegration programs and shall report
27 this information to the legislature during budget hearings on the

fiscal year 2012-2013 budget.

Sec. 407. (1) By June 30, the department shall place the 2011 statistical report on an Internet site. The statistical report shall include, but not be limited to, the information as provided in the 2004 statistical report.

(2) It is the intent of the legislature that starting with calendar year 2010, the statistical report be placed on an Internet site within 6 months after the end of each calendar year.

Sec. 408. The department shall measure the recidivism rates of offenders using at least a 3-year period following their release from prison. Any time spent in a county jail or otherwise incarcerated shall be included in the recidivism rates.

Sec. 409. The office of community alternatives shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling.

Sec. 410. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that enhance

offender success and that also may serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of offenders who would likely be sentenced to imprisonment, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(f) Contribute to offender success, as that term is defined in section 203.

(2) The award of community corrections comprehensive plans and residential services funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization,

historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on offender success, prison commitment rates, and jail utilization.

(3) Funds awarded for residential services in part 1 shall provide for a per diem reimbursement of not more than $47.50 for nonaccredited facilities, or of not more than $48.50 for facilities that have been accredited by the American corrections association or a similar organization as approved by the department.

Sec. 411. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services, the special alternative incarceration program, probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plans and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408, that contribute to the success of offenders. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and use the county jail reimbursement program under section 414. The state community corrections board shall encourage local community corrections advisory boards to include in their comprehensive corrections plans strategies to

collaborate with local alcohol and drug treatment agencies of the MDCH for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders.

Sec. 412. (1) As part of the March biannual report specified in section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, that requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on residential services, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, by prior record variable score, by number and percent statewide and by county, current year, and comparisons to

the previous 3 years.

(f) Data on the use of funding made available under the felony drunk driver jail reduction and community treatment program.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Sec. 413. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, jail-based probation violation sanctions, and all state-required jail data.

(2) The department is responsible for the collection, analysis, and reporting of all state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide necessary jail data to the department.

Sec. 414. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails certain felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for convicted felons in the custody of the sheriff if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's

prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H or a nonperson crime in crime class F under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months under the sentencing guidelines described in subdivision (a).

(c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the parole board and for which the sentencing guidelines recommended range for the minimum sentence has an upper limit of more than 18 months.

(3) State reimbursement under this subsection shall be $60.00 per diem per diverted offender for offenders with a presumptive prison guideline score, $50.00 per diem per diverted offender for offenders with a straddle cell guideline for a group 1 crime, and $35.00 per diem per diverted offender for offenders with a straddle cell guideline for a group 2 crime. Reimbursements shall be paid for sentences up to a 1-year total.

(4) As used in this subsection:

(a) "Group 1 crime" means a crime in 1 or more of the following offense categories: arson, assault, assaultive other, burglary, criminal sexual conduct, homicide or resulting in death, other sex offenses, robbery, and weapon possession as determined by the department of corrections based on specific crimes for which counties received reimbursement under the county jail reimbursement program in fiscal year 2007 and fiscal year 2008, and listed in the

county jail reimbursement program document titled "FY 2007 and FY 2008 Group One Crimes Reimbursed", dated March 31, 2009.

(b) "Group 2 crime" means a crime that is not a group 1 crime, including larceny, fraud, forgery, embezzlement, motor vehicle, malicious destruction of property, controlled substance offense, felony drunk driving, and other nonassaultive offenses.

(c) "In the custody of the sheriff" means that the convicted felon has been sentenced to the county jail and is either housed in the county jail or has been released from jail and is being monitored through the use of the sheriff's electronic monitoring system.

(5) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. By October 15, 2011, the department shall distribute the documentation requirements to all counties.

(6) Of the funds appropriated in part 1 for the county jail reimbursement program, $500,000.00 shall be utilized to reimburse county jails for housing individuals who violate terms of probation under the swift-and-sure sanctions pilot program.

Sec. 415. (1) The department shall create a database for use by the department and MPRI service providers. The database shall be available to both the department and the service provider in real time. The department, in consultation with the service providers,

shall issue a policy defining each field in the database so that there will be common usage of all terms and fields.

(2) The department, in consultation with the service providers, shall publish financial guidelines for administration of this program.

Sec. 416. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have upper limits of 18 months or less or the lower limit of the sentencing range is 1 year or less and the upper limit of the range is more than 18 months and the prior record variable is less than 35 points, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose

1 recommended minimum sentence ranges under sentencing guidelines
2 established under chapter XVII of the code of criminal procedure,
3 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
4 less and who likely otherwise would be sentenced to prison, with
5 the aim of enabling counties to meet or exceed amounts received
6 through the county jail reimbursement program during fiscal year
7 2002-2003 and reducing the numbers of felons sentenced to prison.
8 (2) Expenditure of funds included in part 1 for the felony
9 drunk driver jail reduction and community treatment program shall
10 be by grant awards consistent with standards developed by a
11 committee of the state community corrections advisory board. The
12 chairperson of the committee shall be the board member representing
13 county sheriffs. Remaining members of the committee shall be
14 appointed by the chairperson of the board.
15 (3) In developing annual standards, the committee shall
16 consult with interested agencies and associations. Standards
17 developed by the committee shall include application criteria,
18 performance objectives and measures, funding allocations, and
19 allowable uses of the funds, consistent with the purposes specified
20 in this section.
21 (4) Allowable uses of the funds shall include reimbursing
22 counties for transportation, treatment costs, and housing felony
23 drunk drivers during a period of assessment for treatment and case
24 planning. Reimbursements for housing during the assessment process
25 shall be at the rate of $43.50 per day per offender, up to a
26 maximum of 5 days per offender.
27 (5) The standards developed by the committee shall assign each

county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, "felony drunk driver" means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

Sec. 417. (1) By March 1, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

(a) The county jail reimbursement program.

(b) The felony drunk driver jail reduction and community treatment program.

(c) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report shall include information on each of the following:

(a) Program objectives and outcome measures, including, but not limited to, the number of offenders who successfully completed the program, and the number of offenders who successfully remained in the community during the 3 years following termination from the program.

(b) Expenditures by location.

(c) The impact on jail utilization.

(d) The impact on prison admissions.

(e) Other information relevant to an evaluation of the program.

Sec. 418. (1) The department shall collaborate with the state court administrative office on facilitating changes to Michigan court rules that would require the court to collect at the time of sentencing the state operator's license, state identification card, or other documentation used to establish the identity of the individual to be admitted to the department. The department shall maintain those documents in the prisoner's personal file.

(2) The department shall collaborate with the Michigan department of state to ensure that an achievable list of documents necessary to obtain a state operator's license or state identification card upon parole or release is developed and

presented to the prisoner so that application for identification can begin prior to a prisoner's discharge or parole hearing. The process for prisoners to acquire this documentation shall be part of the department's operating procedure.

(3) The department shall cooperate with MDCH to create and maintain a process by which prisoners can obtain their Michigan birth certificates if necessary. The department shall describe a process for obtaining birth certificates from other states, and in situations where the prisoner's effort fails, the department shall assist in obtaining the birth certificate.

(4) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the legislative corrections ombudsman, and the state budget director on the plan for implementing all necessary processes and policy changes in order to ensure compliance with the requirements of this section.

Sec. 419. (1) The department shall provide weekly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner, parolee, and probationer populations by facility, and prison capacities.

(2) The department shall provide monthly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall include information on end-of-month prisoner populations in county jails, the net operating capacity according to the most recent certification report,

identified by date, and end-of-month data, year-to-date data, and comparisons to the prior year for the following:

(a) Community residential program populations, separated by centers and electronic monitoring.

(b) Parole populations.

(c) Probation populations, with identification of the number in special alternative incarceration.

(d) Prison and camp populations, with separate identification of the number in special alternative incarceration and the number of lifers.

(e) Parole board activity, including the numbers and percentages of parole grants and parole denials.

(f) Prisoner exits, identifying transfers to community placement, paroles from prisons and camps, paroles from community placement, total movements to parole, prison intake, prisoner deaths, prisoners discharging on the maximum sentence, and other prisoner exits.

(g) Prison intake and returns, including probation violators, new court commitments, violators with new sentences, escaper new sentences, total prison intake, returns from court with additional sentences, community placement returns, technical parole violator returns, and total returns to prison and camp.

Sec. 420. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house judiciary committees, the senate and house fiscal agencies, and the state budget director on performance data and efforts to improve efficiencies relative to departmental staffing,

1 health care services, food service, prisoner transportation, mental
2 health care services, and pharmaceutical costs.
3 Sec. 422. It is the intent of the legislature that MPRI
4 programs from prisoner entry into the corrections system to reentry
5 into the community and as measured by offender success and
6 programmatic success as those terms are defined in section 203
7 shall be maintained as standard operating procedure in the
8 department. In particular, services should be focused on moderate-
9 to high-risk individuals. Special in-prison programming shall be
10 directed to those prisoners who were paroled and have returned to
11 prison and who will subsequently be eligible for parole again in
12 the future. In addition, MPRI services provided to prisoners shall
13 include basic computer skills training.
14 Sec. 424. (1) From the funds appropriated in part 1 for
15 residential services, the department shall develop and implement,
16 in collaboration with the judiciary and as approved by the state
17 court administrative office, a demonstration project based on
18 evidence-based practices related to judicial and case management
19 interventions that have been proven to increase public safety for
20 high-risk, high-need probationers as determined by a validated risk
21 and need assessment instrument. As used in this section,
22 "probationer" means a circuit court probationer serving a probation
23 sentence for a crime.
24 (2) The demonstration project shall be implemented in 4 areas
25 of the state identified jointly by the department and the state
26 court administrative office. Preference shall be given to locations
27 that are representative of areas with high rates of violent crimes

as described in the council of state governments' justice center report on analyses of crime, community corrections, and sentencing policies in this state.

(3) The primary goal of the demonstration project is to reduce crime and revictimization by high-risk, high-need probationers. The secondary goal of the demonstration project is to reduce expenditures for long-term incarceration.

(4) The demonstration project may provide up to 6 months of residential services, and treatment methods, and interventions that are evidence-based, including, but not limited to, the following:

(a) Risk/needs assessment.

(b) Motivational techniques.

