

Act No. 295  
Public Acts of 2018  
Approved by the Governor  
June 27, 2018  
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**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Senator Gregory

# **ENROLLED SENATE BILL No. 1009**

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," 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:*

Sec. 11a. (1) The director of corrections may enter into contracts on behalf of this state as the director considers appropriate to implement the participation of this state in the interstate corrections compact under article III of the interstate corrections compact. The contracts may authorize confinement of prisoners in, or transfer of prisoners from, correctional facilities under the jurisdiction of the department. A contract must not authorize the confinement of a prisoner who is in the custody of the department in an institution of a state other than a state that is a party to the interstate corrections compact. When transferring prisoners to institutions of other states under this section, the director shall endeavor to ensure that the transfers do not disproportionately affect groups of prisoners according to race, religion, color, creed, or national origin.

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

(3) In considering transfers of prisoners out-of-state under the interstate corrections compact due to bed space needs the department shall do all of the following:

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

(b) Provide law library materials including Michigan Compiled Laws, Michigan state and federal cases, and United States Sixth Circuit Court cases.

(c) Not transfer a prisoner who has a significant medical or mental health need.

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

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

(5) A prisoner who is transferred to an institution of another state under this section must receive all of the following while in the receiving state:

(a) Mail services and access to the court.

(b) Visiting and telephone privileges.

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

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

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

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

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

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

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

(3) The department shall report to the legislature on a quarterly basis both of the following:

(a) The number of parolees who are absconders.

(b) The number of parolees who have been absconders for more than 3 months.

(4) As used in this section:

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

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

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

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

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

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

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

(b) Provide labor on public works projects.

(c) Perform meaningful work on projects that serve the public interest or a charitable purpose and are operated by organizations that are exempt from taxation under section 501(c)(3) of the internal revenue code. Work performed by prisoners under this subdivision must not result in a competitive disadvantage to a for profit enterprise.

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

(5) The warden at a correctional facility that makes prisoners available for work under subsection (3)(c) shall appoint a 7-member citizens advisory committee for the purpose of obtaining public input on proposals for assigning prisoners to work on those projects. The committee must include broad representation from the community in which the proposed

work project is to be located, including representatives of business, community service, and religious organizations and the president of the local AFL-CIO central labor council, or his or her designee. Before prisoners are assigned to a proposed work project, the proposed assignment must be reviewed by the citizens advisory committee.

(6) The willful failure of a prisoner to report to or return from an assignment to paid employment in the community or on a public work project within the time prescribed, or to remain within the prescribed limits of such an assignment, is considered an escape from lawful custody as provided in section 193(3) of the Michigan penal code, 1931 PA 328, MCL 750.193.

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

(8) The wages of prisoners employed at paid employment in the community must be collected by the work camp responsible for the prisoner's care.

(9) A work camp collecting wages of a prisoner under subsection (8) shall disperse wages collected in the following priority order:

(a) Reimbursement to the department under subsection (7).

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

(c) For prisoners without dependents receiving public assistance, 50% of the prisoner's net earnings must be placed, at the prisoner's option, in either the prisoner's personal noninstitutional savings account or in escrow by the department for use by the prisoner upon release.

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

(10) An employer who employs a prisoner under this section for work to which 1965 PA 166, MCL 408.551 to 408.558, applies shall pay the prisoner the prevailing wage as provided in that act.

(11) An employer who employs a prisoner under this section for work that is not under 1965 PA 166, MCL 408.551 to 408.558, shall pay the prisoner not less than the wage the employer pays to other employees with similar skills and experience.

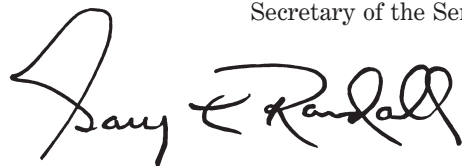
(12) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish criteria by which the department shall determine eligibility for participation in the programs of paid employment in the community established by this section.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor