

**SUBSTITUTE FOR  
SENATE BILL NO. 1084**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; 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:**

1

PART 1

2

LINE-ITEM APPROPRIATIONS

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, 2007, 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 .....	51,490	
Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	17,812.5	
GROSS APPROPRIATION.....		\$ 1,947,421,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		1,238,400
ADJUSTED GROSS APPROPRIATION.....		\$ 1,946,183,100
Federal revenues:		
Total federal revenues.....		11,431,500
Special revenue funds:		
Total local revenues.....		420,900
Total private revenues.....		0
Total other state restricted revenues.....		68,775,700
State general fund/general purpose.....		\$ 1,865,555,000

**Sec. 102. EXECUTIVE**

Full-time equated unclassified positions.....	16.0	
Full-time equated classified positions.....	229.2	
Unclassified positions.....		\$ 1,384,700
Executive direction--37.0 FTE positions.....		4,681,600

1	Policy and strategic planning--34.0 FTE positions ....	6,681,400
2	Prisoner reintegration programs .....	12,552,900
3	Human resources--158.2 FTE positions .....	15,627,800
4	Human resources optimization user charges .....	1,050,800
5	Training .....	11,750,600
6	Worker's compensation .....	17,794,000
7	Sheriffs' coordinating and training office .....	<u>500,000</u>
8	GROSS APPROPRIATION .....	\$ 72,023,800
9	Appropriated from:	
10	Interdepartmental grant revenues:	
11	IDG-MDSP, Michigan justice training fund .....	695,900
12	Federal revenues:	
13	DOJ, prisoner reintegration .....	1,035,000
14	DOJ, state criminal alien assistance program .....	81,300
15	Special revenue funds:	
16	Local corrections officer training fund .....	500,000
17	State general fund/general purpose .....	\$ 69,711,600
18	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>	
19	Full-time equated classified positions .....	292.9
20	Administrative services--73.9 FTE positions .....	\$ 6,990,100
21	Substance abuse testing and treatment .....	18,311,000
22	Inmate legal services .....	314,900
23	Prison industries operations--219.0 FTE positions ....	19,248,500
24	Rent .....	2,095,200
25	Equipment and special maintenance .....	479,500
26	Compensatory buyout and union leave bank .....	275,000
27	Prosecutorial and detainer expenses .....	<u>4,051,000</u>

1	GROSS APPROPRIATION.....	\$	51,765,200
2	Appropriated from:		
3	Federal revenues:		
4	DOJ, office of justice programs, RSAT.....		1,093,400
5	DOJ, office of justice programs, Byrne grants .....		729,400
6	Special revenue funds:		
7	Correctional industries revolving fund.....		19,352,700
8	State general fund/general purpose .....	\$	30,589,700
9	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>		
10	Full-time equated classified positions.....		1,883.9
11	Field operations--1,772.9 FTE positions .....	\$	144,059,400
12	Parole and probation special operations program .....		500,000
13	Parole board operations--27.0 FTE positions .....		2,549,700
14	Loans to parolees.....		294,400
15	Parole/probation services.....		2,867,300
16	Community re-entry centers--48.0 FTE positions .....		14,295,200
17	Electronic monitoring center--36.0 FTE positions .....		<u>5,644,500</u>
18	GROSS APPROPRIATION.....	\$	170,210,500
19	Appropriated from:		
20	Special revenue funds:		
21	Local - community tether program reimbursement .....		420,900
22	Parole and probation oversight fees .....		10,329,700
23	Tether program, participant contributions .....		5,767,900
24	Parole and probation oversight fees set-aside .....		2,867,300
25	Corrections centers, resident contributions revenue ..		119,800
26	Technical rule violator program, public works user		
27	fees .....		248,900

1	Telephone fees and commissions.....	902,600
2	State general fund/general purpose.....	\$ 149,553,400
3	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
4	Full-time equated classified positions.....	17.0
5	Community corrections administration--17.0 FTE	
6	positions .....	\$ 1,742,400
7	Residential services.....	16,925,500
8	Community corrections comprehensive plans and services	12,533,000
9	Public education and training.....	50,000
10	Regional jail program.....	100
11	Alternatives to prison jail program.....	1,619,600
12	Alternatives to prison treatment program.....	400,000
13	Felony drunk driver jail reduction and community	
14	treatment program .....	2,097,400
15	County jail reimbursement program.....	<u>13,249,000</u>
16	GROSS APPROPRIATION.....	\$ 48,617,000
17	Appropriated from:	
18	Special revenue funds:	
19	Telephone fees and commissions.....	11,775,100
20	Civil infraction fees.....	7,514,400
21	Parole and probation oversight fees set-aside.....	400,000
22	State general fund/general purpose.....	\$ 28,927,500
23	<b>Sec. 106. CONSENT DECREES</b>	
24	Full-time equated classified positions.....	471.3
25	Hadix consent decree--138.0 FTE positions.....	\$ 11,600,200
26	DOJ, consent decree--106.8 FTE positions.....	9,560,700
27	DOJ, psychiatric plan - MDCH mental health services..	36,018,600

1	DOJ, psychiatric plan - MDOC staff and		
2	services--226.5 FTE positions.....		<u>16,968,900</u>
3	GROSS APPROPRIATION.....	\$	74,148,400
4	Appropriated from:		
5	State general fund/general purpose.....	\$	74,148,400
6	<b>Sec. 107. HEALTH CARE</b>		
7	Full-time equated classified positions.....	1,043.1	
8	Health care administration--22.0 FTE positions.....	\$	2,951,400
9	Hospital and specialty care services.....		58,851,700
10	Vaccination program.....		691,200
11	Northern region clinical complexes--243.4 FTE		
12	positions .....		29,256,800
13	Southeastern region clinical complexes--472.3 FTE		
14	positions .....		62,222,900
15	Southwestern region clinical complexes--305.4 FTE		
16	positions .....		<u>36,287,600</u>
17	GROSS APPROPRIATION.....	\$	190,261,600
18	Appropriated from:		
19	Special revenue funds:		
20	Prisoner health care copayments.....		331,400
21	State general fund/general purpose.....	\$	189,930,200
22	<b>Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION</b>		
23	Average population .....	240	
24	Full-time equated classified positions.....	451.9	
25	Correctional facilities administration--39.0 FTE		
26	positions .....	\$	5,925,100
27	Housing inmates in federal institutions.....		552,600

1	Education services and federal education	
2	grants--10.0 FTE positions .....	5,698,600
3	Federal school lunch program.....	712,800
4	Leased beds and alternatives to leased beds .....	100
5	Inmate housing fund--32.4 FTE positions .....	588,200
6	Average population .....	240
7	Academic/vocational programs--370.5 FTE positions ....	<u>36,862,900</u>
8	GROSS APPROPRIATION.....	\$ 50,340,300
9	Appropriated from:	
10	Federal revenues:	
11	DOJ-BOP, federal prisoner reimbursement .....	372,600
12	DED-OESE, title I.....	519,700
13	DED-OVAE, adult education.....	1,884,900
14	DED, adult literacy grants.....	307,100
15	DED-OSERS.....	100,800
16	DED, vocational education equipment .....	276,200
17	DED, youthful offender/Specter grant .....	1,284,200
18	DOJ-OJP, serious and violent offender	
19	reintegration initiative .....	1,010,000
20	DAG-FNS, national school lunch.....	712,800
21	SSA-SSI, incentive payment.....	119,900
22	Federal prison rape grant.....	1,000,000
23	State general fund/general purpose .....	\$ 42,752,100
24	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
25	Average population .....	15,406
26	Full-time equated classified positions.....	4,208.1
27	Alger maximum correctional facility -	