(c) Type, intensity, and duration of treatment based on each probationer's risk and needs and delivered consistent with evidence-based practices.

(5) The department shall implement the evidence-based practice of collaborative case management and utilize the services of the department and of local community corrections consistent with the local comprehensive corrections plan developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(6) The department shall assign a probation officer to the demonstration project to supervise a specialized caseload for high-risk, high-need probationers. All probation officers supervising a specialized caseload under this section shall receive substantial education and training on issues of substance abuse, mental health, and drug and alcohol testing.

(7) The probation officer shall work in cooperation with the

local judiciary and the community corrections advisory board in a collaborative effort toward the goals of promoting probationer success and reducing crime and revictimization.

(8) The probation officer assigned to the demonstration project shall comply with supervision requirements established for the demonstration project by the field operations administration deputy director.

(9) The department shall identify and coordinate information for each local jurisdiction selected for the demonstration project regarding the rate of incarceration of high-risk, high-need probationers to ensure that appropriate probationers are targeted for the demonstration project.

(10) From the funds appropriated in part 1 for public education and training, the department shall collaborate with the local judiciary, community corrections advisory board, and service providers to develop and provide appropriate training for all local stakeholders involved in the demonstration project described in this section.

(11) From the funds provided to the local jurisdiction for the demonstration project, the department shall collaborate with the local judiciary and the community corrections advisory board to develop and implement an evaluation of the demonstration project that will show the impact of the project on the arrests, convictions, technical violations, and commitments to prison of the demonstration project participants. This evaluation shall be performed in accordance with department of corrections policy and procedure on evaluation design in cooperation with the office of

research and planning.

(12) By May 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of the demonstration project prescribed under this section, including information on all of the following:

(a) Demonstration project locations and participating courts.

(b) The number of probationers participating in the pilot categorized by location and offense.

(c) Evaluation status and methodology.

(d) Preliminary results, if any.

Sec. 426. The money appropriated in part 1 for prisoner reintegration, training, and employment programs shall be distributed to 1 or more Michigan-chartered 501(c)(3) nonprofit corporations to expand existing business models, create new business enterprises, or purchase capital equipment for expansion of current business operations. Qualifying nonprofits must hire new employees through the funding provided in this section, must include at least 45% returning citizens, must have documented entrepreneurial social enterprise expertise in creating employment opportunities for parolees, and must presently have established public utility asset recovery recycling programs. The programs shall be administered by 1 or more Michigan-chartered corporations that are exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501(c)(3).

Sec. 429. It is the intent of the legislature that the department work with other state departments and agencies to

implement the policy options provided to the state by the council of state governments in January 2009 and March 2011.

Sec. 430. The department shall ensure that each prisoner has the opportunity to meet with his or her transition team prior to release from prison. If applicable, community providers shall enter the prison to meet with the prisoner prior to release.

Sec. 431. The department shall ensure that prior to release from prison, each offender has possession of all of the following:

(a) All documents necessary to obtain a state operator's license or state identification card.

(b) A set of clothing that would be appropriate and suitable for wearing to an interview for employment.

Sec. 433. The department shall report quarterly on January 1, 2012, April 1, 2012, July 1, 2012, and September 30, 2012 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status of any contracts entered into under the June 2009 request for proposals for the re-entry initiative project for offenders with special needs. The report shall include information on all of the following:

(a) The number of prisoners and participating parolees in each of the target population subgroups, including medically fragile, mentally ill, developmentally disabled, and youthful offenders.

(b) Descriptions of the key services being provided to each subgroup under the contract or contracts.

(c) Estimates of the average per-offender costs of services for each target population subgroup under each contract, compared

to the average cost of prison incarceration for those populations.

Sec. 434. (1) It is the intent of the legislature that the department, in coordination with the department of licensing and regulatory affairs, Michigan state housing development authority, nonprofit and faith-based organizations, and local government officials, implement employment-related projects targeted toward at-risk young adults who are disconnected from school and employment, and probationers and parolees in high-crime neighborhoods where the adult incarceration rate is at least 45%.

(2) The department shall identify high-crime neighborhoods where the adult incarceration rate is at least 45% and in consultation with the department of human services, the superintendent of public instruction, and nonprofit and faith-based organizations shall develop programs for recommendation to the legislature that offer academic, counseling, and social support to children of incarcerated parents.

OPERATIONS AND SUPPORT ADMINISTRATION

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

Sec. 502. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification,

recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Sec. 503. Funds appropriated in part 1 for administrative hearings officers are appropriated as an interdepartmental grant to the department of licensing and regulatory affairs for the purpose of funding administrative hearings officers for adjudication of grievances pertaining to the department of corrections. The department shall not expend appropriations from part 1 to satisfy charges from the department of licensing and regulatory affairs for administrative hearings officers in excess of the amount expressly appropriated by this act for the administrative hearings officers unless funding is transferred into this line under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 504. Of the funds appropriated in part 1, $50,000.00 is appropriated to provide an interdepartmental grant to the judiciary for use of the judicial data warehouse by department employees.

Sec. 505. The department shall train all custody staff in effective and safe ways of handling prisoners with mental illness and referring prisoners to mental health treatment programs. Mental health awareness training shall be incorporated into the training of new custody staff.

