

HOUSE BILL No. 5929

November 6, 2014, Introduced by Rep. Haveman and referred to the Committee on Appropriations.

A bill to amend 1988 PA 511, entitled "Community corrections act," by amending sections 2, 3, 4, 5, 7, 8, and 11 (MCL 791.402, 791.403, 791.404, 791.405, 791.407, 791.408, and 791.411).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "City advisory board" means a community corrections
3 advisory board created by a city ~~pursuant to~~ **UNDER** sections 6 and
4 7.

5 (b) "City-county advisory board" means a community corrections
6 advisory board created by a county and the largest city by
7 population within that county ~~pursuant to~~ **UNDER** sections 6 and 7.

8 (c) "Community corrections program" means a program that is

House Bill No. 5929 as amended December 4, 2014

1 operated by or contracted for by a city, county, or group of
 2 counties, or is operated by a nonprofit service agency, and ~~is an~~
 3 ~~alternative to incarceration in a state correctional facility or~~
 4 ~~jail.~~ THAT OFFERS SANCTIONS, SERVICES, OR BOTH, INSTEAD OF
 5 INCARCERATION IN PRISON, AND WHICH ARE LOCALLY OPERATED AND SPAN A
 6 CONTINUUM OF PROGRAMMING OPTIONS FROM PRETRIAL THROUGH POST-
 7 ADJUDICATION.

8 (d) "County advisory board" means a community corrections
 9 advisory board created by a county ~~pursuant to~~ UNDER sections 6 and
 10 7.

11 (e) "Department" means the department of corrections.

12 (F) "EVIDENCE-BASED PRACTICES" MEANS [A PROGRESSIVE, ORGANIZATIONAL
 13 USE OF DIRECT, CURRENT SCIENTIFIC EVIDENCE TO GUIDE AND INFORM EFFICIENT
 14 AND EFFECTIVE CORRECTIONAL SERVICES.]

15 (G) "KEY PERFORMANCE INDICATOR" MEANS A MEASURE THAT CAPTURES
 16 THE PERFORMANCE OF A CRITICAL VARIABLE TO EXPAND AND IMPROVE
 17 COMMUNITY-BASED CORRECTIONS PROGRAMS TO PROMOTE OFFENDER SUCCESS,
 18 ENSURE ACCOUNTABILITY, ENHANCE PUBLIC SAFETY, AND REDUCE
 19 RECIDIVISM.

20 (H) "MODERATE TO HIGH RISK" MEANS THAT THE INDIVIDUAL ASSESSED
 21 HAS SCORED IN THE MODERATE TO HIGH RANGE OF RISK USING AN
 22 ACTUARIAL, OBJECTIVE, VALIDATED RISK AND NEED ASSESSMENT
 23 INSTRUMENT.

24 (I) ~~(f)~~ "Nonprofit service agency" means a nonprofit
 25 organization that provides treatment, guidance, training, or other
 26 rehabilitative services to individuals, families, or groups in such
 27 areas as health, education, vocational training, special education,

1 social services, psychological counseling, alcohol and drug
 2 treatment, community service work, victim restitution, and
 3 employment.

4 (J) ~~(g)~~ "Office" means the office of community alternatives
 5 **CORRECTIONS** created in section 3.

6 (K) ~~(h)~~ "Plan" means a comprehensive corrections plan
 7 submitted by a county, city, or regional advisory board ~~pursuant to~~
 8 **UNDER** section 8.

9 (L) ~~(i)~~ "Regional advisory board" means a community corrections
 10 advisory board created by a group of 2 or more counties ~~pursuant to~~
 11 **UNDER** sections 6 and 7.

12 (M) ~~(j)~~ "State board" means the state community corrections
 13 **ADVISORY** board created in section 3.