1	Munising--343.0 FTE positions.....	\$	32,208,800
2	Average population .....		849
3	Baraga maximum correctional facility - Baraga--413.5		
4	FTE positions .....		37,908,400
5	Average population .....		1,172
6	Chippewa correctional facility - Kincheloe--524.3		
7	FTE positions .....		48,490,700
8	Average population .....		2,122
9	Kinross correctional facility - Kincheloe--572.7 FTE		
10	positions .....		56,310,800
11	Average population .....		2,759
12	Marquette branch prison - Marquette--367.7 FTE		
13	positions .....		36,389,300
14	Average population .....		1,070
15	Newberry correctional facility - Newberry--349.0 FTE		
16	positions .....		31,402,000
17	Average population .....		1,204
18	Oaks correctional facility - Eastlake--356.5 FTE		
19	positions .....		35,300,500
20	Average population .....		1,156
21	Ojibway correctional facility - Marenisco--284.8 FTE		
22	positions .....		25,701,400
23	Average population .....		1,330
24	Pugsley correctional facility - Kingsley--245.8 FTE		
25	positions .....		21,979,200
26	Average population .....		1,158
27	Saginaw correctional facility - Freeland--348.0 FTE		



1	positions .....	33,110,200
2	Average population .....	1,480
3	Standish maximum correctional facility -	
4	Standish--402.8 FTE positions.....	<u>38,558,100</u>
5	Average population .....	1,106
6	GROSS APPROPRIATION.....	\$ 397,359,400
7	Appropriated from:	
8	Special revenue funds:	
9	Public works user fees.....	1,370,400
10	Resident stores.....	1,298,700
11	State general fund/general purpose.....	\$ 394,690,300
12	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES</b>	
13	Average population .....	17,402
14	Full-time equated classified positions.....	4,901.0
15	Cooper Street correctional facility - Jackson--266.8	
16	FTE positions .....	\$ 25,984,800
17	Average population .....	1,360
18	G. Robert Cotton correctional facility -	
19	Jackson--429.3 FTE positions .....	40,083,700
20	Average population .....	1,854
21	Charles E. Egeler correctional facility -	
22	Jackson--529.4 FTE positions .....	53,013,300
23	Average population .....	1,591
24	Gus Harrison correctional facility - Adrian--512.8	
25	FTE positions .....	48,330,800
26	Average population .....	2,262
27	Huron Valley correctional complex - Ypsilanti--692.0	

1	FTE positions .....	65,783,100
2	Average population ..... 1,658	
3	Macomb correctional facility - New Haven--321.5 FTE	
4	positions .....	29,306,700
5	Average population ..... 1,228	
6	Mound correctional facility - Detroit--277.8 FTE	
7	positions .....	25,520,900
8	Average population ..... 1,051	
9	Parnall correctional facility - Jackson--264.4 FTE	
10	positions .....	25,225,400
11	Average population ..... 1,359	
12	Ryan correctional facility - Detroit--316.8 FTE	
13	positions .....	29,599,200
14	Average population ..... 1,059	
15	Robert Scott correctional facility - Plymouth--339.8	
16	FTE positions .....	30,677,900
17	Average population ..... 880	
18	Southern Michigan correctional facility -	
19	Jackson--417.8 FTE positions .....	37,565,100
20	Average population ..... 1,481	
21	Thumb correctional facility - Lapeer--324.6 FTE	
22	positions .....	30,485,600
23	Average population ..... 1,219	
24	Special alternative incarceration program - Cassidy	
25	Lake--126.0 FTE positions .....	11,388,600
26	Average population ..... 400	
27	Jackson area support and services - Jackson--82.0	

1	FTE positions .....		<u>14,440,000</u>
2	GROSS APPROPRIATION.....	\$	467,405,100
3	Appropriated from:		
4	Interdepartmental grant revenues:		
5	IDG-MDCH, forensic center food service .....		542,500
6	Federal revenues:		
7	DOJ, state criminal alien assistance program .....		904,200
8	Special revenue funds:		
9	Public works user fees .....		1,430,200
10	Resident stores .....		1,521,300
11	State general fund/general purpose .....	\$	463,006,900
12	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL</b>		
13	<b>FACILITIES</b>		
14	Average population .....	18,442	
15	Full-time equated classified positions.....	4,314.1	
16	Bellamy Creek correctional facility - Ionia--468.1		
17	FTE positions .....	\$	45,273,500
18	Average population .....	1,830	
19	Earnest C. Brooks correctional facility -		
20	Muskegon--483.9 FTE positions.....		45,954,900
21	Average population .....	2,200	
22	Carson City correctional facility - Carson		
23	City--498.6 FTE positions .....		47,188,200
24	Average population .....	2,200	
25	Richard A. Handlon correctional facility -		
26	Ionia--255.2 FTE positions .....		24,662,700
27	Average population .....	1,320	

1	Ionia maximum correctional facility - Ionia--323.8	
2	FTE positions .....	29,526,900
3	Average population ..... 667	
4	Lakeland correctional facility - Coldwater--687.9	
5	FTE positions .....	65,669,000
6	Average population ..... 3,102	
7	Muskegon correctional facility - Muskegon--245.4 FTE	
8	positions .....	25,015,300
9	Average population ..... 1,326	
10	Pine River correctional facility - St. Louis--223.6	
11	FTE positions .....	20,628,500
12	Average population ..... 1,120	
13	Riverside correctional facility - Ionia--511.8 FTE	
14	positions .....	49,025,700
15	Average population ..... 2,331	
16	St. Louis correctional facility - St. Louis--615.8	
17	FTE positions .....	<u>55,727,000</u>
18	Average population ..... 2,346	
19	GROSS APPROPRIATION.....	\$ 408,671,700
20	Appropriated from:	
21	Special revenue funds:	
22	Public works user fees.....	587,300
23	Resident stores.....	1,778,700
24	State general fund/general purpose.....	\$ 406,305,700
25	<b>Sec. 112. INFORMATION TECHNOLOGY</b>	
26	Information technology services and projects.....	\$ <u>16,618,500</u>
27	GROSS APPROPRIATION.....	\$ 16,618,500

1	Appropriated from:	
2	Special revenue funds:	
3	Correctional industries revolving fund.....	137,800
4	Parole and probation oversight fees set-aside.....	541,500
5	State general fund/general purpose.....	\$ 15,939,200

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$1,934,330,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$90,341,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation	
staff .....	\$ 45,499,500
Public service work projects.....	11,216,400
Community corrections comprehensive plans and services	12,533,000
Community corrections residential services.....	16,925,500
Community corrections public education and training..	50,000
Felony drunk driver jail reduction and community	
treatment program .....	2,097,400
Alternatives to prison jail program.....	1,619,600

1	Alternatives to prison treatment program.....	400,000
2	Regional jail program.....	<u>100</u>
3	TOTAL.....	\$ 90,341,500

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

7       Sec. 203. As used in this act:

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

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

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

11       (d) "DED-OESE" means the DED office of elementary and  
12 secondary education.