Sec. 506. Of the funds appropriated in part 1, $250,000.00 is appropriated to provide an interdepartmental grant to the

1 legislative corrections ombudsman for oversight activities.
2 Sec. 507. Of the funds appropriated in part 1, $1,000,000.00
3 is appropriated as an interdepartmental grant to the judiciary for
4 the establishment of a pilot program for the use of swift-and-sure
5 jail sanctions as a response to certain probation violations.

6 **FIELD OPERATIONS ADMINISTRATION**

7 Sec. 601. (1) From the funds appropriated in part 1, the
8 department shall conduct a statewide caseload audit of field
9 agents. The audit shall address public protection issues and assess
10 the ability of the field agents to complete their professional
11 duties. The complete audit shall be submitted to the senate and
12 house appropriations subcommittees on corrections and the senate
13 and house fiscal agencies, and the state budget office by March 1.
14 (2) It is the intent of the legislature that the department
15 maintain a number of field agents sufficient to meet supervision
16 and workload standards.
17 Sec. 602. (1) Of the amount appropriated in part 1 for field
18 operations, a sufficient amount shall be allocated for the
19 community service work program and shall be used for salaries and
20 wages and fringe benefit costs of community service coordinators
21 employed by the department to supervise offenders participating in
22 work crew assignments. Funds shall also be used to cover motor
23 transport division rates on state vehicles used to transport
24 offenders to community service work project sites.
25 (2) The community service work program shall provide offenders
26 with community service work of tangible benefit to a community

while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, "community service work" means work performed by an offender in an unpaid position with a nonprofit or tax-supported or government agency for a specified number of hours of work or service within a given time period.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for costs associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the costs of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department shall provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service. For an additional fee as determined by the department, the department shall provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the total costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Sec. 606. It is the intent of the legislature that the department shall ensure that parolees and probationers may timely contact their parole or probation agents and maintain procedures that preclude any necessity for an offender to have access to an agent's home telephone number or other personal information pertaining to the agent.

Sec. 608. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the use of electronic monitoring. At a minimum, the report shall

include all of the following:

(a) Details on the failure rate of parolees for whom GPS tether is utilized, including the number and rate of parolee technical violations, including specifying failures due to committing a new crime that is uncharged but leads to parole termination, and the number and rate of parolee violators with new sentences.

(b) Information on the factors considered in determining whether an offender is placed on active GPS tether, passive GPS tether, radio frequency tether, or some combination of these or other types of electronic monitoring.

(c) Monthly data on the number of offenders on active GPS tether, passive GPS tether, radio frequency tether, and any other type of tether.

Sec. 609. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the use of kiosk reporting stations. At a minimum, the report shall include all of the following:

(a) Factors considered in determining whether an offender is assigned to report at a kiosk.

(b) Information on the location, costs, safety features, and other features of kiosks used for offender reporting.

(c) Information on demonstration project outcome measures.

(d) An evaluation of the kiosk reporting demonstration project, including any need for improvement and an assessment of the potential for expanded use of kiosk reporting stations.

1 Sec. 611. The department shall prepare by March 1, 2011
2 individual reports for the community re-entry program, the
3 electronic tether program, and the special alternative to
4 incarceration program. The reports shall be submitted to the house
5 and senate appropriations subcommittees on corrections, the house
6 and senate fiscal agencies, and the state budget director. Each
7 program's report shall include information on all of the following:
8 (a) Monthly new participants by type of offender. Community
9 re-entry program participants shall be categorized by reason for
10 placement. For technical rule violators, the report shall sort
11 offenders by length of time since release from prison, by the most
12 recent violation, and by the number of violations occurring since
13 release from prison.
14 (b) Monthly participant unsuccessful terminations, including
15 cause.
16 (c) Number of successful terminations.
17 (d) End month population by facility/program.
18 (e) Average length of placement.
19 (f) Return to prison statistics.
20 (g) Description of each program location or locations,
21 capacity, and staffing.
22 (h) Sentencing guideline scores and actual sentence statistics
23 for participants, if applicable.
24 (i) Comparison with prior year statistics.
25 (j) Analysis of the impact on prison admissions and jail
26 utilization and the cost effectiveness of the program.
27 Sec. 612. (1) The department shall review and revise as

1 necessary policy proposals that provide alternatives to prison for
2 offenders being sentenced to prison as a result of technical
3 probation violations and technical parole violations. To the extent
4 the department has insufficient policies or resources to affect the
5 continued increase in prison commitments among these offender
6 populations, the department shall explore other policy options to
7 allow for program alternatives, including department or OCC-funded
8 programs, local level programs, and programs available through
9 private agencies that may be used as prison alternatives for these
10 offenders.

11 (2) To the extent policies or programs described in subsection
12 (1) are used, developed, or contracted for, the department may
13 request that funds appropriated in part 1 be transferred under
14 section 393(2) of the management and budget act, 1984 PA 431, MCL
15 18.1393, for their operation.

16 (3) The department shall continue to utilize parole violator
17 processing guidelines that require parole agents to utilize all
18 available appropriate community-based, nonincarcerative postrelease
19 sanctions and services when appropriate. The department shall
20 periodically evaluate such guidelines for modification, in response
21 to emerging information from the demonstration projects for
22 substance abuse treatment provided under this act and applicable
23 provisions of prior budget acts for the department.

