



**House  
Legislative  
Analysis  
Section**

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**SUPERVISION OF PRISONERS ON  
WORK DETAIL**

**House Bill 4763 as introduced  
First Analysis (5-23-01)**

**Sponsor: Rep. Bill McConico  
Committee: Criminal Justice**

***THE APPARENT PROBLEM:***

Public Act 217 of 1994, part of the "Truth in Sentencing" legislation, requires defendants convicted of certain crimes on or after June 1982, to serve their full minimum sentences. The act also replaced disciplinary credits, which had been used to reduce a minimum term for good behavior, with disciplinary time, which was imposed, instead, to increase a minimum term for bad behavior. In addition, Public Act 217 requires that a prisoner subject to disciplinary time must be confined in a "secure correctional facility" for the duration of his or her minimum term plus any disciplinary time, except for periods when the prisoner is away from the facility for certain specific reasons (e.g., attending a funeral or visiting a sick relative) while being supervised by a Department of Corrections (DOC) employee. (A "secure correctional facility" is one that is enclosed by a locked fence or wall, patrolled by correctional officers, and in which prisoners are restricted to the area inside the fence or wall and under guard 24 hours a day, seven days a week.)

Among the exceptions for which a prisoner may leave the correctional facility is participation in a work detail for another public agency. Work details, often referred to as public works projects, involve work, such as picking up roadside trash, which usually would not be done if regular wages had to be paid. However, although the act specifies that these prisoners be supervised by DOC employees, the department points out that it has long been the practice that prisoners working for a public agency be supervised by employees of that agency who have completed a training program provided by the DOC. The department maintains that this was the legislative intent under Public Act 317 and has called for legislation to correct the oversight. Moreover, since the proportion of the prison population subject to disciplinary time increases with each influx of new prisoners to the system, it is important that this be corrected as soon as possible.

***THE CONTENT OF THE BILL:***

The Department of Corrections Act specifies that a prisoner who is subject to disciplinary time must be confined in a secure correctional facility, except for supervised periods when he or she is allowed out, such as when visiting a sick relative, attending a relative's funeral, obtaining certain medical services, or participating in a work detail. Further, when a prisoner is away from a secure correctional facility for one of these purposes, he or she must be supervised by either a department employee or, in the case of a youth correctional facility operated by a private vendor, by an employee of the private vendor. House Bill 4763 would amend the act to specify that, in the case of a prisoner who is away from the correctional facility participating in a work detail, the prisoner could also be supervised by an employee of the agency sponsoring the work detail who had completed an appropriate course of training offered by the Department of Corrections.

MCL 791.265

***FISCAL IMPLICATIONS:***

The House Fiscal Agency (HFA) estimates that the bill would have no significant fiscal impact on the state. (5-21-01)

***ARGUMENTS:***

***For:***

According to the Department of Corrections, many prisoners work on public works projects. The majority of these prisoners -- some 1,500 -- work for the Department of Natural Resources in state parks. County road commissions also hire many prisoners for work on roads. Other prisoners work for the Forestry Service, cutting trees and cleaning up riverbeds. Still others wash police cars and mow lawns at Department of State Police posts. While performing the duties, the prisoners are supervised by staff members from the public agency. Each of these employees has participated in the DOC's four-and

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one-half hour training program entitled “Anatomy of Control.” The DOC maintains that the current requirement that supervision be conducted by DOC employees was inadvertent, and it was never intended that supervision by other employees be excluded.

***POSITIONS:***

The Department of Corrections supports the bill. (5-22-01)

Analyst: R. Young

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.