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

15       (f) "DED-OVAE" means the DED office of vocational and adult  
16 education.

17       (g) "Department" or "MDOC" means the Michigan department of  
18 corrections.

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

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

21       (j) "DOJ-OJP" means the DOJ office of justice programs.

22       (k) "FTE" means full-time equated.

23       (l) "GPS" means global positioning system.

24       (m) "IDG" means interdepartmental grant.

25       (n) "IDT" means intradepartmental transfer.

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

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

1 (q) "MPRI" means the Michigan prisoner reentry initiative.

2 (r) "OCC" means the office of community corrections.

3 (s) "RSAT" means residential substance abuse treatment.

4 (t) "SSA" means the United States social security  
5 administration.

6 (u) "SSA-SSI" means SSA supplemental security income.

7 Sec. 204. The department of civil service shall bill  
8 departments and agencies at the end of the first fiscal quarter for  
9 the 1% charge authorized by section 5 of article XI of the state  
10 constitution of 1963. Payments shall be made for the total amount  
11 of the billing by the end of the second fiscal quarter.

12 Sec. 205. (1) A hiring freeze is imposed on the state  
13 classified civil service. State departments and agencies are  
14 prohibited from hiring any new full-time state classified civil  
15 service employees and prohibited from filling any vacant state  
16 classified civil service positions. This hiring freeze does not  
17 apply to internal transfers of classified employees from 1 position  
18 to another within a department.

19 (2) The state budget director may grant exceptions to the  
20 hiring freeze imposed under subsection (1) when the state budget  
21 director believes that the hiring freeze will result in rendering a  
22 state department or agency unable to deliver basic services, cause  
23 loss of revenue to the state, result in the inability of the state  
24 to receive federal funds, or necessitate additional expenditures  
25 that exceed any savings from maintaining a vacancy. The state  
26 budget director shall report quarterly to the chairpersons of the  
27 senate and house of representatives standing committees on

1 appropriations the number of exceptions to the hiring freeze  
2 approved during the previous quarter and the reasons to justify the  
3 exception.

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

7       Sec. 207. At least 120 days before beginning any effort to  
8 privatize, the department shall submit a complete project plan to  
9 the appropriate senate and house of representatives appropriations  
10 subcommittees and the senate and house fiscal agencies. The plan  
11 shall include the criteria under which the privatization initiative  
12 will be evaluated. The evaluation shall be completed and submitted  
13 to the appropriate senate and house of representatives  
14 appropriations subcommittees and the senate and house fiscal  
15 agencies within 30 months.

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

22       Sec. 209. Funds appropriated in part 1 shall not be used for  
23 the purchase of foreign goods or services, or both, if  
24 competitively priced and comparable quality American goods or  
25 services, or both, are available. Preference should be given to  
26 goods or services, or both, manufactured or provided by Michigan  
27 businesses if they are competitively priced and of comparable



1 quality.

2       Sec. 210. (1) Pursuant to the provisions of civil service  
3 rules and regulations and applicable collective bargaining  
4 agreements, individuals seeking employment with the department  
5 shall submit to a controlled substance test. The test shall be  
6 administered by the department.

7       (2) Individuals seeking employment with the department who  
8 refuse to take a controlled substance test or who test positive for  
9 the illicit use of a controlled substance on such a test shall be  
10 denied employment.

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

19       Sec. 212. Preference should be given to purchasing produce  
20 from Michigan growers and processors when their produce is  
21 competitively priced and of comparable quality.

22       Sec. 213. By February 15, 2007, the department shall provide  
23 the members of the senate and house appropriations subcommittees on  
24 corrections, the senate and house fiscal agencies, and the state  
25 budget director with a report detailing nongeneral fund/general  
26 purpose sources of revenue, including, but not limited to, federal  
27 revenues, state restricted revenues, local and private revenues,

1 offender reimbursements and other payments, revolving funds, and 1-  
2 time sources of revenue, whether or not such revenues were  
3 appropriated. The report shall include statements detailing for  
4 each account the total amount of revenue received during fiscal  
5 year 2005-2006, the amount by which the revenue exceeded any  
6 applicable appropriated fund source, the amount spent during fiscal  
7 year 2005-2006, the account balance at the close of fiscal year  
8 2005-2006, and the projected revenues and expenditures for fiscal  
9 year 2006-2007.

10 Sec. 214. From the funds appropriated in part 1 for  
11 information technology, the department shall pay user fees to the  
12 department of information technology for technology-related  
13 services and projects. These user fees are subject to provisions of  
14 an interagency agreement between the departments and agencies and  
15 the department of information technology.

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

23 Sec. 216. (1) Due to the current budgetary problems in this  
24 state, out-of-state travel for the fiscal year ending September 30,  
25 2007 is limited to situations in which 1 or more of the following  
26 conditions apply:

27 (a) The travel is required by legal mandate or court order or

1 for law enforcement purposes.

2 (b) The travel is necessary to protect the health, safety, or  
3 health and safety of Michigan citizens or visitors or to assist  
4 other states in similar circumstances.

5 (c) The travel is necessary to produce budgetary savings or to  
6 increase state revenues, or both, including protecting existing  
7 federal funds or securing additional federal funds.

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

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

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

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

20 (3) Not later than January 1 of each year, each department  
21 shall prepare a travel report listing all travel by classified and  
22 unclassified employees outside this state in the immediately  
23 preceding fiscal year that was funded in whole or in part with  
24 funds appropriated in the department's budget. The report shall be  
25 submitted to the chairs and members of the senate and house  
26 standing committees on appropriations, the fiscal agencies, and the  
27 state budget director. The report shall include the following

1 information:

2 (a) The name of each person receiving reimbursement for travel  
3 outside this state or whose travel costs were paid by this state.

4 (b) The destination of each travel occurrence.

5 (c) The dates of each travel occurrence.

6 (d) A brief statement of the reason for each travel  
7 occurrence.

8 (e) The transportation and related costs of each travel  
9 occurrence, including the proportion funded with state general  
10 fund/general purpose revenues, the proportion funded with state  
11 restricted revenues, the proportion funded with federal revenues,  
12 and the proportion funded with other revenues.

13 (f) A total of all out-of-state travel funded for the  
14 immediately preceding fiscal year.

15 Sec. 217. The director shall take all reasonable steps to  
16 ensure businesses in deprived and depressed communities compete for  
17 and perform contracts to provide services, supplies, or both. The  
18 director shall strongly encourage firms with which the department  
19 contracts to subcontract with certified businesses in deprived and  
20 depressed communities for services, supplies, or both.

21 Sec. 218. By October 15, 2006, the department shall provide to  
22 the senate and house appropriations subcommittees on corrections  
23 and the senate and house fiscal agencies a list of general  
24 fund/general purpose budget cuts sufficient to reduce department  
25 general fund/general purpose spending by 7.93% in fiscal year 2006-  
26 2007 if the K-16 ballot initiative is adopted by the voters of this  
27 state.

