HOUSE BILL No. 4977

May 20, 2009, Introduced by Reps. Kandrevas, Slezak, Geiss, Haugh, Meadows and Dean and referred to the Committee on Judiciary.

A bill to amend 1988 PA 511, entitled

"Community corrections act,"

by amending section 8 (MCL 791.408).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 8. (1) A county, city, city-county, or regional advisory board, on behalf of the city, county, or counties it represents, may apply for funding and other assistance under this act by submitting to the office a comprehensive corrections plan that meets the requirements of this section, and the criteria, standards, rules, and policies developed by the state board pursuant to section 4.

(2) The plan shall be developed by the county, city, city-county, or regional advisory board and shall include all of the

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following for the county, city, or counties represented by the advisory board:

(a) A system for the development, implementation, and operation of community corrections programs and an explanation of how the state prison commitment rate for the city, county, or counties will be reduced, and how the public safety will be maintained, as a result of implementation of the comprehensive corrections plan. The plan shall include, where appropriate, provisions that detail how the city, county, or counties plan to substantially reduce, within 1 year, the use of prison sentences for felons for which the state felony sentencing guidelines upper limit for the recommended minimum sentence is 12 months or less as validated by the department of corrections. Continued funding in the second and subsequent years shall be contingent upon substantial compliance with this subdivision.

(b) A data analysis of the local criminal justice system including a basic description of jail utilization detailing such areas as sentenced versus unsentenced inmates, sentenced felons versus sentenced misdemeanants, and any use of a jail classification system. The analysis also shall include a basic description of offenders sentenced to probation and to prison and a review of the rate of commitment to the state corrections systems from the city, county, or counties for the preceding 3 years. The analysis also shall compare actual sentences with the sentences recommended by the state felony sentencing guidelines.

(c) An analysis of the local community corrections programs used at the time the plan is submitted and during the preceding 3

years, including types of offenders served and funding levels.

(d) A system for evaluating the effectiveness of the community corrections program, which shall utilize the criteria developed pursuant to section 4(d).

(e) The identity of any designated subgrant recipient.

(f) In the case of a regional or city-county plan, provisions for the appointment of 1 fiscal agent to coordinate the financial activities pertaining to the grant award.

(3) The county board or boards of commissioners of the county or counties represented by a county, city-county, or regional advisory board, or the city council of the city represented by a city or city-county advisory board, shall approve the proposed comprehensive corrections plan prepared by their advisory board before the plan is submitted to the office pursuant to subsection (1).

(4) This section is intended to encourage the participation in community corrections programs of offenders who **MEET ALL OF THE FOLLOWING CRITERIA:**

(A) THE OFFENDERS would likely be sentenced to imprisonment in a state correctional facility or jail. ~~,~~

(B) THE OFFENDERS would not **LIKELY** increase the risk to public safety ~~, have not demonstrated a pattern of violent behavior, and do not have~~ **BASED ON AN OBJECTIVE RISK AND NEEDS ASSESSMENT THAT DEMONSTRATES THAT THE OFFENDER CAN BE SAFELY TREATED AND SUPERVISED IN THE COMMUNITY. AS USED IN THIS SUBDIVISION, "OBJECTIVE RISK AND NEEDS ASSESSMENT" MEANS AN EVALUATION OF A PROBATIONER'S CRIMINAL HISTORY; THE PROBATIONER'S NONCRIMINAL HISTORY; THE AVAILABILITY IN**

1 **THE COMMUNITY OF EVIDENCE-BASED PROGRAMMING; AND ANY OTHER FACTORS**
2 **RELEVANT TO PREDICTING THE RISK THE PROBATIONER WOULD PRESENT TO**
3 **THE PUBLIC SAFETY, INCLUDING, BUT NOT LIMITED TO,** a criminal record
4 that indicates a pattern of violent offenses.