24 (4) The department shall provide quarterly reports to the
25 senate and house appropriations subcommittees on corrections, the
26 senate and house fiscal agencies, and the state budget director on
27 the number of all parolees returned to prison and probationers

sentenced to prison for either a technical violation or new sentence during the preceding calendar quarter. The reports shall include the following information each for probationers, parolees after their first parole, and parolees who have been paroled more than once:

(a) The numbers of parole and probation violators returned to or sent to prison for a new crime with a comparison of original versus new offenses by major offense type: assaultive, nonassaultive, drug, and sex.

(b) The numbers of parole and probation violators returned to or sent to prison for a technical violation and the type of violation, including, but not limited to, zero gun tolerance and substance abuse violations. For parole technical rule violators, the report shall list violations by type, by length of time since release from prison, by the most recent violation, and by the number of violations occurring since release from prison.

(c) The educational history of those offenders, including how many had a GED or high school diploma prior to incarceration in prison, how many received a GED while in prison, and how many received a vocational certificate while in prison.

(d) The number of offenders who participated in the MPRI versus the number of those who did not.

(e) The unduplicated number of offenders who participated in substance abuse treatment programs, mental health treatment programs, or both, while in prison, itemized by diagnosis.

Sec. 613. Subject to the appropriations in part 1, the department is encouraged to expand the use of continuous remote

alcohol monitors for parolees and probationers who test positive for alcohol abuse or have alcohol-abuse-related violations of their community supervision.

Sec. 615. After the parole board has reviewed the cases of all inmates sentenced to life with the possibility of parole who have good institutional records and pose low-risk to the community, the parole board shall provide the legislature with a detailed explanation of why an inmate who scores "high probability of release" is not being paroled. A report containing this explanation shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director by January 1.

HEALTH CARE

Sec. 801. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by the chief medical officer of the department.

Sec. 802. As a condition of expenditure of the funds appropriated in part 1, the department shall provide the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with all of the following:

(a) Quarterly reports on physical and mental health care detailing the average number of days between a prisoner's diagnosis and commencement of treatment for that diagnosis, quarterly and fiscal year-to-date expenditures itemized by vendor, allocations,

status of payments from contractors to vendors, and projected year-end expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment.

(b) Regular updates on progress on requests for proposals and requests for information pertaining to prisoner health care and mental health care, until the applicable contract is approved.

Sec. 803. For mental health contracts entered into by the department, including those with the Michigan department of community health, recognized performance standards and measures of quality shall be utilized to conduct periodic performance reviews. At least once every 3 years, the department shall renegotiate all mental health contracts entered into under this section with the goals of improving care and reducing costs.

Sec. 804. (1) The department shall report quarterly to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner health care utilization. The report shall include the number of inpatient hospital days, outpatient visits, and emergency room visits in the previous quarter and since October 1, 2009, by facility.

(2) By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoners receiving off-site inpatient medical care that would have received care in a state correctional facility if beds were available. The report shall include the number of prisoners receiving off-site

1 inpatient medical care and average length of stay in an off-site
2 facility during the period they would have received care in a state
3 correctional facility if beds were available, by month and
4 correctional facilities administration region.
5 Sec. 805. The bureau of health care services shall develop
6 information on hepatitis C and HIV prevention and the risks
7 associated with exposure to hepatitis C and HIV. The health care
8 providers shall disseminate this information verbally and in
9 writing to each prisoner at the health screening and full health
10 appraisal conducted at admissions, at the annual health care
11 screening 30 days before or after a prisoner's birthday, and prior
12 to release to the community by parole, transfer to community
13 residential placement, or discharge on the maximum sentence.
14 Sec. 806. (1) From the funds appropriated in part 1, the
15 department shall require a hepatitis C antibody test and an HIV
16 test for each prisoner prior to release to the community by parole,
17 transfer to community residential placement, or discharge on the
18 maximum sentence. The department shall require an HIV test and a
19 hepatitis C risk factor screening for each prisoner at the health
20 screening at admissions. If hepatitis C risk factors are
21 identified, the department shall offer the prisoner a hepatitis C
22 antibody test. An explanation of results of the tests shall be
23 provided confidentially to the prisoner, and if appropriate based
24 on the test results, the prisoner shall also be provided a
25 recommendation to seek follow-up medical attention.
26 (2) By March 1, the department shall report to the senate and
27 house appropriations subcommittees on corrections, the senate and

house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director on the number of offenders tested and the number of offenders testing positive for HIV, the hepatitis C antibody, or both, at prison admission and parole, transfer to community residential placement, or discharge on the maximum sentence. The department shall keep records of those offenders testing positive for HIV, the hepatitis C antibody, or both, at prison admission, parole, transfer to community residential placement, and discharge. These records shall clearly state the date each test was performed.

(3) As a condition of expenditure of the funds appropriated in part 1, the department shall keep records of the following:

(a) The number of offenders testing positive for the hepatitis C antibody who do not receive treatment due to refusal of treatment.

(b) Cost and duration of treatment by offender as allowable by privacy law.