1    **EXECUTIVE**

2           Sec. 401. The department shall submit 3-year and 5-year prison  
3    population projection updates by February 1, 2007 to the senate and  
4    house appropriations subcommittees on corrections, the senate and  
5    house fiscal agencies, and the state budget director. The report  
6    shall include explanations of the methodology and assumptions used  
7    in developing the projection updates.

8           Sec. 402. The department shall prepare by April 1, 2007  
9    individual reports for the community re-entry program, the  
10   electronic tether program, and the special alternative to  
11   incarceration program. The reports shall be submitted to the house  
12   and senate appropriations subcommittees on corrections, the house  
13   and senate fiscal agencies, and the state budget director. Each  
14   program's report shall include information on all of the following:

15           (a) Monthly new participants.

16           (b) Monthly participant unsuccessful terminations, including  
17    cause.

18           (c) Number of successful terminations.

19           (d) End month population by facility/program.

20           (e) Average length of placement.

21           (f) Return to prison statistics.

22           (g) Description of each program location or locations,  
23    capacity, and staffing.

24           (h) Sentencing guideline scores and actual sentence statistics  
25    for participants, if applicable.

26           (i) Comparison with prior year statistics.

1           (j) Analysis of the impact on prison admissions and jail  
2 utilization and the cost effectiveness of the program.

3           Sec. 403. The department shall report to the senate and house  
4 appropriations subcommittees on corrections, the senate and house  
5 fiscal agencies, and the state budget director by April 1, 2007 on  
6 the ratio of correctional officers to prisoners for each  
7 correctional institution, the ratio of shift command staff to line  
8 custody staff, and the ratio of noncustody institutional staff to  
9 prisoners for each correctional institution.

10          Sec. 404. (1) The department shall review and revise as  
11 necessary policy proposals that provide alternatives to prison for  
12 offenders being sentenced to prison as a result of technical  
13 probation violations and technical parole violations. To the extent  
14 the department has insufficient policies or resources to affect the  
15 continued increase in prison commitments among these offender  
16 populations, the department shall explore other policy options to  
17 allow for program alternatives, including department or OCC-funded  
18 programs, local level programs, and programs available through  
19 private agencies that may be used as prison alternatives for these  
20 offenders.

21          (2) To the extent policies or programs described in subsection  
22 (1) are used, developed, or contracted for, the department may  
23 request that funds appropriated in part 1 be transferred under  
24 section 393(2) of the management and budget act, 1984 PA 431, MCL  
25 18.1393, for their operation.

26          (3) The department shall continue to utilize parole violator  
27 processing guidelines that require parole agents to utilize all

1 available appropriate community-based, nonincarcerative postrelease  
2 sanctions and services when appropriate. The department shall  
3 periodically evaluate such guidelines for modification, in response  
4 to emerging information from the pilot projects for substance abuse  
5 treatment provided under this act and applicable provisions of  
6 prior budget acts for the department.

7 (4) By May 1, 2007, the department shall report to the senate  
8 and house appropriations subcommittees on corrections, the senate  
9 and house fiscal agencies, and the state budget director on the  
10 number of all parolees returned to prison and probationers  
11 sentenced to prison for either a technical violation or new  
12 sentence from October 1, 2006 through March 30, 2007. After May 1,  
13 2007, the department shall provide monthly reports. The reports  
14 shall include the following information each for probationers,  
15 parolees after their first parole, and parolees who have been  
16 paroled more than once:

17 (a) The number of offenders returned for a new crime with a  
18 comparison of original versus new offenses by major offense type:  
19 assaultive, nonassaultive, drug, and sex.

20 (b) The number of offenders returned for a technical violation  
21 and the type of violation, including, but not limited to, zero gun  
22 tolerance and substance abuse violations.

23 (c) The educational history of those offenders, including how  
24 many had a G.E.D. or high school diploma prior to incarceration in  
25 prison, how many received a G.E.D. while in prison, and how many  
26 received a vocational certificate while in prison.

27 (d) The number of offenders who participated in the MPRI

1 versus the number of those who did not.

2       Sec. 405. Funds included in part 1 for the sheriffs'  
3 coordinating and training office are appropriated for and may be  
4 expended to defray costs of continuing education, certification,  
5 recertification, decertification, and training of local corrections  
6 officers, the personnel and administrative costs of the sheriffs'  
7 coordinating and training office, the local corrections officers  
8 advisory board, and the sheriffs' coordinating and training council  
9 under the local corrections officers training act, 2003 PA 125, MCL  
10 791.531 to 791.546.

11       Sec. 406. (1) By April 1, 2007, the department shall provide a  
12 report on prisoner reintegration programs to the members of the  
13 senate and house appropriations subcommittees on corrections, the  
14 senate and house fiscal agencies, and the state budget director. At  
15 a minimum, the report shall include all of the following  
16 information:

17       (a) Allocations and projected expenditures for each project  
18 funded and for each project to be funded, itemized by service to be  
19 provided and service provider.

20       (b) An explanation of the objectives and results measures for  
21 each program.

22       (c) An explanation of how the programs will be evaluated.

23       (d) A discussion of the evidence and research upon which each  
24 program is based.

25       (e) A discussion and estimate of the impact of prisoner  
26 reintegration programs on reoffending and returns to prison.

27       (f) A progress report on applicable results of each program,



1 including, but not limited to, the estimated bed space impact of  
2 prisoner reintegration programs.

3 (2) The department shall provide quarterly reports on January  
4 1, 2007, April 1, 2007, July 1, 2007, and September 30, 2007 to the  
5 senate and house appropriations subcommittees on corrections, the  
6 senate and house fiscal agencies, and the state budget director on  
7 the status and recidivism levels of offenders who participated in  
8 the MPRI and have been released. The data should be broken out by  
9 the following 4 offender types: drug, nonassaultive, assaultive,  
10 and sex.

11 (3) By September 30, 2007, the department shall report to the  
12 senate and house appropriations subcommittees on corrections, the  
13 senate and house fiscal agencies, and the state budget director a  
14 comparison of the overall recidivism rates and length of time prior  
15 to prison return of offenders who participated in the MPRI with  
16 those of offenders who did not. The report should disaggregate the  
17 information by each pilot site in order to compare the practices  
18 and success rates of each pilot.

19 (4) If practicable, the department shall include prisoners  
20 nearing their maximum sentence in the prison phases of the MPRI.

21 Sec. 407. From the funds appropriated in part 1, the department  
22 shall maintain and make publicly accessible the files of all felony  
23 offenders even after an offender is no longer under the  
24 department's jurisdiction on the offender tracking information  
25 system in the same manner as files of current offenders.

26 Sec. 408. By March 1, 2007, the department shall report to the  
27 senate and house subcommittees on corrections, the senate and house

1 fiscal agencies, and the state budget director on offenders who  
2 have served their maximum sentence and been released from prison in  
3 the last 5 years. The report shall include the following  
4 information:

5 (a) The number of offenders who were paroled and returned to  
6 prison prior to serving their maximum sentence compared to the  
7 number of offenders who served their maximum sentence without ever  
8 having been paroled.

9 (b) The number of offenders disaggregated by major offense type:  
10 assaultive, nonassaultive, drug, and sex.

