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BILL ANALYSIS



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Senate Bill 1508 (as enrolled)
Sponsor: Senator Michelle A. McManus
Senate Committee: Judiciary

PUBLIC ACT 533 of 2006

Date Completed: 1-4-07

CONTENT

The bill amended the prison code to define "corrections officer" and revise the definition of "correctional facility" in a provision pertaining to the enforcement of discipline in a correctional facility.

Specifically, if a prisoner assaults or batters a corrections officer or any other person, damages or attempts to damage any part of a correctional facility, attempts to escape, or resists or disobeys a lawful command, the officers of the facility must use all suitable means to defend themselves, enforce discipline, secure the offenders, and prevent any escape. The code previously referred to officers or guards of a correctional facility rather than corrections officers, and referred to a prisoner resisting or disobeying a reasonable, rather than a lawful, command.

The bill defines "corrections officer" as a State correctional officer as defined in the Correctional Officer's Training Act (MCL 791.502) or a correctional officer employed by a State youth correctional facility operated by the Department of Corrections (DOC). (Under the Correctional Officer's Training Act, "state correctional officer" means any person employed by the DOC as a correctional officer or a corrections medical aide, or that person's immediate supervisor.)

As used in these provisions, the code previously defined "correctional facility" as a facility that housed prisoners committed to the jurisdiction of the DOC, including a youth correctional facility operated by the DOC or a private vendor under the Corrections Code. Under the bill,

"correctional facility" instead means any of the following:

- A State facility that houses prisoners committed to the DOC's jurisdiction.
- A State youth correctional facility operated by the DOC.
- A correction facility operated by a private vendor authorized under Michigan law to receive prisoners.

The bill took effect on December 29, 2006.

MCL 800.41

BACKGROUND

Public Act 164 of 1996 amended the Department of Corrections law (now named the Corrections Code) to authorize the DOC to establish a youth correctional facility to house prisoners committed to the Department's jurisdiction who are 19 years of age or less and who were convicted as adults for offenses committed as juveniles. The Act permitted the DOC to establish and operate the youth correctional facility or contract with a private vendor for the construction and/or operation of the facility. The State invited private companies to submit competitive proposals for the construction and operation of a prison designed specifically for youth offenders, and entered into an agreement with the Wackenhut Corrections Corporation (now known as the GEO Group) to lease a facility that the vendor constructed and operated. Public Acts 508 through 514 of 1998 amended various statutes to provide for the operation of a youth correctional facility by a

private vendor, as authorized under the 1996 legislation.

The Michigan Youth Correctional Facility (MYCF) operated as a privately run prison in Lake County's Webber Township until the fall of 2005. As part of the State's budget process for fiscal year 2005-06, the State terminated its contract with the GEO Group and transferred prisoners housed at the MYCF to State-operated correctional facilities. Since the Corrections Code allowed the operation of the privately owned MYCF only for youth offenders under the DOC's jurisdiction, the GEO Group could not legally use the facility for any other purpose.

Subsequently, Public Act 351 of 2006 amended the Corrections Code to allow the private vendor operating the MYCF to use the facility to house inmates or detainees for other local, state, or Federal agencies, if the facility is not used to house inmates under the jurisdiction of the DOC.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.