

SENATE BILL No. 1009

May 16, 2018, Introduced by Senator GREGORY and referred to the Committee on Oversight.

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 11a, 40, and 65c (MCL 791.211a, 791.240, and 791.265c), section 11a as amended by 1998 PA 204, section 40 as added by 2006 PA 487, and section 65c as amended by 1993 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11a. (1) The director of corrections may enter into
2 contracts on behalf of this state as the director considers
3 appropriate to implement the participation of this state in the
4 interstate corrections compact ~~pursuant to~~ **UNDER** article III of the
5 interstate corrections compact. The contracts may authorize
6 confinement of prisoners in, or transfer of prisoners from,
7 correctional facilities under the jurisdiction of the department.
8 ~~of corrections.~~ A contract ~~shall~~ **MUST** not authorize the confinement

1 of a prisoner who is in the custody of the department in an
2 institution of a state other than a state that is a party to the
3 interstate corrections compact. When transferring prisoners to
4 institutions of other states under this section, the director shall
5 endeavor to ensure that the transfers do not disproportionately
6 affect groups of prisoners according to race, religion, color,
7 creed, or national origin.

8 (2) The director of corrections shall first determine, on the
9 basis of an inspection made by his or her direction, that an
10 institution of another state is a suitable place for confinement of
11 prisoners committed to his or her custody before entering into a
12 contract permitting that confinement, and shall, at least annually,
13 redetermine the suitability of that confinement. In determining the
14 suitability of an institution of another state, the director shall
15 determine that the institution maintains standards of care and
16 discipline not incompatible with those of this state and that all
17 inmates confined in that institution are treated equitably,
18 regardless of race, religion, color, creed, or national origin.

19 (3) In considering transfers of prisoners out-of-state
20 ~~pursuant to~~ **UNDER** the interstate corrections compact due to bed
21 space needs the department shall do all of the following:

22 (a) Consider first prisoners who volunteer to transfer as long
23 as they meet the eligibility criteria for such transfer.

24 (b) Provide law library materials including Michigan Compiled
25 Laws, Michigan state and federal cases, and ~~U.S. sixth circuit~~
26 ~~court~~ **UNITED STATES SIXTH CIRCUIT COURT** cases.

27 (c) Not transfer a prisoner who has a significant medical or

1 mental health need.

2 (d) Use objective criteria in determining which prisoners to
3 transfer.

4 (4) Unless a prisoner consents in writing, a prisoner
5 transferred under the interstate corrections compact due to bed
6 space needs ~~shall~~**MUST** not be confined in another state for more
7 than 1 year.

8 (5) A prisoner who is transferred to an institution of another
9 state under this section ~~shall~~**MUST** receive all of the following
10 while in the receiving state:

11 (a) Mail services and access to the court.

12 (b) Visiting and telephone privileges.

13 (c) Occupational and vocational programs such as GED-ABE and
14 appropriate vocational programs for his or her level of custody.

15 (d) Programs such as substance abuse programs, sex offender
16 programs, and life skills development.

17 (e) Routine and emergency health care, dental care, and mental
18 health services.

19 ~~—— (6) One year after April 13, 1994 and annually after that~~
20 ~~date, the department shall report all of the following to the~~
21 ~~senate and house committees responsible for legislation concerning~~
22 ~~corrections and to the appropriations subcommittees on corrections:~~

23 ~~—— (a) The number of prisoners transferred to or from~~
24 ~~correctional facilities in this state pursuant to the interstate~~
25 ~~corrections compact.~~

26 ~~—— (b) The cost to the state of the transfers described in~~
27 ~~subdivision (a).~~

1 ~~_____ (c) The reasons for the transfers described in subdivision~~
2 ~~(a).~~

3 Sec. 40. (1) If a prisoner serving a sentence for conviction
4 of a violent felony is placed on parole, both of the following
5 special provisions apply:

6 (a) The supervising parole agent shall make a home call within
7 the first 45 days after the prisoner is placed on parole.

8 (b) The supervising parole agent shall do a LEIN check not
9 less than quarterly for that parolee and not later than 1 month
10 before a parolee is discharged from parole.

11 (2) If a prisoner who has a history of substance abuse is
12 placed on parole and is assigned to intensive, maximum, or medium
13 parole supervision, the department shall require as a condition of
14 parole that the parolee submit to substance abuse testing at least
15 twice each month.

16 ~~_____ (3) Not later than April 1 of each year, the department shall~~
17 ~~report to the legislature on the number of parolees who are~~
18 ~~returned to state correctional facilities for a violation of parole~~
19 ~~involving the use of alcohol or a controlled substance during the~~
20 ~~preceding calendar year. The report shall specify the number of~~
21 ~~parolees who are returned to a state correctional facility after 1~~
22 ~~such violation, 2 such violations, 3 such violations, 4 such~~
23 ~~violations, and 5 or more such violations.~~

24 **(3)** ~~(4)~~—The department shall report to the legislature on a
25 quarterly basis both of the following:

26 (a) The number of parolees who are absconders.

27 (b) The number of parolees who have been absconders for more

1 than 3 months.

2 (4) ~~(5)~~—As used in this section:

3 (a) "LEIN" means the law enforcement information network
4 regulated under the C.J.I.S. policy council act, 1974 PA 163, MCL
5 28.211 to 28.215.

6 (b) "Substance abuse" means the taking of alcohol or other
7 drugs at dosages that place an individual's social, economic,
8 psychological, and physical welfare in potential hazard or to the
9 extent that an individual loses the power of self-control as a
10 result of the use of alcohol or drugs, or while habitually under
11 the influence of alcohol or drugs, endangers public health, morals,
12 safety, or welfare, or a combination thereof.