11 (c) The educational history of those offenders, including how  
12 many had a G.E.D. or high school diploma prior to incarceration in  
13 prison, how many received a G.E.D. while in prison, and how many  
14 received a vocational certificate while in prison.

15 (d) A comparison of each offender's original offense to the  
16 offender's new offense by major offense type: assaultive,  
17 nonassaultive, drug, and sex, for offenders who have since returned  
18 to prison with a new commitment after previously serving a maximum  
19 sentence.

20 Sec. 409. As a condition of expending funds appropriated for  
21 policy and strategic planning and prisoner reintegration programs  
22 under section 102 of this act, the department shall by January 31,  
23 2007 provide a plan to reduce recidivism rates among prisoners  
24 released from correctional facilities to the members of the senate  
25 and house appropriations committees, the senate and house fiscal  
26 agencies, and the state budget director. The plan shall include  
27 detailed information on recidivism rates in this state for the most

1 recent 5-year period, a detailed comparison of those rates to rates  
2 in other states and a national average, and details on how the  
3 department plans to improve recidivism rates. The plan also shall  
4 include details on how the department proposes to measure the  
5 success of the plan.

#### 6 **ADMINISTRATION AND PROGRAMS**

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

13       Sec. 502. (1) The department shall screen and assess each  
14 prisoner for alcohol and other drug involvement to determine the  
15 need for further treatment. The assessment process shall be  
16 designed to identify the severity of alcohol and other drug  
17 addiction and determine the treatment plan, if appropriate.

18       (2) Subject to the availability of funding resources, the  
19 department shall provide substance abuse treatment to prisoners  
20 with priority given to those prisoners who are most in need of  
21 treatment and who can best benefit from program intervention based  
22 on the screening and assessment provided under subsection (1).

23       Sec. 503. (1) In expending residential substance abuse  
24 treatment services funds appropriated under this act, the  
25 department shall ensure to the maximum extent possible that  
26 residential substance abuse treatment services are available

## Senate Bill No. 1084 as amended March 29, 2006

1 statewide.

2 (2) By April 1, 2007, the department shall report to the  
3 senate and house appropriations subcommittees on corrections, the  
4 senate and house fiscal agencies, and the state budget director on  
5 the allocation, distribution, and expenditure of all funds  
6 appropriated by the substance abuse testing and treatment line item  
7 during fiscal year 2005-2006 and projected for fiscal year 2006-  
8 2007. The report shall include, but not be limited to, an  
9 explanation of an anticipated year-end balance, the number of  
10 participants in substance abuse programs, and the number of  
11 offenders on waiting lists for residential substance abuse  
12 programs. Information required under this subsection shall, where  
13 possible, be separated by MDOC administrative region and by  
14 offender type, including, but not limited to, a distinction between  
15 prisoners, parolees, and probationers.

16 (3) By April 1, 2007, the department shall report to the  
17 senate and house appropriations subcommittees on corrections, the  
18 senate and house fiscal agencies, and the state budget director on  
19 substance abuse testing and treatment program objectives, outcome  
20 measures, and results, including program impact on offender  
21 behavior and recidivism.

<<Sec. 504. The department shall develop and maintain a statewide waiting list for offenders referred for assessment for the assaultive offender program for parole eligibility and, if possible, shall transfer prisoners into facilities where assaultive offender programs are available in order to facilitate timely participation and completion prior to parole eligibility hearings. Nothing in this section should be deemed to make parole denial appealable in court.>>

22 **FIELD OPERATIONS ADMINISTRATION**

23 Sec. 601. From the funds appropriated in part 1, the  
24 department shall conduct a statewide caseload audit of field  
25 agents. The audit shall address public protection issues and assess  
26 the ability of the field agents to complete their professional

1 duties. The results of the audit shall be submitted to the senate  
2 and house appropriations subcommittees on corrections and the  
3 senate and house fiscal agencies, and the state budget office by  
4 September 30, 2007.

5       Sec. 602. (1) Of the amount appropriated in part 1 for field  
6 operations, a sufficient amount shall be allocated for the  
7 community service work program and shall be used for salaries and  
8 wages and fringe benefit costs of community service coordinators  
9 employed by the department to supervise offenders participating in  
10 work crew assignments. Funds shall also be used to cover motor  
11 transport division rates on state vehicles used to transport  
12 offenders to community service work project sites.

13       (2) The community service work program shall provide offenders  
14 with community service work of tangible benefit to a community  
15 while fulfilling court-ordered community service work sanctions and  
16 other postconviction obligations.

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

21       Sec. 603. (1) All prisoners, probationers, and parolees  
22 involved with the electronic tether program shall reimburse the  
23 department for costs associated with their participation in the  
24 program.

25       (2) Program participant contributions and local community  
26 tether program reimbursement for the electronic tether program  
27 appropriated in part 1 are related to program expenditures and may

1 be used to offset expenditures for this purpose.

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

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

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

25 Sec. 604. Community-placement prisoners and parolees shall  
26 reimburse the department for the total costs of the program. As an  
27 alternative method of payment, the department may develop a

1 community service work schedule for those individuals unable to  
2 meet reimbursement requirements established by the department.

3 Sec. 605. (1) It is the intent of the legislature that the  
4 department shall conduct or contract for a study of parole and  
5 probation agent workloads and the projected workloads for fiscal  
6 year 2007-2008. The study shall analyze agent workloads, caseloads,  
7 and responsibilities and provide recommendations for changes to  
8 workload computations and offender-agent workload or caseload  
9 ratios.

10 (2) By April 1, 2007, the department shall report to the  
11 senate and house appropriations subcommittees on corrections, the  
12 senate and house fiscal agencies, and the state budget director on  
13 the results of the study, including information on study timelines,  
14 objectives, and methodology.

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

21 Sec. 607. (1) Funds appropriated in part 1 for the parole and  
22 probation special operations program are appropriated for the  
23 purpose of funding law enforcement officer escorts for field agents  
24 making unscheduled visits to verify offenders' whereabouts and  
25 activities in selected precincts in cities with a population of  
26 more than 750,000 according to the most recent United States  
27 decennial census. As used in this section, "unscheduled visits"

1 means visits to locations other than governmental offices between  
2 the hours of 5 p.m. and 8 a.m. and made without appointment with  
3 the supervised offender.

4 (2) It is the intent of the legislature that in the course of  
5 expending funds appropriated under part 1 for field operations, the  
6 department shall cooperate with the department of attorney general  
7 and law enforcement agencies either located in or with jurisdiction  
8 in cities with a population of more than 750,000 according to the  
9 most recent United States decennial census in assigning field  
10 agents to conduct unscheduled visits in selected police precincts  
11 in cities with a population of more than 750,000 according to the  
12 most recent United States decennial census.

13 Sec. 608. By May 1, 2007, the department shall report to the  
14 senate and house appropriations subcommittees on corrections, the  
15 senate and house fiscal agencies, and the state budget director on  
16 the failure rate of parolees involved with the GPS electronic  
17 tether program. The report shall include the following information  
18 about these offenders:

19 (a) The number and rate of parolee technical violations,  
20 including specifying failures due to committing a new crime that is  
21 uncharged but leads to parole termination.

22 (b) The number and rate of parolee violators with new  
23 sentences.

