

SUBSTITUTE FOR
HOUSE BILL NO. 4437

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

PART 1

2

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY

Average population	45,433	
Full-time equated unclassified positions.....	21.0	
Full-time equated classified positions.....	15,746.1	
GROSS APPROPRIATION.....		\$ 1,958,394,900
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		891,900
ADJUSTED GROSS APPROPRIATION.....		\$ 1,957,503,000
Federal revenues:		
Total federal revenues.....		7,746,100
Special revenue funds:		
Total local revenues.....		432,700
Total private revenues.....		0
Total other state restricted revenues.....		50,924,600
State general fund/general purpose.....		\$ 1,898,399,600
Sec. 102. EXECUTIVE		
Full-time equated unclassified positions.....	21.0	
Full-time equated classified positions.....	12.0	
Unclassified positions--21.0 FTE positions.....		\$ 1,812,100

1	Executive direction--12.0 FTE positions	<u>2,188,900</u>
2	GROSS APPROPRIATION.....	\$ 4,001,000
3	Appropriated from:	
4	State general fund/general purpose	\$ 4,001,000
5	Sec. 103. PLANNING AND COMMUNITY SUPPORT	
6	Full-time equated classified positions.....	73.0
7	Planning and community development support--59.0	
8	FTE positions.	\$ 6,090,500
9	Mental health awareness training.....	100,000
10	Prisoner reintegration programs.....	56,605,700
11	Substance abuse testing and treatment services--14.0	
12	FTE positions	19,191,500
13	Residential services.....	17,556,200
14	Community corrections comprehensive plans and services	12,758,000
15	Public education and training.....	50,000
16	Regional jail program.....	100
17	Felony drunk driver jail reduction and community	
18	treatment program	1,484,400
19	County jail reimbursement program.....	<u>13,047,100</u>
20	GROSS APPROPRIATION.....	\$ 126,883,500
21	Appropriated from:	
22	Federal revenues:	
23	DOJ, office of justice programs, RSAT.....	143,500
24	DOJ, prisoner reintegration.....	1,035,000
25	Special revenue funds:	
26	Civil infraction fees.....	7,514,400
27	State general fund/general purpose	\$ 118,190,600

1	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
2	Full-time equated classified positions.....	142.9	
3	Operations support administration--50.0 FTE positions	\$	4,799,000
4	New custody staff training.....		250,500
5	Compensatory buyout and union leave bank.....		100
6	Worker's compensation.....		14,330,800
7	Bureau of fiscal management--59.9 FTE positions.....		6,442,900
8	Office of legal services--23.0 FTE positions.....		2,583,700
9	Internal affairs--10.0 FTE positions.....		1,039,800
10	Rent.....		2,095,200
11	Equipment and special maintenance.....		2,425,500
12	Administrative hearings officers.....		3,549,600
13	Judicial data warehouse user fees.....		50,000
14	Sheriffs' coordinating and training office.....		500,000
15	Prosecutorial and detainer expenses.....		4,051,000
16	GROSS APPROPRIATION.....	\$	42,118,100
17	Appropriated from:		
18	Interdepartmental grant revenues:		
19	IDG-MDSP, Michigan justice training fund.....		298,400
20	Special revenue funds:		
21	Local corrections officer training fund.....		500,000
22	Correctional industries revolving fund.....		110,400
23	State general fund/general purpose.....	\$	41,209,300
24	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
25	Full-time equated classified positions.....	2,174.9	
26	Field operations--1,992.6 FTE positions.....	\$	171,935,100
27	Parole board operations--63.0 FTE positions.....		5,584,900

