

Corrections; alternatives; location of residential probation centers; prohibit within 1/2 mile of a residential area unless approved by the county commissioner.

CORRECTIONS: Alternatives; LAND USE: Zoning and growth management; COUNTIES: Boards and commissions

A bill to amend 1988 PA 511, entitled  
"Community corrections act,"  
by amending sections 8 and 11 (MCL 791.408 and 791.411).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 8. (1) A county, city, city-county, or regional  
2 advisory board, on behalf of the city, county, or counties it  
3 represents, may apply for funding and other assistance under this  
4 act by submitting to the office a comprehensive corrections plan  
5 that meets the requirements of this section, and the criteria,  
6 standards, rules, and policies developed by the state board pur-  
7 suant to section 4. THE CONSTRUCTION AND OPERATION OF PROBATION  
8 RESIDENTIAL FACILITIES, AS PROPOSED IN THE PLAN, SHALL COMPLY  
9 WITH THE REQUIREMENTS OF SECTION 11(4).  
10       (2) The plan shall be developed by the county, city,  
11 city-county, or regional advisory board and shall include all of

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

3 (a) A system for the development, implementation, and opera-  
4 tion of community corrections programs and an explanation of how  
5 the state prison commitment rate for the city, county, or coun-  
6 ties will be reduced, and how the public safety will be main-  
7 tained, as a result of implementation of the comprehensive cor-  
8 rections plan. The plan shall include, where appropriate, provi-  
9 sions that detail how the city, county, or counties plan to sub-  
10 stantially reduce, within 1 year, the use of prison sentences for  
11 felons for which the state felony sentencing guidelines upper  
12 limit for the recommended minimum sentence is 12 months or less  
13 as validated by the department of corrections. Continued funding  
14 in the second and subsequent years shall be contingent upon sub-  
15 stantial compliance with this subdivision.

16 (b) A data analysis of the local criminal justice system  
17 including a basic description of jail utilization detailing such  
18 areas as sentenced versus unsentenced inmates, sentenced felons  
19 versus sentenced misdemeanants, and any use of a jail classifica-  
20 tion system. The analysis also shall include a basic description  
21 of offenders sentenced to probation and to prison and a review of  
22 the rate of commitment to the state corrections systems from the  
23 city, county, or counties for the preceding 3 years. The analy-  
24 sis also shall compare actual sentences with the sentences recom-  
25 mended by the state felony sentencing guidelines.

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

4 (d) A system for evaluating the effectiveness of the commu-  
5 nity corrections program, which shall utilize the criteria devel-  
6 oped pursuant to section 4(d).

7 (e) The identity of any designated subgrant recipient.

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

11 (3) The county board or boards of commissioners of the  
12 county or counties represented by a county, city-county, or  
13 regional advisory board, or the city council of the city repre-  
14 sented by a city or city-county advisory board, shall approve the  
15 proposed comprehensive corrections plan prepared by their  
16 advisory board before the plan is submitted to the office pursu-  
17 ant to subsection (1).

18 (4) This section is intended to encourage the participation  
19 in community corrections programs of offenders who would likely  
20 be sentenced to imprisonment in a state correctional facility or  
21 jail, would not increase the risk to public safety, have not  
22 demonstrated a pattern of violent behavior, and do not have a  
23 criminal record that indicates a pattern of violent offenses.

24 Sec. 11. (1) The office shall authorize payments from funds  
25 appropriated to the office for community corrections programs to  
26 cities, counties, regions, or agencies for the community  
27 corrections programs described in the plan submitted pursuant to

1 section 8 or the proposal submitted pursuant to section 10 if the  
2 plan or proposal is approved by the office.

3 (2) Of the total funding recommended for the implementation  
4 of the comprehensive corrections plan, not more than 30% may be  
5 used by the city, county, or counties for administration.

6 (3) The funds provided to a city, county, or counties under  
7 this section shall not supplant current spending by the city,  
8 county, or counties for community corrections programs.

9 (4) THE OFFICE SHALL NOT AUTHORIZE ANY PAYMENTS FOR THE PUR-  
10 POSE OF CONSTRUCTING OR OPERATING A PROBATION RESIDENTIAL CENTER  
11 THAT WILL COMMENCE OPERATIONS AFTER JANUARY 1, 1999 AND THAT WILL  
12 BE LOCATED LESS THAN 2,640 FEET FROM A SCHOOL, A DAY CARE CENTER,  
13 A RESIDENCE, OR A PARCEL OF REAL PROPERTY ZONED AS RESIDENTIAL  
14 UNLESS THE COUNTY BOARD OF COMMISSIONERS FOR THE COUNTY IN WHICH  
15 THE CENTER WILL BE LOCATED APPROVES THE OPERATION AND CONSTRUC-  
16 TION OF THE CENTER. IF THE PROPOSED PROBATION RESIDENTIAL CENTER  
17 WILL ALSO BE LOCATED LESS THAN 2,640 FEET FROM THE COUNTY JAIL,  
18 THE RESOLUTION MUST BE APPROVED BY A 2/3 VOTE OF THE COUNTY BOARD  
19 OF COMMISSIONERS. IF THE PROPOSED PROBATION RESIDENTIAL CENTER  
20 WILL NOT BE LOCATED WITHIN 2,640 FEET OF THE COUNTY JAIL, THE  
21 RESOLUTION MUST BE APPROVED BY A UNANIMOUS VOTE OF THE COUNTY  
22 BOARD OF COMMISSIONERS.