#### 24 COMMUNITY CORRECTIONS

25 Sec. 701. The office of community corrections shall provide  
26 and coordinate the delivery and implementation of services in



1 communities to facilitate successful offender reintegration into  
2 the community. Programs and services to be offered shall include,  
3 but are not limited to, technical assistance for comprehensive  
4 corrections plan development, new program start-up funding, program  
5 funding for those programs delivering services for eligible  
6 offenders in geographic areas identified by the office of community  
7 corrections as having a shortage of available services, technical  
8 assistance, referral services for education, employment services,  
9 and substance abuse and family counseling. As used in this act:

10 (a) "Alternative to incarceration in a state facility or jail"  
11 means a program that involves offenders who receive a sentencing  
12 disposition that appears to be in place of incarceration in a state  
13 correctional facility or jail based on historical local sentencing  
14 patterns or that amounts to a reduction in the length of sentence  
15 in a jail.

16 (b) "Goal" means the intended or projected result of a  
17 comprehensive corrections plan or community corrections program to  
18 reduce prison commitment rates, to reduce the length of stay in a  
19 jail, or to improve the utilization of a jail.

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

23 (d) "Offender eligibility criteria" means particular criminal  
24 violations, state felony sentencing guidelines descriptors, and  
25 offender characteristics developed by advisory boards and approved  
26 by local units of government that identify the offenders suitable  
27 for community corrections programs funded through the office of

1 community corrections.

2 (e) "Offender target population" means felons or misdemeanants  
3 who would likely be sentenced to imprisonment in a state  
4 correctional facility or jail, who would not increase the risk to  
5 the public safety, who have not demonstrated a pattern of violent  
6 behavior, and who do not have criminal records that indicate a  
7 pattern of violent offenses.

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

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

14 (ii) A currently incarcerated felon or misdemeanor who is  
15 granted early release from incarceration to a community corrections  
16 program or who is granted early release from incarceration as a  
17 result of a community corrections program.

18 Sec. 702. (1) The funds included in part 1 for community  
19 corrections comprehensive plans and services are to encourage the  
20 development through technical assistance grants, implementation,  
21 and operation of community corrections programs that serve as an  
22 alternative to incarceration in a state facility or jail. The  
23 comprehensive corrections plans shall include an explanation of how  
24 the public safety will be maintained, the goals for the local  
25 jurisdiction, offender target populations intended to be affected,  
26 offender eligibility criteria for purposes outlined in the plan,  
27 and how the plans will meet the following objectives, consistent

1 with section 8(4) of the community corrections act, 1988 PA 511,  
2 MCL 791.408:

3 (a) Reduce admissions to prison of nonviolent offenders who  
4 would have otherwise received an active sentence, including  
5 probation violators.

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

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

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

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

17 (2) The award of community corrections comprehensive plans and  
18 residential services funds shall be based on criteria that include,  
19 but are not limited to, the prison commitment rate by category of  
20 offenders, trends in prison commitment rates and jail utilization,  
21 historical trends in community corrections program capacity and  
22 program utilization, and the projected impact and outcome of annual  
23 policies and procedures of programs on prison commitment rates and  
24 jail utilization.

25 (3) Funds awarded for residential services in part 1 shall  
26 provide for a per diem reimbursement of not more than \$47.50.

27 Sec. 703. The comprehensive corrections plans shall also

1 include, where appropriate, descriptive information on the full  
2 range of sanctions and services that are available and utilized  
3 within the local jurisdiction and an explanation of how jail beds,  
4 residential services, the special alternative incarceration program  
5 (boot camp), probation detention centers, the electronic monitoring  
6 program for probationers, and treatment and rehabilitative services  
7 will be utilized to support the objectives and priorities of the  
8 comprehensive corrections plan and the purposes and priorities of  
9 section 8(4) of the community corrections act, 1988 PA 511, MCL  
10 791.408. The plans shall also include, where appropriate,  
11 provisions that detail how the local communities plan to respond to  
12 sentencing guidelines found in chapter XVII of the code of criminal  
13 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the  
14 county jail reimbursement program under section 706 of this act.  
15 The state community corrections board shall encourage local  
16 community corrections boards to include in their comprehensive  
17 corrections plans strategies to collaborate with local alcohol and  
18 drug treatment agencies of the department of community health for  
19 the provision of alcohol and drug screening, assessment, case  
20 management planning, and delivery of treatment to alcohol- and  
21 drug-involved offenders, including, but not limited to, probation  
22 and parole violators who are at risk of revocation.

23       Sec. 704. (1) As part of the March biannual report specified  
24 in section 12(2) of the community corrections act, 1988 PA 511, MCL  
25 791.412, that requires an analysis of the impact of that act on  
26 prison admissions and jail utilization, the department shall submit  
27 to the senate and house appropriations subcommittees on

1 corrections, the senate and house fiscal agencies, and the state  
2 budget director the following information for each county and  
3 counties consolidated for comprehensive corrections plans:

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

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

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

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

16 (e) Offender disposition data by sentencing guideline range,  
17 by disposition type, number and percent statewide and by county,  
18 current year, and comparisons to the previous 3 years.

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

22 Sec. 705. (1) The department shall identify and coordinate  
23 information regarding the availability of and the demand for  
24 community corrections programs, jail-based community corrections  
25 programs, and basic state-required jail data.

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

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

4           Sec. 706. (1) The department shall administer a county jail  
5 reimbursement program from the funds appropriated in part 1 for the  
6 purpose of reimbursing counties for housing in jails felons who  
7 otherwise would have been sentenced to prison.

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

12           (a) The felon's sentencing guidelines recommended range upper  
13 limit is more than 18 months, the felon's sentencing guidelines  
14 recommended range lower limit is 12 months or less, the felon's  
15 prior record variable score is 35 or more points, and the felon's  
16 sentence is not for commission of a crime in crime class G or crime  
17 class H under chapter XVII of the code of criminal procedure, 1927  
18 PA 175, MCL 777.1 to 777.69.

19           (b) The felon's minimum sentencing guidelines range minimum is  
20 more than 12 months.

21           (3) State reimbursement under this section for prisoner  
22 housing and custody expenses per diverted offender shall be \$43.50  
23 per diem for up to a 1-year total.

24           (4) From the funds appropriated in part 1 for the county jail  
25 reimbursement program, the department shall contract for an ongoing  
26 study to determine the impact of the new legislative sentencing  
27 guidelines. The study shall analyze sentencing patterns of

1 jurisdictions as well as future patterns in order to determine and  
2 quantify the population impact on prisons and jails of the new  
3 guidelines as well as to identify and define felon or crime  
4 characteristics or sentencing guidelines scores that indicate a  
5 felon is a prison diversion. The department shall contract for a  
6 local and statewide study for this purpose and provide periodic  
7 reports regarding the status and findings of the study to the house  
8 and senate appropriations subcommittees on corrections, the house  
9 and senate fiscal agencies, and the state budget director.

10 (5) The department, the Michigan association of counties, and  
11 the Michigan sheriffs' association shall review the periodic  
12 findings of the study required in subsection (4) and, if  
13 appropriate, recommend modification of the criteria for  
14 reimbursement contained in subsection (2). Any recommended  
15 modification shall be forwarded to the house and senate  
16 appropriations subcommittees on corrections and the state budget  
17 office.