1	Parole/probation services.....	2,243,500
2	Community re-entry centers--58.3 FTE positions	15,628,000
3	Electronic monitoring center--61.0 FTE positions	<u>11,306,300</u>
4	GROSS APPROPRIATION.....	\$ 206,697,800
5	Appropriated from:	
6	Special revenue funds:	
7	Local - community tether program reimbursement	432,700
8	Re-entry center offender reimbursements	136,800
9	Parole and probation oversight fees	8,300,000
10	Parole and probation oversight fees set-aside	2,643,500
11	Public works user fees	249,400
12	Tether program participant contributions	3,033,800
13	State general fund/general purpose	\$ 191,901,600
14	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION	
15	Average population	(3,886)
16	Full-time equated classified positions.....	896.9
17	Correctional facilities administration--84.5 FTE	
18	positions	\$ 10,129,500
19	Prison food service--467.0 FTE positions	79,929,900
20	Transportation--226.6 FTE positions	24,619,400
21	Central records--53.5 FTE positions	4,589,100
22	DOJ psychiatric plan - MDCH mental health services ...	45,489,700
23	DOJ psychiatric plan - MDOC staff and services--336.0	
24	FTE positions	30,472,600
25	Inmate legal services	1,004,900
26	Loans to parolees	179,400
27	Housing inmates in federal institutions	793,900

1	Prison store operations--256.0 FTE positions	4,800,000
2	Prison industries operations--219.0 FTE positions	20,358,300
3	Education services and federal education grants--10.0	
4	FTE positions	3,420,500
5	Federal school lunch program.....	712,800
6	Leased beds and alternatives to leased beds	100
7	Inmate housing fund--(1,077.2) FTE positions	(117,992,700)
8	Average population	(3,886)
9	MPRI education program--321.5 FTE positions	<u>34,390,900</u>
10	GROSS APPROPRIATION.....	\$ 142,898,300
11	Appropriated from:	
12	Interdepartmental grant revenues:	
13	IDG-MDCH, forensic center food service	593,500
14	Federal revenues:	
15	DAG-FNS, national school lunch.....	712,800
16	DED-OESE, title 1.....	522,900
17	DED-OVAE, adult education.....	893,000
18	DED-OSERS.....	108,000
19	DED, vocational education equipment	277,400
20	DED, youthful offender/Specter grant	1,292,100
21	DOJ-BOP, federal prisoner reimbursement	211,000
22	DOJ-OJP, serious and violent offender reintegration	
23	initiative	10,300
24	DOJ, prison rape elimination act grant	1,004,300
25	SSA-SSI, incentive payment	126,600
26	Special revenue funds:	
27	Correctional industries revolving fund.....	20,358,300

1	Resident stores.....	4,800,000
2	Public works user fees.....	(1,093,900)
3	State general fund/general purpose.....	\$ 113,082,000
4	Sec. 107. HEALTH CARE	
5	Full-time equated classified positions.....	1,204.6
6	Health care administration--13.0 FTE positions.....	\$ 2,048,300
7	Prisoner health care services.....	95,881,400
8	Vaccination program.....	691,200
9	Northern region clinical complexes--278.4 FTE	
10	positions	36,724,500
11	Southeastern region clinical complexes--588.9 FTE	
12	positions	92,340,500
13	Southwestern region clinical complexes--324.3 FTE	
14	positions	<u>40,658,500</u>
15	GROSS APPROPRIATION.....	\$ 268,344,400
16	Appropriated from:	
17	Special revenue funds:	
18	Prisoner health care copayments.....	336,300
19	State general fund/general purpose.....	\$ 268,008,100
20	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	
21	Average population	15,855
22	Full-time equated classified positions.....	3,798.1
23	Alger maximum correctional facility - Munising--311.0	
24	FTE positions	\$ 31,522,300
25	Average population	849
26	Baraga maximum correctional facility - Baraga--375.1	
27	FTE positions	36,630,700

1	Average population	1,172	
2	Chippewa correctional facility - Kincheloe--475.3 FTE		
3	positions		48,400,900
4	Average population	2,282	
5	Kinross correctional facility - Kincheloe--540.1 FTE		
6	positions		55,249,100
7	Average population	2,999	
8	Marquette branch prison - Marquette--345.1 FTE		
9	positions		37,643,400
10	Average population	1,201	
11	Newberry correctional facility - Newberry--269.9 FTE		
12	positions		26,344,500
13	Average population	978	
14	Oaks correctional facility - Eastlake--304.0 FTE		
15	positions		33,826,500
16	Average population	1,156	
17	Ojibway correctional facility - Marenisco--248.9 FTE		
18	positions		23,898,100
19	Average population	1,378	
20	Pugsley correctional facility - Kingsley--211.0 FTE		
21	positions		20,243,800
22	Average population	1,158	
23	Saginaw correctional facility - Freeland--308.8 FTE		
24	positions		31,324,900
25	Average population	1,480	
26	Standish maximum correctional facility - Standish--		
27	350.9 FTE positions		36,689,200