Sec. 807. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another. Prisoners being released shall be provided with at least a 30-day supply of medication and a prescription for refills to allow for continuity of care in the community.

Sec. 808. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours, and it is the intent of the legislature that sufficient nurses be hired or retained to limit

1 the use of overtime other-than-holiday pay.
2 Sec. 809. The department, in conjunction with efforts to
3 implement the MPRI, shall cooperate with the MDCH to share data and
4 information as they relate to prisoners being released who are HIV
5 positive or positive for the hepatitis C antibody. By March 1, the
6 department shall report to the senate and house appropriations
7 subcommittees on corrections, the senate and house fiscal agencies,
8 and the state budget director on all of the following:
9 (a) Programs and the location of programs implemented as a
10 result of the work under this section.
11 (b) The number of prisoners released to the community by
12 parole, discharge on the maximum sentence, or transfer to community
13 residential placement who are HIV positive, positive for the
14 hepatitis C antibody, or both.
15 (c) The number of parolees and offenders discharged on the
16 maximum sentence who are HIV or hepatitis C positive by paroling
17 office as reported to the state department of community health for
18 referral to the local public health department.
19 Sec. 810. As a condition of expending appropriations in part
20 1, the department shall ensure each prisoner serving a sentence in
21 a state correctional facility, and each probationer placed at the
22 special alternative incarceration program under the special
23 alternative incarceration act, 1988 PA 287, MCL 798.11 to 798.18,
24 provides a sample for DNA identification profiling. The department
25 shall implement the requirements of this section in accordance with
26 the provisions of any relevant legislation enacted by the
27 legislature.

1 Sec. 812. (1) The department shall provide the department of
2 human services with a monthly list of prisoners newly committed to
3 the department of corrections. The department and the department of
4 human services shall enter into an interagency agreement under
5 which the department of human services provides the department of
6 corrections with monthly lists of newly committed prisoners who are
7 eligible for Medicaid benefits in order to maintain the process by
8 which Medicaid benefits are suspended rather than terminated. The
9 department shall assist prisoners who may be eligible for Medicaid
10 benefits after release from prison with the Medicaid enrollment
11 process prior to release from prison.
12 (2) The department shall provide the senate and house
13 appropriations subcommittees on corrections, the senate and house
14 fiscal agencies, and the state budget director with quarterly
15 updates on the utilization of Medicaid benefits for prisoners.
16 Sec. 813. The department shall monitor and document drug
17 utilization by department for prisoner health care services. As
18 part of this effort, the department shall examine drug utilization
19 patterns and cost-cutting strategies used by corrections systems in
20 other states. By March 1, 2011, the department shall provide a
21 report to the legislature detailing the department's drug
22 utilizations and drug utilization statistics for corrections
23 systems in other states.
24 Sec. 816. By April 1, the department shall provide the members
25 of the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, the state budget
27 director, and the legislative corrections ombudsman with a report

on pharmaceutical expenditures and prescribing practices. In particular, the report shall provide the following information:

(a) A detailed accounting of expenditures on antipsychotic medications.

(b) Any changes that have been made to the prescription drug formularies.

(c) A progress report on the department's efforts to address various findings outlined in audit report 471-0325-09L issued in March 2011 by the Michigan office of the auditor general.

CORRECTIONAL FACILITIES ADMINISTRATION

Sec. 902. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a demonstration children's visitation program. The demonstration program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

Sec. 903. Except as otherwise provided in this section, the department shall prohibit prisoners' access to or use of the Internet or any similar system. Under adequate supervision and with security precautions that ensure appropriate computer use by prisoners, the department may allow a prisoner access to or use of the Internet for the purposes of educational programming, employment training, job searches, or other Internet-based programs and services consistent with programming objectives, efficient

1 operations, and the safety and security of the institution.
2 Sec. 904. Any department employee who, in the course of his or
3 her job, is determined by a physician to have had a potential
4 exposure to the hepatitis B virus, shall receive a hepatitis B
5 vaccination upon request.
6 Sec. 905. (1) Savings in the inmate housing fund shall be
7 achieved through competitive bidding of facility operations or
8 other measures to reduce the custody, treatment, clinical, and
9 administrative costs associated with the housing of prisoners.
10 Savings shall be distributed as necessary into separate accounts
11 created to separately identify savings through specific cost
12 savings measures.
13 (2) Quarterly reports on all expenditures from the inmate
14 housing fund shall be submitted by the department to the state
15 budget director, the senate and house appropriations subcommittees
16 on corrections, and the senate and house fiscal agencies.
17 Sec. 906. It is the intent of the legislature that the
18 department maintain or expand upon existing public works
19 programming by contracting with local units of government or
20 private organizations. Any local unit of government or private
21 organization that contracts with the department for public works
22 services shall be responsible for financing the entire cost of such
23 an agreement.
24 Sec. 907. The department shall report by March 1 to the senate
25 and house appropriations subcommittees on corrections, the senate
26 and house fiscal agencies, and the state budget director on
27 academic/vocational programs. The report shall provide information

relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of instructors and the number of instructor vacancies, by program and facility.