14 Sec. 3. (1) An office of community alternatives ~~CORRECTIONS~~ is
 15 created within the department. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN**
 16 **THIS SUBSECTION, THE** office shall exercise its powers and duties
 17 including budgeting and management as an autonomous entity,
 18 independent of the director of the department. The office ~~shall~~
 19 ~~consist~~ **CONSISTS** of ~~the board and an executive director,~~
 20 **ADMINISTRATOR** and ~~such~~ staff as the ~~executive director~~ **OF THE**
 21 **DEPARTMENT** may appoint to carry out the duties of the office. ~~The~~
 22 ~~executive director shall be appointed by the board, and shall carry~~
 23 ~~out the duties of the office subject to the policies established by~~
 24 ~~the board.~~ **THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE MAY**
 25 **APPOINT THE ADMINISTRATOR OF THE OFFICE OR MAY ADMINISTER THE**
 26 **ASSIGNED FUNCTIONS IN OTHER WAYS TO PROMOTE EFFICIENT**
 27 **ADMINISTRATION.**

1 (2) A state community corrections **ADVISORY** board is created in
2 the office **OF COMMUNITY CORRECTIONS**. The **STATE COMMUNITY**
3 **CORRECTIONS ADVISORY** board ~~shall act as the policy making body for~~
4 ~~the office, as provided in this act.~~ **MAY CONDUCT ACTIVITIES IT**
5 **CONSIDERS NECESSARY TO ADVISE THE DIRECTOR OF THE DEPARTMENT IN**
6 **MATTERS RELATED TO COMMUNITY CORRECTIONS.**

7 (3) ~~Not later than 90 days after the effective date of this~~
8 ~~act, the~~ **THE** governor shall appoint, and the senate shall confirm,
9 the 13 members of the state board as follows:

10 (a) One member ~~shall be~~ **WHO IS** a county sheriff.

11 (b) One member ~~shall be~~ **WHO IS** a chief of a city police
12 department.

13 (c) One member ~~shall be~~ **WHO IS** a judge of the circuit court.
14 ~~or recorder's court.~~

15 (d) One member ~~shall be~~ **WHO IS** a judge of the district court.

16 (e) One member ~~shall be~~ **WHO IS** a county commissioner.

17 (f) One member ~~shall be~~ **WHO IS** a member of city government.

18 (g) One member ~~shall represent~~ **WHO REPRESENTS** an existing
19 community alternatives program.

20 (h) One member ~~shall be~~ **WHO IS** the director of the department
21 of corrections or his or her designee.

22 (i) One member ~~shall be~~ **WHO IS** a county prosecutor.

23 (j) One member ~~shall be~~ **WHO IS** a criminal defense attorney.

24 (k) Three members ~~shall be~~ **WHO ARE** representatives of the
25 general public.

26 (4) The governor shall ensure fair geographic representation
27 of the state board membership and that minority persons and women

1 are fairly represented.

2 (5) Members of the state board shall serve for terms of 4
3 years each, except that of the members first appointed, 5 shall
4 serve for terms of 4 years each, 4 shall serve for terms of 3 years
5 each, and 4 shall serve for terms of 2 years each.

6 (6) A vacancy on the state board ~~shall be~~ **IS** filled in the
7 same manner as the original appointment.

8 (7) Members of the state board shall serve without
9 compensation, but **THE DEPARTMENT** shall ~~be reimbursed by the~~
10 ~~department~~ **REIMBURSE THE MEMBERS** for actual and necessary expenses
11 incurred in attending meetings.

12 (8) The governor shall annually appoint a chairperson from
13 among the members of the board. **THE CHAIRPERSON SHALL NOT SERVE**
14 **MORE THAN 2 CONSECUTIVE TERMS.**

15 Sec. 4. (1) The state board shall do all of the following:

16 (a) ~~Develop and establish goals, offender eligibility~~
17 ~~criteria, and program guidelines for community corrections~~
18 ~~programs.~~ **ADOPT A VARIETY OF KEY PERFORMANCE INDICATORS THAT PROMOTE**
19 **OFFENDER SUCCESS, ENSURE THE EFFECTIVE MONITORING OF OFFENDERS, AND**
20 **EVALUATE COMMUNITY CORRECTIONS PROGRAMS. PERFORMANCE INDICATORS**
21 **MUST BE RELEVANT TO THIS ACT AND MUST BE REVIEWED ON AN ANNUAL**
22 **BASIS. AT LEAST 1 OF THE KEY PERFORMANCE MEASURES MUST BE**
23 **RECIDIVISM. THERE MAY BE MULTIPLE RECIDIVISM MEASURES TO ACCOUNT**
24 **FOR ACCESSIBILITY TO STATE AND NATIONAL DATABASES, LOCAL ABILITY TO**
25 **COLLECT DATA, AND THE RESOURCES NEEDED TO COLLECT THIS DATA.**

26 (b) Adopt minimum program standards, policies, and rules for
27 community corrections programs. **THE PROGRAM STANDARDS MUST INCLUDE**

1 EVIDENCE-BASED PRACTICES. PROGRAM ELIGIBILITY MUST INCLUDE MODERATE
2 TO HIGH RISK OFFENDERS REGARDLESS OF CRIME CLASS OR ADJUDICATION
3 STATUS.