1	Average population	1,202	
2	Northern region administration and support--58.0 FTE		
3	positions		<u>4,047,000</u>
4	GROSS APPROPRIATION.....	\$	385,820,400
5	Appropriated from:		
6	Special revenue funds:		
7	Public works user fees.....		1,366,000
8	State general fund/general purpose.....	\$	384,454,400
9	Sec. 109. SOUTHEASTERN REGION CORRECTIONAL		
10	FACILITIES		
11	Average population	16,025	
12	Full-time equated classified positions.....	3,809.7	
13	Cooper street correctional facility - Jackson--274.9		
14	FTE positions	\$	28,672,600
15	Average population	1,752	
16	G. Robert Cotton correctional facility - Jackson--		
17	404.5 FTE positions		39,019,000
18	Average population	1,854	
19	Charles E. Egeler correctional facility - Jackson--		
20	355.3 FTE positions		39,255,600
21	Average population	1,376	
22	Gus Harrison correctional facility - Adrian--446.7 FTE		
23	positions		45,570,300
24	Average population	2,342	
25	Huron Valley correctional complex - Ypsilanti--681.6		
26	FTE positions		70,910,600
27	Average population	2,032	

1	Macomb correctional facility - New Haven--279.6 FTE	
2	positions	27,399,200
3	Average population	1,228
4	Mound correctional facility - Detroit--286.5 FTE	
5	positions	26,179,500
6	Average population	1,051
7	Parnall correctional facility - Jackson--259.8 FTE	
8	positions	26,481,900
9	Average population	1,712
10	Ryan correctional facility - Detroit--300.8 FTE	
11	positions	29,421,100
12	Average population	1,059
13	Thumb correctional facility - Lapeer--283.0 FTE	
14	positions	29,165,800
15	Average population	1,219
16	Special alternative incarceration program (Camp	
17	Cassidy Lake)--119.0 FTE positions.....	10,892,600
18	Average population	400
19	Southeastern region administration and support--118.0	
20	FTE positions	<u>20,874,400</u>
21	GROSS APPROPRIATION.....	\$ 393,842,600
22	Appropriated from:	
23	Federal revenues:	
24	DOJ, state criminal alien assistance program.....	1,409,200
25	Special revenue funds:	
26	Public works user fees.....	1,536,700
27	State general fund/general purpose.....	\$ 390,896,700

1	Sec. 110. SOUTHWESTERN REGION CORRECTIONAL		
2	FACILITIES		
3	Average population	17,439	
4	Full-time equated classified positions.....	3,634.0	
5	Bellamy Creek correctional facility - Ionia--397.4 FTE		
6	positions	\$	36,879,700
7	Average population	1,850	
8	Earnest C. Brooks correctional facility - Muskegon--		
9	448.2 FTE positions		45,577,500
10	Average population	2,440	
11	Carson City correctional facility - Carson City--452.8		
12	FTE positions		46,560,100
13	Average population	2,440	
14	Richard A. Handlon correctional facility - Ionia--		
15	236.4 FTE positions		23,321,400
16	Average population	1,320	
17	Ionia maximum correctional facility - Ionia--305.7 FTE		
18	positions		29,670,500
19	Average population	707	
20	Lakeland correctional facility - Coldwater--466.8 FTE		
21	positions		46,142,400
22	Average population	2,392	
23	Michigan reformatory - Ionia--309.1 FTE positions		
24	Average population	1,338	26,073,000
25	Muskegon correctional facility - Muskegon--215.7 FTE		
26	positions		23,517,800
27	Average population	1,326	

1	Pine River correctional facility - St. Louis--206.7	
2	FTE positions	20,538,100
3	Average population	1,200
4	St. Louis correctional facility - St. Louis--517.2 FTE	
5	positions	50,773,200
6	Average population	2,426
7	Southwestern region administration and support--78.0	
8	FTE positions	<u>15,750,800</u>
9	GROSS APPROPRIATION.....	\$ 364,804,500
10	Appropriated from:	
11	Special revenue funds:	
12	Public works user fees.....	371,700
13	State general fund/general purpose.....	\$ 364,432,800
14	Sec. 111. INFORMATION TECHNOLOGY	
15	Information technology services and projects.....	\$ <u>22,984,300</u>
16	GROSS APPROPRIATION.....	\$ 22,984,300
17	Appropriated from:	
18	Special revenue funds:	
19	Correctional industries revolving fund.....	154,900
20	Parole and probation oversight fees set-aside.....	606,300
21	State general fund/general purpose.....	\$ 22,223,100