13 (c) "Violent felony" means that term as defined in section 36.

14 Sec. 65c. (1) As used in this section, "work camp" means a
15 correctional facility that houses prisoners who are made available
16 for work as provided in subsection (3).

17 (2) The department may construct, maintain, and operate work
18 camps for the purpose of housing prisoners who are under its
19 jurisdiction.

20 (3) Prisoners assigned to work camps may be provided an
21 opportunity to do any of the following, as long as the department
22 has reasonable cause to believe the prisoner will honor the trust
23 placed in him or her by such an assignment:

24 (a) Perform meaningful work at paid employment in the
25 community.

26 (b) Provide labor on public works projects.

27 (c) Perform meaningful work on projects that serve the public

1 interest or a charitable purpose and are operated by organizations
2 that are exempt from taxation under section 501(c)(3) of the
3 internal revenue code. Work performed by prisoners ~~pursuant to~~
4 **UNDER** this subdivision ~~shall~~**MUST** not result in a competitive
5 disadvantage to a for profit enterprise.

6 (4) Prisoners made available for work under subsection (3)(c)
7 ~~shall~~**MUST** not be assigned to work on projects in a manner that
8 results in the displacement of employed persons in the community or
9 the replacement of workers on strike or locked out of work. If a
10 collective bargaining agreement is in effect at a place of
11 employment that is the site of a proposed work project under
12 subsection (3)(c), that bargaining unit must agree to the
13 assignment of prisoners at the place of employment before the
14 assignment is made.

15 (5) The warden at a correctional facility that makes prisoners
16 available for work under subsection (3)(c) shall appoint a 7-member
17 citizens advisory committee for the purpose of obtaining public
18 input on proposals for assigning prisoners to work on those
19 projects. The committee ~~shall~~**MUST** include broad representation
20 from the community in which the proposed work project is to be
21 located, including representatives of business, community service,
22 and religious organizations and the president of the local AFL-CIO
23 central labor council, or his or her designee. Before prisoners are
24 assigned to a proposed work project, the proposed assignment ~~shall~~
25 **MUST** be reviewed by the citizens advisory committee.

26 ~~——(6) The department annually shall submit to the house and~~
27 ~~senate appropriations subcommittees on corrections a report on work~~

1 ~~projects in which prisoners are made available for work under~~
2 ~~subsection (3)(c), including, but not limited to, the number of~~
3 ~~work projects, the number of prisoners placed on each work project,~~
4 ~~the type of work performed, and any problems raised by an advisory~~
5 ~~committee with respect to the work project.~~

6 (6) ~~(7)~~—The willful failure of a prisoner to report to or
7 return from an assignment to paid employment in the community or on
8 a public work project within the time prescribed, or to remain
9 within the prescribed limits of such an assignment, ~~shall be~~ **IS**
10 considered an escape from lawful custody as provided in section
11 193(3) of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
12 ~~of 1931, as amended, being section 750.193 of the Michigan Compiled~~
13 ~~Laws. 1931 PA 328, MCL 750.193.~~

14 (7) ~~(8)~~—Prisoners employed at paid employment in the community
15 shall reimburse the department for food, clothing, and daily travel
16 expenses to and from work for days worked.

17 (8) ~~(9)~~—The wages of prisoners employed at paid employment in
18 the community ~~shall~~ **MUST** be collected by the work camp responsible
19 for the prisoner's care.

20 (9) ~~(10)~~—A work camp collecting wages of a prisoner ~~pursuant~~
21 ~~to~~ **UNDER** subsection ~~(9)~~ **(8)** shall disperse wages collected in the
22 following priority order:

23 (a) Reimbursement to the department ~~pursuant to~~ **UNDER**
24 subsection ~~(8)~~ **(7)**.

25 (b) Support of the prisoner's dependents who are receiving
26 public assistance up to the maximum of the public assistance
27 benefit but not exceeding 50% of the prisoner's net earnings.

1 (c) For prisoners without dependents receiving public
2 assistance, 50% of the prisoner's net earnings ~~shall~~**MUST** be
3 placed, at the prisoner's option, in either the prisoner's personal
4 noninstitutional savings account or in escrow by the department for
5 use by the prisoner upon release.

6 (d) The balance, if any, to the prisoner's institutional
7 account.

8 (10) ~~(11)~~An employer who employs a prisoner pursuant to ~~UNDER~~
9 this section for work to which ~~Act No. 166 of the Public Acts of~~
10 ~~1965, as amended, being sections 1965 PA 166, MCL 408.551 to~~
11 ~~408.558, of the Michigan Compiled Laws,~~ applies shall pay the
12 prisoner the prevailing wage as provided in that act.

13 (11) ~~(12)~~An employer who employs a prisoner pursuant to ~~UNDER~~
14 this section for work that is not under ~~Act No. 166 of the Public~~
15 ~~Acts of 1965, as amended, 1965 PA 166, MCL 408.551 TO 408.558,~~
16 shall pay the prisoner not less than the wage the employer pays to
17 other employees with similar skills and experience.

18 (12) ~~(13)~~The department shall promulgate rules pursuant to
19 ~~UNDER~~ the ~~Administrative~~**ADMINISTRATIVE** procedures act of 1969, ~~Act~~
20 ~~No. 306 of the Public Acts of 1969, as amended, being sections~~
21 ~~24.201 to 24.328 of the Michigan Compiled Laws, 1969 PA 306, MCL~~
22 ~~24.201 TO 24.328,~~ to establish criteria by which the department
23 shall determine eligibility for participation in the programs of
24 paid employment in the community established by this section.

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