4 (c) Adopt an application process and procedures for funding
5 community corrections programs, including the format for
6 comprehensive corrections plans.

7 ~~(d) Adopt criteria for community corrections program~~
8 ~~evaluations.~~ REVIEW, AT LEAST ONCE EVERY 3 YEARS, THE ACTUARIAL,
9 OBJECTIVE, VALIDATED RISK AND NEED ASSESSMENT INSTRUMENTS TO ENSURE
10 THAT THEY CONTINUE TO MEET THE NEEDS AND REQUIREMENTS OF COMMUNITY
11 CORRECTIONS.

12 ~~(e) Hire an executive director, who shall serve at the~~
13 ~~pleasure of the board.~~ RECOMMEND FUNDING FOR COMMUNITY CORRECTIONS
14 TO THE DIRECTOR OF THE DEPARTMENT BASED ON PROGRAM PERFORMANCE,
15 UTILIZATION, TARGETING OF APPROPRIATE OFFENDERS, AND ADHERENCE TO
16 EVIDENCE-BASED PRACTICES.

17 (F) RESEARCH, REVIEW, AND MAKE RECOMMENDATIONS REGARDING THE
18 USE OF PERFORMANCE-BASED CONTRACTS WITHIN COMMUNITY CORRECTIONS.

19 Sec. 5. The office shall do all of the following:

20 (a) Provide technical assistance and training to cities,
21 counties, regions, or nonprofit service agencies in developing,
22 implementing, evaluating, and operating community corrections
23 programs.

24 (b) ~~Enter into~~ ON BEHALF OF THE DEPARTMENT, PROCESS agreements
25 ~~with~~ BETWEEN THE DEPARTMENT AND city, county, city-county, or
26 regional advisory boards or nonprofit service agencies for the
27 operation of community corrections programs by those boards or

1 agencies, and monitor compliance with those agreements.

2 (c) Act as an information clearinghouse regarding community
3 corrections programs for cities, counties, regions, or nonprofit
4 service agencies that receive funding under this act.

5 (D) PROVIDE COMMUNITY CORRECTIONS ADVISORY BOARDS ANNUALLY
6 WITH INFORMATION REQUIRED TO DEVELOP COMPREHENSIVE PLANS AND
7 PROGRAMMING, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING
8 FOR A CITY OR COUNTY, AS APPLICABLE:

9 (i) THE TOTAL NUMBER OF FELONY DISPOSITIONS.

10 (ii) THE TOTAL NUMBER OF PROBATION VIOLATORS.

11 (iii) THE SENTENCING RESULTS OF ALL FELONY DISPOSITIONS AND
12 PROBATION VIOLATORS.

13 (iv) FOR EACH SENTENCED FELON AND SENTENCED PROBATION VIOLATOR,
14 DEMOGRAPHIC INFORMATION, INCLUDING, BUT NOT LIMITED TO, AGE, RACE,
15 AND SEX.

16 (v) FOR EACH SENTENCED FELON AND PROBATION VIOLATOR, THE
17 RESULT OF THE RISK AND NEEDS ASSESSMENT THAT DETAILS THE FELON'S OR
18 PROBATION VIOLATOR'S RISK AND NEEDS LEVELS.

19 (E) ~~(d)~~ Review and approve local plans and proposals pursuant
20 ~~to~~ UNDER sections 8 and 10.

21 (F) AUDIT PROGRAMS TO ASSURE THAT THEY MEET MINIMUM PROGRAM
22 STANDARDS, INCLUDING OFFENDER ELIGIBILITY AND COMPLIANCE WITH
23 EVIDENCE-BASED PRACTICES.