22 PART 2

23 PROVISIONS CONCERNING APPROPRIATIONS

24 **GENERAL SECTIONS**

25 Sec. 201. Pursuant to section 30 of article IX of the state

constitution of 1963, total state spending from state resources under part 1 for fiscal year 2009-2010 is \$1,949,324,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$87,512,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff	\$	48,783,900
Public service work projects		4,859,800
Community corrections comprehensive plans and services		12,758,000
Community corrections residential services		17,556,200
Community corrections public education and training ..		50,000
Felony drunk driver jail reduction and community treatment program		1,484,400
Community reentry centers		2,019,600
Regional jail program		<u>100</u>
TOTAL	\$	87,512,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

(a) "DAG" means the United States department of agriculture.

(b) "DAG-FNS" means the DAG food and nutrition service.

(c) "DED" means the United States department of education.

(d) "DED-OESE" means the DED office of elementary and secondary education.

1 (e) "DED-OSERS" means the DED office of special education and
2 rehabilitative services.

3 (f) "DED-OVAE" means the DED office of vocational and adult
4 education.

5 (g) "Department" or "MDOC" means the Michigan department of
6 corrections.

7 (h) "DOJ" means the United States department of justice.

8 (i) "DOJ-BOP" means the DOJ bureau of prisons.

9 (j) "DOJ-OJP" means the DOJ office of justice programs.

10 (k) "FTE" means full-time equated.

11 (l) "GED" means general educational development certificate.

12 (m) "GPS" means global positioning system.

13 (n) "HIV" means human immunodeficiency virus.

14 (o) "IDG" means interdepartmental grant.

15 (p) "IDT" means intradepartmental transfer.

16 (q) "MDCH" means the Michigan department of community health.

17 (r) "Medicaid benefit" means a benefit paid or payable under a
18 program for medical assistance under the social welfare act, 1939
19 PA 280, MCL 400.1 to 400.119b.

20 (s) "MDSP" means the Michigan department of state police.

21 (t) "MPRI" means the Michigan prisoner reentry initiative.

22 (u) "OCC" means the office of community corrections.

23 (v) "RSAT" means residential substance abuse treatment.

24 (w) "SSA" means the United States social security
25 administration.

26 (x) "SSA-SSI" means SSA supplemental security income.

27 Sec. 204. The civil service commission shall bill departments

1 and agencies at the end of the first fiscal quarter for the 1%
2 charge authorized by section 5 of article XI of the state
3 constitution of 1963. Payments shall be made for the total amount
4 of the billing by the end of the second fiscal quarter.

5 Sec. 206. The department shall not take disciplinary action
6 against an employee for communicating with a member of the
7 legislature or his or her staff.

8 Sec. 207. At least 120 days before beginning any effort to
9 privatize, the department shall submit a complete project plan to
10 the appropriate senate and house appropriations subcommittees and
11 the senate and house fiscal agencies. The plan shall include the
12 criteria under which the privatization initiative will be
13 evaluated. The evaluation shall be completed and submitted to the
14 appropriate senate and house appropriations subcommittees and the
15 senate and house fiscal agencies within 30 months.

16 Sec. 207a. (1) Before privatizing any services or activities
17 currently provided by state employees in the department, the
18 department shall submit to the senate and house appropriations
19 committees a preprivatization cost-benefit analysis. This analysis
20 shall utilize accurate, reliable, and objective data. Included in
21 this analysis shall be a comparative estimate of the costs that
22 will be incurred by this state over the life of the contract if 1
23 or both of the following occur:

24 (a) The service or activity continues to be provided by state
25 employees.

26 (b) The service or activity is privatized. The costs of
27 privatizing these services shall include the costs of all necessary

1 monitoring and oversight of the private entity by this state. These
2 private entities shall be adequately bonded, so as not to expose
3 the state to any potential future liability or legal causes of
4 action.