(b) The number of prisoners enrolled in each program, the number of prisoners completing each program, the number of prisoners who fail each program, the number of prisoners who do not complete each program and the reason for not completing the program, the number of prisoners transferred to another facility while enrolled in a program and the reason for transfer, the number of prisoners enrolled who are repeating the program by reason, and the number of prisoners on waiting lists for each program, all itemized by facility.

(c) The steps the department has undertaken to improve programs, track records, accommodate transfers and prisoners with health care needs, and reduce waiting lists.

(d) The number of prisoners paroled without a high school diploma and the number of prisoners paroled without a GED.

(e) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(f) An identification of program outcomes for each academic and vocational program.

(g) An explanation of the department's plans for academic and vocational programs, including plans to contract with intermediate school districts for GED and high school diploma programs.

(h) The number of prisoners not paroled at their earliest

release date due to lack of a GED, and the reason those prisoners have not obtained a GED.

Sec. 910. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high-quality materials for use by the visually impaired.

Sec. 911. By March 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the legislative corrections ombudsman, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2011.

Sec. 912. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by March 1 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Sec. 913. (1) It is the intent of the legislature that any prisoner required to complete an assaultive offender program, sexual offender program, or other program as a condition of parole shall be transferred to a facility where that program is available

in order to accomplish timely completion of that program prior to the expiration of his or her minimum sentence and eligibility for parole. Nothing in this section should be deemed to make parole denial appealable in court.

(2) The department shall submit a quarterly report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the state budget director, and the legislative corrections ombudsman detailing enrollment in sex offender programming and assaultive offender programming. At a minimum, the report shall include the following:

(a) A full accounting of the number of individuals who are required to complete either sex offender programming or assaultive offender programming, but have not yet done so.

(b) The number of individuals who have reached their earliest release date, but who have not completed required sex offender and/or assaultive offender programming.

(c) A plan of action for addressing any waiting lists or backlogs for sex offender programming or assaultive offender programming that may exist.

Sec. 916. The department shall report by February 1 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of computers available for use by prisoners within each prison facility. The report shall summarize the purpose and frequency of use of these computers within each facility.

Sec. 920. The department shall make every effort to operate a garden or horticultural operation at each correctional facility,

where practical, in order to provide food for correctional facilities and not-for-profit organizations.

Sec. 921. (1) By March 1, the department shall report to the chairs of the senate and house appropriations committees, the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the following:

(a) The actual savings realized between January 1, 2009 and April 1, 2011 as a result of closing correctional facilities and correctional camps between January 1, 2009 and January 1, 2012, itemized by correctional facility or correctional camp.

(b) The projected fiscal year 2011-2012 savings by closing correctional facilities and correctional camps between January 1, 2009 and January 1, 2012, itemized by correctional facility or correctional camp.

(2) The report in subsection (1) shall include information on all of the following:

(a) The savings realized or projected to be realized, itemized by program or type of expenditure.

(b) Any cost of field supervision, field operations programs, or prisoner reintegration programs related to the closure of correctional facilities and correctional camps between January 1, 2009 and January 1, 2012.

Sec. 922. It is the intent of the legislature that all prisoners work 40 hours per week in the correctional facility, as part of a public works crew or in private enterprise, or participate in vocational or training programs. Prisoners may be

enrolled in GED or education programs in combination with employment. Prisoners not employed shall be enrolled in GED or other educational programs for not less than 20 hours per week. This section does not apply to prisoners classified in level V or administrative segregation.

Sec. 923. (1) The department shall cooperate with the department of education to evaluate the feasibility of local school districts providing education programming to targeted prisoners under the age of 20 who have not received a high school diploma. By June 1, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on any plans or evaluations developed under this section.

(2) The department shall make efforts to encourage retired school teachers to provide education services in correctional facilities through volunteerism.

Sec. 924. The department shall evaluate all prisoners at intake for substance abuse disorders, developmental disorders, serious mental illness, and other mental health disorders. Prisoners with serious mental illness shall not be confined in administrative segregation due to serious mental illness. Under the supervision of a mental health professional, a prisoner with serious mental illness may be secluded in a therapeutic environment for the safety of the prisoner or others. A prisoner in therapeutic seclusion shall be evaluated every 12 hours by a mental health professional in order to remain in therapeutic seclusion.

Sec. 925. By March 1, 2012, the department shall report to the

1 senate and house appropriations subcommittees on corrections, the
2 senate and house fiscal agencies, and the state budget director on
3 the annual number of prisoners in administrative segregation
4 between October 1, 2003 and September 30, 2011, and the annual
5 number of prisoners in administrative segregation between October
6 1, 2003 and September 30, 2011 who at any time during the current
7 or prior prison term were diagnosed with serious mental illness or
8 have a developmental disorder and the number of days each of the
9 prisoners with serious mental illness or a developmental disorder
10 have been confined to administrative segregation.
11 Sec. 927. The department of corrections and the department of
12 human services shall enter into an intergovernmental agreement to
13 place offenders less than 19 years of age who are committed to the
14 department of corrections in underutilized units of the
15 Maxey/Woodland center correctional facility. The facilities shall
16 be used to house offenders less than 19 years of age who are
17 currently committed to the department of corrections.
18 Sec. 928. Funding appropriated in part 1 for consent decree
19 line items is appropriated into separate control accounts created
20 for each line item. Funding in each control account shall be
21 distributed as necessary into separate accounts created for the
22 purpose of separately identifying costs and expenditures associated
23 with each consent decree. The department shall report by February
24 1, 2012 to the house and senate appropriations subcommittees on
25 corrections, the house and senate fiscal agencies, and the state
26 budget director on distributions to each separate control account
27 and the expenditures charged against each control account during

1 the previous fiscal year.