24 (G) ~~(e)~~ In instances of substantial noncompliance, halt
25 funding to cities, counties, regions, or agencies, except that
26 before halting funding, the office shall do both of the following:

27 (i) Notify the city, county, region, or agency of the

1 allegations and allow 30 days for a response.

2 (ii) If an agreement is reached concerning a remedy, allow 30
3 days following that agreement for the remedy to be implemented.

4 Sec. 7. (1) A county advisory board, regional advisory board,
5 city-county advisory board, or city advisory board ~~shall consist~~
6 **CONSISTS** of the following:

7 (a) One member ~~shall be~~ **WHO IS** a county sheriff, or his or her
8 designee.

9 (b) One member ~~shall be~~ **WHO IS** a chief of a city police
10 department, or his or her designee.

11 (c) One member ~~shall be~~ **WHO IS** a judge of the circuit court or
12 his or her designee.

13 (d) One member ~~shall be~~ **WHO IS** a judge of the district court
14 or his or her designee.

15 (e) One member ~~shall be~~ **WHO IS** a judge of the probate court or
16 his or her designee.

17 (f) One member ~~shall be~~ **WHO IS** a county commissioner or city
18 councilperson. ~~In the case of~~ **FOR** a regional advisory board or a
19 city-county advisory board, 1 county commissioner or councilperson
20 from each participating city and county shall serve as a member.

21 (g) ~~One member shall be~~ **AT LEAST 1 AND NOT MORE THAN 3 MEMBERS**
22 selected from ~~1 of~~ the following service areas: mental health,
23 public health, substance abuse, employment and training, or
24 community alternative programs.

25 (h) One member ~~shall be~~ **WHO IS** a county prosecuting attorney
26 or his or her designee.

27 (i) One member ~~shall be~~ **WHO IS** a criminal defense attorney **AND**

1 **WHO MAY BE A LOCAL PUBLIC DEFENDER.**

2 (j) One member ~~shall be~~ **WHO IS** from the business community.

3 (k) One member ~~shall be~~ **WHO IS** from the communications media.

4 (l) One member ~~shall be~~ **WHO IS** either a circuit court probation
5 agent or a district court probation officer.

6 (m) One member ~~shall be a representative of the general~~

7 ~~public.~~ **WHO IS AFFILIATED WITH THE APPLICABLE WORKFORCE INVESTMENT**
8 **BOARD.**

9 (2) ~~In the case of~~ **FOR** a county or regional advisory board,
10 ~~the members shall be appointed by~~ the county board or boards of
11 commissioners **SHALL APPOINT THE MEMBERS.** ~~In the case of~~ **FOR** a city
12 advisory board, ~~the members shall be appointed by~~ the city council
13 **SHALL APPOINT THE MEMBERS.** ~~In the case of~~ **FOR** the city-county
14 advisory board, ~~the members shall be appointed by~~ the county board
15 of commissioners and the city council **SHALL APPOINT THE MEMBERS.** In
16 appointing the members of an advisory board, the county and city
17 shall ensure that minority ~~persons~~ **INDIVIDUALS** and women are fairly
18 represented.

19 (3) Before an appointment is made under this section, the
20 appointing authority shall publish advance notice of the
21 appointments and shall request that the names of ~~persons~~
22 **INDIVIDUALS** interested in being considered for appointment be
23 submitted to the appointing authority.

24 Sec. 8. (1) A county, city, city-county, or regional advisory
25 board, on behalf of the city, county, or counties it represents,
26 may apply for funding and other assistance under this act by
27 submitting to the office a comprehensive corrections plan that

1 meets the requirements of this section, and the criteria,
2 standards, rules, and policies developed by the state board
3 ~~pursuant to UNDER~~ section 4.