5 (2) The department shall not commence any efforts to privatize
6 the services or activities currently provided by state employees
7 under part 1 until the cost-benefit analysis prescribed by
8 subsection (1) has been sent to both the senate and house
9 appropriations committees 14 days prior to the efforts to privatize
10 and proves a cost savings of at least 5% of the costs of continuing
11 to use state employees in providing the services or activities.

12 (3) A private contractor with a contract with this state that
13 expends state or federal tax dollars shall have all records
14 pertinent to state contracts, including all records detailing
15 compliance with section 209, be subject to disclosure to the
16 department or the department of management and budget.

17 (4) State employees shall be given the opportunity to bid on
18 contracts that privatize services that are or were provided by
19 state employees. If the contract is awarded to any state employee,
20 he or she ceases being an employee of the state.

21 Sec. 208. The department shall use the Internet to fulfill the
22 reporting requirements of this act. This requirement may include
23 transmission of reports via electronic mail to the recipients
24 identified for each reporting requirement or it may include
25 placement of reports on an Internet or Intranet site. There shall
26 be at least 1 separate and distinct electronic file for each
27 section that includes a reporting requirement.

1 Sec. 209. Funds appropriated in part 1 shall not be used for
2 the purchase of foreign goods or services, or both, if
3 competitively priced and comparable quality American goods or
4 services, or both, are available. Preference shall be given to
5 goods or services, or both, manufactured or provided by Michigan
6 businesses if they are competitively priced and of comparable
7 quality. In addition, preference shall be given to goods or
8 services, or both, that are manufactured or provided by Michigan
9 businesses owned and operated by veterans, if they are
10 competitively priced and of comparable quality.

11 Sec. 210. (1) Pursuant to the provisions of civil service
12 rules and regulations and applicable collective bargaining
13 agreements, individuals seeking employment with the department
14 shall submit to a controlled substance test. The test shall be
15 administered by the department.

16 (2) Individuals seeking employment with the department who
17 refuse to take a controlled substance test or who test positive for
18 the illicit use of a controlled substance on such a test shall be
19 denied employment.

20 Sec. 211. The department may charge fees and collect revenues
21 in excess of appropriations in part 1 not to exceed the cost of
22 offender services and programming, employee meals, parolee loans,
23 academic/vocational services, custody escorts, compassionate
24 visits, union steward activities, public work programs, and
25 services provided to units of government. The revenues and fees
26 collected are appropriated for all expenses associated with these
27 services and activities.

1 Sec. 212. Preference should be given to purchasing produce
2 from Michigan growers and processors when their produce is
3 competitively priced and of comparable quality.

4 Sec. 213. By February 15, 2010, the department shall provide
5 the members of the senate and house appropriations subcommittees on
6 corrections, the senate and house fiscal agencies, and the state
7 budget director with a report detailing nongeneral fund/general
8 purpose sources of revenue, including, but not limited to, federal
9 revenues, state restricted revenues, local and private revenues,
10 offender reimbursements and other payments, revolving funds, and 1-
11 time sources of revenue, whether or not such revenues were
12 appropriated. The report shall include statements detailing for
13 each account the total amount of revenue received during fiscal
14 year 2008-2009, the amount by which the revenue exceeded any
15 applicable appropriated fund source, the amount spent during fiscal
16 year 2008-2009, the account balance at the close of fiscal year
17 2008-2009, and the projected revenues and expenditures for fiscal
18 year 2009-2010.

19 Sec. 214. From the funds appropriated in part 1 for
20 information technology, the department shall pay user fees to the
21 department of information technology for technology-related
22 services and projects. These user fees shall be subject to
23 provisions of an interagency agreement between the departments and
24 agencies and the department of information technology.

25 Sec. 215. Amounts appropriated in part 1 for information
26 technology may be designated as work projects and carried forward
27 to support department of corrections technology projects under the

1 direction of the department of information technology. Funds
2 designated in this manner are not available for expenditure until
3 approved as work projects under section 451a of the management and
4 budget act, 1984 PA 431, MCL 18.1451a.

5 Sec. 216. (1) Due to the current budgetary problems in this
6 state, out-of-state travel for the fiscal year ending September 30,
7 2010 shall be limited to situations in which 1 or more of the
8 following conditions apply:

9 (a) The travel is required by legal mandate or court order or
10 for law enforcement purposes.