2 Sec. 929. From the funds appropriated in part 1, the
3 department shall do all of the following:

4 (a) Ensure that any inmate care and control staff in contact
5 with prisoners less than 19 years of age are adequately trained
6 with regard to the developmental and mental health needs of
7 prisoners less than 19 years of age. By April 1, 2012, the
8 department shall report to the senate and house appropriations
9 subcommittees on corrections, the senate and house fiscal agencies,
10 and the state budget director on the training curriculum used and
11 the number and types of staff receiving training under such
12 curriculum since October 2009.

13 (b) Provide appropriate placement for prisoners less than 19
14 years of age who have serious mental illness, serious emotional
15 disturbance, or a developmental disorder and need to be housed
16 separately from the general population. Prisoners less than 19
17 years of age who have serious mental illness, serious emotional
18 disturbance, or a developmental disorder shall not be placed in
19 administrative segregation due to serious mental illness or serious
20 emotional disturbance. Under the supervision of a mental health
21 professional, a prisoner less than 19 years of age with serious
22 mental illness or serious emotional disturbance may be secluded in
23 a therapeutic environment for the safety of the prisoner or others.
24 A prisoner in therapeutic seclusion shall be evaluated every 12
25 hours by a mental health professional in order to remain in
26 therapeutic seclusion.

27 (c) Implement a specialized re-entry program that recognizes

the needs of prisoners less than 19 years old for supervised re-entry.

Sec. 930. The department shall not have a shooting range located on property east of 3760 Foco Road, Standish, Michigan.

Sec. 932. From the funds appropriated in part 1 for mental health services and support, $100,000.00 is appropriated to permit the department to contract with a board-certified child and adolescent psychiatrist to provide psychiatric services to individuals who are less than 19 years of age and are incarcerated in a department facility.

Sec. 934. From the funds appropriated in part 1 for prison industries operations, the department shall provide a report on the pilot program for the manufacturing of textiles and clothing established in at least 1 state correctional facility under section 934 of 2010 PA 188.

Sec. 935. When the department determines that the closure of a correctional facility is warranted and is determining which facility should be subject to closure, it is the intent of the legislature that the department fully consider the potential economic impact of each prison closure being considered on the community in which the facility resides. The department shall make it a high priority to close a facility for which the local economic impact is minimized.

Sec. 936. The department shall contract with third-party providers to complete an assessment of energy utilization at each state correctional facility. In particular, the department shall endeavor to identify and implement energy-saving initiatives in the

various correctional facilities. By April 1, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, the state budget director, and the legislative corrections ombudsman with a report on these efforts.

Sec. 937. The funds appropriated in part 1 for the cost-effective housing initiative shall be utilized to ensure more cost-effective housing of prisoners. The department shall use this funding to house prisoners in the most cost-effective manner possible. This shall include exploring the use of public-private partnerships, the use of privately owned facilities in Michigan, and the use of state facilities by third-party contractors. The use of cost-effective housing from this initiative shall be used to achieve general prison operations savings budgeted in the inmate housing fund line item. The department shall work cooperatively with the chairpersons of the senate and house appropriations subcommittees on corrections in identifying appropriate reductions to prison facility line items to achieve the budgeted savings in the inmate housing fund line item.

Sec. 938. A contractor that provides food service for a correctional facility should be encouraged to provide those services using fresh food that is grown or produced locally.

Sec. 939. By January 1, the department shall release a request for proposal seeking competitive bids for the privatization of the special alternative incarceration facility.

Sec. 940. For the purpose of procuring drug testing services at correctional facilities, the department shall enter into a

contract with a Michigan-based company that provides laboratory oral fluid drug testing.

Sec. 941. The department shall ensure that any contract with a public or private party to operate the special alternative incarceration facility at camp Cassidy Lake includes a provision to require that public works program services continue to be provided to the St. Louis Center in Chelsea at rates consistent with the rate structure in place as of May 1, 2011.

Sec. 942. The department shall ensure that any contract with a public or private party to operate a facility to house state prisoners includes a provision to allow access by both the office of the legislative auditor general and the office of the legislative corrections ombudsman to the facility and to appropriate records and documents related to the operation of the facility. These access rights for both offices shall be the same for the contracted facility as for a general state-operated correctional facility.

PART 2A

PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS FOR FISCAL YEAR 2012-2013

GENERAL SECTIONS

Sec. 1201. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2013 for the line items listed in part 1. The fiscal year 2012-2013 appropriations are anticipated to be the same as those for fiscal

1 year 2011-2012, except that the line items will be adjusted for
2 changes in caseload and related costs, federal fund match rates,
3 economic factors, and available revenue. These adjustments will be
4 determined after the January 2012 consensus revenue estimating
5 conference.