18 (6) The department shall reimburse counties for offenders in  
19 jail based upon the reimbursement eligibility criteria in place on  
20 the date the offender was originally sentenced for the reimbursable  
21 offense.

22 (7) County jail reimbursement program expenditures shall not  
23 exceed the amount appropriated in part 1 for the county jail  
24 reimbursement program. Payments to counties under the county jail  
25 reimbursement program shall be made in the order in which properly  
26 documented requests for reimbursements are received. A request  
27 shall be considered to be properly documented if it meets MDOC

1 requirements for documentation. The department shall by October 15,  
2 2006 distribute the documentation requirements to all counties.

3       Sec. 707. (1) As a condition of receipt of the funds  
4 appropriated in part 1 for community corrections plans and services  
5 and probation residential centers, the department shall only award  
6 those funds requested under a properly prepared and approved  
7 comprehensive corrections plan submitted under section 8 of the  
8 community corrections act, 1988 PA 511, MCL 791.408, or directly  
9 applied for under section 10 of the community corrections act, 1988  
10 PA 511, MCL 791.410.

11       (2) The department shall only halt funding for an entity  
12 funded under section 8 of the community corrections act, 1988 PA  
13 511, MCL 791.408, in instances of substantial noncompliance during  
14 the period covered by the plan.

15       Sec. 708. (1) Funds included in part 1 for the felony drunk  
16 driver jail reduction and community treatment program are  
17 appropriated for and may be expended for any of the following  
18 purposes:

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

24       (b) To divert from jail sentences or to reduce the length of  
25 jail sentences for felony drunk drivers who otherwise would have  
26 been sentenced to jail and whose recommended minimum sentence  
27 ranges under sentencing guidelines established under chapter XVII



1 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to  
2 777.69, have upper limits of 18 months or less, through funding  
3 programs that may be used in lieu of incarceration and that  
4 increase the likelihood of rehabilitation.

5 (c) To provide a policy and funding framework to make  
6 additional jail space available for housing convicted felons whose  
7 recommended minimum sentence ranges under sentencing guidelines  
8 established under chapter XVII of the code of criminal procedure,  
9 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or  
10 less and who likely otherwise would be sentenced to prison, with  
11 the aim of enabling counties to meet or exceed amounts received  
12 through the county jail reimbursement program during fiscal year  
13 2002-2003 and reducing the numbers of felons sentenced to prison.

14 (2) Expenditure of funds included in part 1 for the felony  
15 drunk driver jail reduction and community treatment program shall  
16 be by grant awards consistent with standards developed by a  
17 committee of the state community corrections advisory board. The  
18 chairperson of the committee shall be the board member representing  
19 county sheriffs. Remaining members of the committee shall be  
20 appointed by the chairperson of the board.

21 (3) In developing annual standards, the committee shall  
22 consult with interested agencies and associations. Standards  
23 developed by the committee shall include application criteria,  
24 performance objectives and measures, funding allocations, and  
25 allowable uses of the funds, consistent with the purposes specified  
26 in this section.

27 (4) Allowable uses of the funds shall include reimbursing

1 counties for transportation, treatment costs, and housing felony  
2 drunk drivers during a period of assessment for treatment and case  
3 planning. Reimbursements for housing during the assessment process  
4 shall be at the rate of \$43.50 per day per offender, up to a  
5 maximum of 5 days per offender.

6 (5) The standards developed by the committee shall assign each  
7 county a maximum funding allocation based on the amount the county  
8 received under the county jail reimbursement program in fiscal year  
9 2001-2002 for housing felony drunk drivers whose recommended  
10 minimum sentence ranges under the sentencing guidelines described  
11 in subsection (1)(c) had upper limits of 18 months or less.

12 (6) Awards of funding under this section shall be provided  
13 consistent with the local comprehensive corrections plans developed  
14 under the community corrections act, 1988 PA 511, MCL 791.401 to  
15 791.414. Funds awarded under this section may be used in  
16 conjunction with funds awarded under grant programs established  
17 under that act. Due to the need for felony drunk drivers to be  
18 transitioned from county jails to community treatment services, it  
19 is the intent of the legislature that local units of government  
20 utilize funds received under this section to support county sheriff  
21 departments.

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

1       Sec. 709. (1) By April 1, 2007, the department shall report to  
2 the members of the senate and house appropriations subcommittees on  
3 corrections, the senate and house fiscal agencies, and the state  
4 budget director on each of the following programs from the previous  
5 fiscal year:

6       (a) The county jail reimbursement program.

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

9       (c) The alternatives to prison jail and treatment programs.

10       (d) The jail capacity expansion program.

11       (e) New initiatives to control prison population growth funded  
12 under residential services and comprehensive plans and services.

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

16       (a) Program objectives and outcome measures.

17       (b) Expenditures by location.

18       (c) The impact on jail utilization.

19       (d) The impact on prison admissions.

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

## 22       CONSENT DECREES

23       Sec. 801. Funding appropriated in part 1 for consent decree  
24 line items is appropriated into separate control accounts created  
25 for each line item. Funding in each control account shall be  
26 distributed as necessary into separate accounts created for the

1 purpose of separately identifying costs and expenditures associated  
2 with each consent decree.

### 3 HEALTH CARE

4 Sec. 901. The department shall not expend funds appropriated  
5 under part 1 for any surgery, procedure, or treatment to provide or  
6 maintain a prisoner's sex change unless it is determined medically  
7 necessary by the chief medical officer of the department.

8 Sec. 902. (1) As a condition of expenditure of the funds  
9 appropriated in part 1, the department shall report to the senate  
10 and house appropriations subcommittees on corrections on January 1,  
11 2007 and July 1, 2007 the status of payments from contractors to  
12 vendors for health care services provided to prisoners, as well as  
13 the status of the contracts, and an assessment of prisoner health  
14 care quality.

15 (2) It is the intent of the legislature that, in the interest  
16 of providing the most efficient and cost-effective delivery of  
17 health care, local health care providers shall be considered and  
18 given the opportunity to competitively bid as vendors under future  
19 managed care contracts.

20 Sec. 903. It is the intent of the legislature that, with the  
21 funds appropriated in part 1 for hospital and specialty care  
22 services, the department shall ensure that local providers of  
23 ambulance services to prisoners be reimbursed within 60 days of the  
24 filing of any uncontested claim for service.

25 Sec. 904. (1) The department shall identify and manage  
26 prisoners who abuse the availability of medical services by

1 obtaining transportation to off-site medical care when unnecessary  
2 or reasonably avoidable. In doing this, the department shall, when  
3 appropriate, consult with off-site medical facilities on how to  
4 accomplish this goal.

5 (2) By April 1, 2007, the department shall report to the  
6 senate and house appropriations subcommittees on corrections, the  
7 senate and house fiscal agencies, and the state budget director on  
8 its activities and progress in implementing this section.

9 Sec. 905. The bureau of health care services shall develop  
10 information on Hepatitis C prevention and the risks associated with  
11 exposure to Hepatitis C, and the health care providers shall  
12 disseminate this information verbally and in writing to each  
13 prisoner at the health screening and full health appraisal  
14 conducted at admissions, at the annual health care screening 1 week  
15 before or after a prisoner's birthday, and prior to release to the  
16 community by parole, transfer to community residential placement,  
17 or discharge on the maximum.