11 (b) The travel is necessary to protect the health or safety of
12 Michigan citizens or visitors or to assist other states in similar
13 circumstances.

14 (c) The travel is necessary to produce budgetary savings or to
15 increase state revenues, or both, including protecting existing
16 federal funds or securing additional federal funds.

17 (d) The travel is necessary to comply with federal
18 requirements.

19 (e) The travel is necessary to secure specialized training for
20 staff that is not available within this state.

21 (f) The travel is financed entirely by federal or nonstate
22 funds.

23 (2) If out-of-state travel is necessary but does not meet 1 or
24 more of the conditions listed in subsection (1), the state budget
25 director may grant an exception to allow the travel. Any exceptions
26 granted by the state budget director shall be reported on a monthly
27 basis to the senate and house standing committees on

1 appropriations.

2 (3) Not later than January 1 of each year, each department
3 shall prepare a travel report listing all travel by classified and
4 unclassified employees outside this state in the immediately
5 preceding fiscal year that was funded in whole or in part with
6 funds appropriated in the department's budget. The report shall be
7 submitted to the senate and house standing committees on
8 appropriations, the senate and house fiscal agencies, and the state
9 budget director. The report shall include the following
10 information:

11 (a) The name of each person receiving reimbursement for travel
12 outside this state or whose travel costs were paid by this state.

13 (b) The destination of each travel occurrence.

14 (c) The dates of each travel occurrence.

15 (d) A brief statement of the reason for each travel
16 occurrence.

17 (e) The transportation and related costs of each travel
18 occurrence, including the proportion funded with state general
19 fund/general purpose revenues, the proportion funded with state
20 restricted revenues, the proportion funded with federal revenues,
21 and the proportion funded with other revenues.

22 (f) A total of all out-of-state travel funded for the
23 immediately preceding fiscal year.

24 Sec. 217. The director shall take all reasonable steps to
25 ensure businesses in deprived and depressed communities compete for
26 and perform contracts to provide services or supplies, or both. The
27 director shall strongly encourage firms with which the department

1 contracts to subcontract with certified businesses in deprived and
2 depressed communities for services, supplies, or both.

3 Sec. 219. Any contract for prisoner telephone services entered
4 into after the effective date of this act shall include a condition
5 that fee schedules for prisoner telephone calls, including rates
6 and any surcharges other than those necessary to meet special
7 equipment costs, be the same as fee schedules for calls placed from
8 outside of correctional facilities.

9 Sec. 222. Funds appropriated in part 1 shall not be used by a
10 principal executive department, state agency, or authority to hire
11 a person to provide legal services that are the responsibility of
12 the attorney general. This prohibition does not apply to legal
13 services for bonding activities and for those activities that the
14 attorney general authorizes.

15 Sec. 223. (1) In addition to the funds appropriated in part 1,
16 there is appropriated an amount not to exceed \$10,000,000.00 for
17 federal contingency funds. These funds are not available for
18 expenditure until they have been transferred to another line item
19 in this act under section 393(2) of the management and budget act,
20 1984 PA 431, MCL 18.1393.

21 (2) In addition to the funds appropriated in part 1, there is
22 appropriated an amount not to exceed \$5,000,000.00 for state
23 restricted contingency funds. These funds are not available for
24 expenditure until they have been transferred to another line item
25 in this act under section 393(2) of the management and budget act,
26 1984 PA 431, MCL 18.1393.

27 (3) In addition to the funds appropriated in part 1, there is

1 appropriated an amount not to exceed \$2,000,000.00 for local
2 contingency funds. These funds are not available for expenditure
3 until they have been transferred to another line item in this act
4 under section 393(2) of the management and budget act, 1984 PA 431,
5 MCL 18.1393.

6 (4) In addition to the funds appropriated in part 1, there is
7 appropriated an amount not to exceed \$2,000,000.00 for private
8 contingency funds. These funds are not available for expenditure
9 until they have been transferred to another line item in this act
10 under section 393(2) of the management and budget act, 1984 PA 431,
11 MCL 18.1393.