4 (2) ~~The plan shall be developed by the A county, city, city-~~
5 ~~county, or regional advisory board and shall include DEVELOP A PLAN~~
6 **THAT INCLUDES** all of the following for the county, city, or
7 counties represented by the advisory board:

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

21 (b) A data analysis of the local criminal justice system
22 ~~including a basic description of jail utilization detailing such~~
23 ~~areas as sentenced versus unsentenced inmates, sentenced felons~~
24 ~~versus sentenced misdemeanants, and any use of a jail~~
25 ~~classification system. The analysis also shall include a basic~~
26 ~~description of offenders sentenced to probation and to prison and a~~
27 ~~review of the rate of commitment to the state corrections systems~~

1 ~~from the city, county, or counties for the preceding 3 years. The~~
 2 ~~analysis also shall compare actual sentences with the sentences~~
 3 ~~recommended by the state felony sentencing guidelines.~~ **THAT**
 4 **INDICATES THE SPECIFICATION OF OFFENDER TARGETING AND THE SERVICES**
 5 **NEEDED FOR THE TARGET POPULATION.**

6 ~~(c) An analysis of the local community corrections programs~~
 7 ~~used at the time the plan is submitted and during the preceding 3~~
 8 ~~years, including types of offenders served and funding levels.~~

9 **PROGRAM DESCRIPTIONS THAT DETAIL THE USE OF AN OBJECTIVE,**
 10 **STANDARDIZED ASSESSMENT TOOL OR TOOLS TO DETERMINE APPLICABLE**
 11 **PROGRAMMING THROUGH THE USE OF TARGETED INTERVENTIONS THAT ADDRESS**
 12 **THE RISK AND NEEDS OF THE TARGET POPULATION.**

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

16 **(D)** ~~(e)~~ The identity of any designated subgrant recipient.

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

20 (3) The county board or boards of commissioners of the county
 21 or counties represented by a county, city-county, or regional
 22 advisory board, or the city council of the city represented by a
 23 city or city-county advisory board, shall approve the proposed
 24 comprehensive corrections plan prepared by their advisory board.
 25 ~~before the plan is submitted to the office pursuant to subsection~~
 26 ~~(1).~~

27 (4) ~~This section is intended to encourage the participation in~~

1 ~~community corrections programs of offenders who would likely be~~
2 ~~sentenced to imprisonment in a state correctional facility or jail,~~
3 ~~would not increase the risk to public safety, have not demonstrated~~
4 ~~a pattern of violent behavior, and do not have a criminal record~~
5 ~~that indicates a pattern of violent offenses.~~ **A COMMUNITY**

6 **CORRECTIONS PROGRAM MUST DO ALL OF THE FOLLOWING:**

7 **(A) PROVIDE APPROPRIATE SANCTIONS AND SERVICES AS SENTENCING**
8 **OPTIONS, INCLUDING INCARCERATION, COMMUNITY SUPERVISION, AND**
9 **PROGRAMMING SERVICES FOR ELIGIBLE OFFENDERS.**

10 **(B) PROVIDE IMPROVED LOCAL SERVICES FOR INDIVIDUALS INVOLVED**
11 **IN THE CRIMINAL JUSTICE SYSTEM WITH THE GOAL OF REDUCING THE**
12 **OCCURRENCE OF REPEAT CRIMINAL OFFENSES THAT RESULT IN A TERM OF**
13 **INCARCERATION OR DETENTION IN JAIL OR PRISON.**

14 **(C) ENSURE THE USE OF EVIDENCE-BASED PRACTICES TO PROTECT**
15 **PUBLIC SAFETY AND REHABILITATE THE OFFENDER.**

16 **(D) PROMOTE LOCAL CONTROL AND MANAGEMENT OF COMMUNITY**
17 **CORRECTIONS PROGRAMS.**

18 **(E) ENHANCE, INCREASE, AND SUPPORT THE STATE AND COUNTY**
19 **PARTNERSHIP IN THE MANAGEMENT OF OFFENDERS.**

20 Sec. 11. (1) The office shall authorize payments from ~~funds~~
21 **MONEY** appropriated to the office for community corrections programs
22 to cities, counties, regions, or agencies for the community
23 corrections programs described in the plan submitted ~~pursuant to~~
24 **UNDER** section 8 ~~or the proposal submitted pursuant to section 10~~ if
25 the plan or proposal is approved by the office.

26 (2) Of the total funding recommended for the implementation of
27 the comprehensive corrections plan, not more than 30% may be used

1 by the city, county, or counties for administration.

2 (3) The ~~funds~~**MONEY** provided to a city, county, or counties
3 under this section ~~shall~~**MUST** not supplant current spending by the
4 city, county, or counties for community corrections programs.