18 Sec. 906. From the funds appropriated in part 1, the  
19 department shall offer an alanine aminotransferase (ALT) test to  
20 each prisoner who has received positive parole action. An  
21 explanation of results of the test shall be provided confidentially  
22 to the prisoner prior to release on parole, and if appropriate  
23 based on the test results, the prisoner shall also be provided a  
24 recommendation to seek follow-up medical attention in the  
25 community. The test shall be voluntary; if the prisoner refuses to  
26 be tested, that decision shall not affect parole release,  
27 conditions of parole, or parole supervision.

## 46

Sec. 907. 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.

Sec. 908. 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 the use of overtime other-than-holiday pay.

<<Sec. 909. The department, in conjunction with efforts to implement the MPRI, shall cooperate with the department of community health to begin the process of data and information sharing as it relates to inmates and hepatitis C. By April 1, 2007, 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 results of its work with the department of community health under this section.>>

## INSTITUTIONAL OPERATIONS

Sec. 1001. As a condition of expenditure of the funds appropriated in part 1, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility <<except those areas which house prisoners with special medical needs.

>>

Sec. 1002. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot 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. 1003. The department shall prohibit prisoners access to or use of the Internet or any similar system.

1       Sec. 1004. Any department employee who, in the course of his  
2 or her job, is determined by a physician to have had a potential  
3 exposure to the Hepatitis B virus, shall receive a Hepatitis B  
4 vaccination upon request.

5       Sec. 1005. (1) The inmate housing fund shall be used for the  
6 custody, treatment, clinical, and administrative costs associated  
7 with the housing of prisoners other than those specifically  
8 budgeted for elsewhere in this act. Funding in the inmate housing  
9 fund is appropriated into a separate control account. Funding in  
10 the control account shall be distributed as necessary into separate  
11 accounts created to separately identify costs for specific  
12 purposes.

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. 1006. The department shall establish a uniform rate to be  
18 paid by agencies that benefit from public work services provided by  
19 special alternative incarceration participants and prisoners.

20       Sec. 1007. (1) By April 1, 2007, the department shall report  
21 to the senate and house appropriations subcommittees on  
22 corrections, the senate and house fiscal agencies, and the state  
23 budget director on academic/vocational programs for the most  
24 recently completed appropriation year. The report shall provide  
25 information relevant to an assessment of the department's academic  
26 and vocational programs, including, but not limited to, the  
27 following:

1 (a) The number of prisoners enrolled in each program, the  
2 number of prisoners completing each program, and the number of  
3 prisoners on waiting lists for each program.

4 (b) The steps the department has undertaken to improve  
5 programs and reduce waiting lists.

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

9 (d) An identification of program outcomes for each academic  
10 and vocational program.

11 (e) An explanation of the department's plans for academic and  
12 vocational programs.

13 (2) By April 1, 2007, the department shall report to the  
14 senate and house appropriations subcommittees on corrections, the  
15 senate and house fiscal agencies, and the state budget director on  
16 the status of the department's response to the August 2005  
17 performance audit of the prisoner education program by the office  
18 of the auditor general. The report shall include the department's  
19 status of compliance with each of the following findings:

20 (a) Finding 1: general educational development program  
21 coordination and best practices.

22 (b) Finding 2: prisoner education files.

23 (c) Finding 3: performance indicators.

24 (d) Finding 4: pre-release programs.

25 (e) Finding 5: prisoner education policies and procedures.

26 (f) Finding 6: use of educational program resources.

27 (g) Finding 7: maximization of federal funding.



1       Sec. 1008. (1) By February 1, 2007, the department shall  
2 report to the senate and house appropriations subcommittees on  
3 corrections, the senate and house fiscal agencies, and the state  
4 budget director, the percent of offenders included in the prison  
5 population intake for fiscal years 2004-2005 and 2005-2006 who have  
6 a high school diploma or a general educational development (G.E.D.)  
7 certificate.

8       (2) By February 1, 2007, the department shall provide the  
9 senate and house appropriations subcommittees on corrections, the  
10 senate and house fiscal agencies, and the state budget director  
11 with statistical reports on the efficacy of both department-  
12 provided prison general education and vocational education programs  
13 in reducing offender recidivism rates. At a minimum, the report  
14 should compare the recidivism rates of the following groups of  
15 offenders:

16       (a) Offenders who completed a G.E.D. while in prison and  
17 participated in the MPRI.

18       (b) Offenders who completed a G.E.D. while in prison but did  
19 not participate in the MPRI.

20       (c) Offenders who completed a vocational education program  
21 while in prison and participated in the MPRI.

22       (d) Offenders who completed a vocational education program  
23 while in prison but did not participate in the MPRI.

24       Sec. 1009. As a condition of expending funds appropriated for  
25 academic/vocational programs under section 108 of this act, the  
26 department shall by January 31, 2007 provide a plan to increase  
27 certification rates among prisoners enrolled in general educational

1 development (G.E.D.) programs at correctional facilities to the  
2 members of the senate and house appropriations committees, the  
3 senate and house fiscal agencies, and the state budget director.  
4 The plan shall include detailed information on certification rates  
5 for the most recent 5-year period, a comparison with prisoner  
6 certification rates in other states and a national average, and  
7 details on how the department plans to improve certification rates.

8       Sec. 1010. The department shall allow the Michigan Braille  
9 transcribing fund program to operate at its current location. The  
10 donation of the building by the Michigan Braille transcribing fund  
11 at the G. Robert Cotton correctional facility in Jackson is  
12 acknowledged and appreciated. The department shall continue to  
13 encourage the Michigan Braille transcribing fund to produce high  
14 quality materials for use by the visually impaired.

15       Sec. 1011. (1) From the appropriations in part 1, the  
16 department shall ensure that all prisoner activities shall include  
17 the presence of a sufficient number of correctional officers needed  
18 to maintain the safety and security of the institution.

19       (2) By February 1, 2007, the department shall report to the  
20 senate and house appropriations subcommittees on corrections, the  
21 senate and house fiscal agencies, and the state budget director the  
22 number of critical incidents occurring each month by type and the  
23 number and severity of assaults occurring each month at each  
24 facility during calendar year 2006.

25       Sec. 1012. The department is prohibited from spending any  
26 funds for the reopening or operation of any previously closed  
27 prison facility or for expanding the capacity of any existing

Senate Bill No. 1084 as amended March 29, 2006

- 1 prison facility, not already included in part 1, unless and until
- 2 the department utilizes existing vacant prison beds at the Michigan
- 3 youth correctional facility located in Webber Township, Lake
- 4 County.

<<Sec. 1013. The department shall impose a 35% surcharge on all items purchased by prisoners in state facilities. The 35% surcharge is in addition to any other surcharge or mark-up imposed on those items before the effective date of this section. The department may increase the maximum amount of money or scrip that prisoners are allowed to spend, in accordance with this section. The department shall remit the total of the surcharges imposed under this section quarterly to the state treasurer for deposit in the trooper recruit school fund created under section 819b of the Michigan vehicle code, 1949 PA 300, MCL 257.819b. Any revenue not needed to meet the requirements of the trooper recruit school fund will be deposited in the Michigan state police retirement system.>>