12 Sec. 224. By April 1, 2010, the department shall provide a
13 litigation report to the senate and house appropriations
14 subcommittees on corrections, the senate and house fiscal agencies,
15 and the state budget director. The report shall identify all
16 lawsuits adjudicated through the trial court phase in which the
17 department or an employee acting on behalf of the department was a
18 defendant and in which trial court proceedings resulted in a
19 decision of \$1,000,000.00 or more against the department.

20 Sec. 225. (1) The department shall make every effort to place
21 employees displaced by any reductions in force within other
22 positions in the department.

23 (2) It is the intent of the legislature that employees
24 displaced by any reductions in force who are not placed within
25 other positions in the department be given priority in state
26 programs for job retraining or education, such as the no worker
27 left behind program.

1 Sec. 230. (1) From the funds appropriated in part 1, the
2 department shall complete the study required by section 230 of 2008
3 PA 245. The study shall cover at least 1 county jail in each of the
4 department's 3 administrative regions within the state and at a
5 minimum shall be based on a representative random sample of county
6 jail inmates. To the extent that such information would not
7 conflict with state law on confidentiality for inmates included in
8 the study, at a minimum, the study shall be sufficient to provide
9 all of the information required by subsection (2). In the process
10 of study design, development, and implementation, the department
11 shall assure involvement of and consultation from counties,
12 sheriffs, prosecutors, victims, and consumer, family, advocacy,
13 provider, and professional groups concerned with mental health and
14 justice issues. The methodological basis for the study shall
15 include all of the following:

16 (a) Diagnostic clinical interviews with all of the inmates in
17 the study.

18 (b) Reviews of the criminal history records of all of the
19 inmates in the study.

20 (c) Reviews of the medical and mental health records of all of
21 the inmates in the study, as available.

22 (2) By September 1, 2010, the department shall report to the
23 senate and house appropriations subcommittees on corrections, the
24 senate and house appropriations subcommittees on community health,
25 the senate and house fiscal agencies, and the state budget director
26 on the results and findings of the study, including, at a minimum,
27 information on all of the following, to the extent that such

1 information would not conflict with state law on confidentiality
2 for the inmates included in the study:

3 (a) Study methodology, including information on the sample
4 size and counties sampled.

5 (b) The proportion of county jail inmates with a primary
6 diagnosis of mental illness, the proportion of inmates with a
7 primary diagnosis of addiction disorder, and the proportion of
8 inmates with a dual diagnosis of mental illness and addiction
9 disorder.

10 (c) For each category of inmates listed in subdivision (b),
11 all of the following information:

12 (i) The proportion considered to currently require treatment
13 and the percentage in need of treatment who are currently receiving
14 it. Information on inmates currently receiving treatment shall
15 identify whether the inmates are receiving inpatient, residential,
16 or outpatient treatment. Treatment information on inmates with a
17 dual diagnosis shall identify whether inmates are receiving mental
18 health inpatient, mental health residential, mental health
19 outpatient, substance abuse residential, or substance abuse
20 outpatient treatment.

21 (ii) Data indicating how many inmates previously had been
22 hospitalized in a state psychiatric hospital for persons with
23 mental illness.

24 (iii) Data indicating whether and with what frequency inmates
25 previously had been incarcerated in a jail or committed to the
26 department of corrections.

27 (iv) Data indicating whether inmates previously had received

1 services managed by a community mental health program or substance
2 abuse coordinating agency.

3 Sec. 231. The department shall not approve the travel of more
4 than 1 departmental employee to a specific professional development
5 conference or training seminar that is located outside of this
6 state unless a professional development conference or training
7 seminar is funded by a federal or private funding source and
8 requires more than 1 person from a department to attend, or the
9 conference or training seminar includes multiple issues in which 1
10 employee from the department does not have expertise.

11 Sec. 232. Every 2 months, the department shall report on the
12 number of FTEs in pay status by civil service classification to the
13 house and senate appropriations subcommittees on the department
14 budget and the house and senate fiscal agencies.

15 Sec. 233. The department, in collaboration with the state
16 budget office, shall submit to the house and senate appropriations
17 subcommittees on the department budget, the house and senate fiscal
18 agencies, and the house and senate policy offices on or before
19 March 1, 2010 a report on appropriated and supportable FTE
20 positions within the enacted budget for the fiscal year ending
21 September 30, 2010. The report shall contain all of the following
22 information for each individual line item contained in the enacted
23 budget proposal for the department budget:

24 (a) The number of FTEs to be funded from the line item.

25 (b) The amount that is proposed to be allocated to salary,
26 wage, and fringe benefit costs from the gross appropriation for the
27 line item.

1 (c) The amount that is proposed to be allocated to salary,
2 wage, and fringe benefit costs from the gross appropriation for the
3 line item on which was based the increase in the executive budget
4 proposal from the amount appropriated for the line item in the
5 department budget for the fiscal year ending September 30, 2010, if
6 different from the amount in subdivision (b).

7 (d) The portion of the amount described in subdivision (b)
8 that is proposed to be taken from each funding source identified in
9 the budget.

10 (e) The gross salary and wage expenditures for the line item
11 during the fiscal year ending September 30, 2009 and the estimated
12 salary and wage expenditures for the line item during the fiscal
13 year ending September 30, 2010.

14 (f) The estimated number of FTE positions supportable by the
15 amount described in subdivision (b).

16 **EXECUTIVE**

17 Sec. 301. (1) For 3 years after a felony offender is released
18 from the department's jurisdiction, the department shall maintain
19 the offender's file on the offender tracking information system and
20 make it publicly accessible in the same manner as the file of the
21 current offender. However, the department shall immediately remove
22 the offender's file from the offender tracking information system
23 upon determination that the offender was wrongfully convicted and
24 the offender's file is not otherwise required to be maintained on
25 the offender tracking information system.

26 (2) Information removed from the offender tracking information

1 system due to the expiration of 3 years following release of an
2 offender from the department's jurisdiction shall be retained by
3 the department and maintained in a password-protected archive.
4 Information in the archive shall be made available upon payment of
5 a fee as determined by the department. Revenue collected under this
6 section is appropriated for the costs of the offender tracking
7 information system, and any revenue collected in excess of the
8 costs of maintaining the offender tracking information system is
9 appropriated for information technology costs. The department shall
10 report quarterly on January 1, April 1, July 1, and September 30 to
11 the senate and house appropriations subcommittees on corrections,
12 the senate and house fiscal agencies, and the state budget director
13 on the fees charged and revenue collected under this section.

14 Sec. 302. A report on the mental health study required under
15 section 302 of 2007 PA 124, together with any recommendations
16 contained in the study and response from the department, shall be
17 provided to the members of the senate and house appropriations
18 subcommittees on corrections and community health, the senate and
19 house fiscal agencies, MDCH, and the state budget director no later
20 than 30 days after the receipt of the completed study. The report
21 shall include all of the information specified in section 302(2)(a)
22 to (j) of 2007 PA 124. The report also shall include a plan by the
23 department to implement those recommendations with which it agrees
24 and an explanation of any disagreements with recommendations. It is
25 the intent of the legislature to review the department's
26 implementation plan and, in coordination with the department, to
27 identify funds with which to implement the plan, as appropriate.

1 Sec. 303. It is the intent of the legislature that the
2 quantity of database systems in use by the department be optimal
3 for efficient data usage and communications. The department shall
4 report quarterly to the senate and house appropriations
5 subcommittees on corrections, the senate and house fiscal agencies,
6 and the state budget director on the status of the plan to
7 implement secure, encrypted, Internet-based database systems that
8 can electronically communicate with each other and with other law-
9 enforcement-related databases by September 30, 2010. The department
10 shall provide the reports not more than 15 days after the end of
11 each quarter.

12 Sec. 304. The director of the department shall develop a staff
13 savings initiative program to invite employees to submit
14 suggestions for saving costs for the department. The department
15 shall report quarterly to the senate and house appropriations
16 subcommittees on corrections, the senate and house fiscal agencies,
17 and the state budget director on the suggestions submitted under
18 this section, the implementation plan for those suggestions with
19 which the department agrees, and an explanation of any
20 disagreements with suggestions.

21 Sec. 305. By April 1, 2010, the department shall report to the
22 senate and house appropriations subcommittees on corrections, the
23 senate and house fiscal agencies, and the state budget director on
24 the number of prisoners who committed suicide during the previous
25 calendar year. To the extent permitted by law, the report shall
26 include all of the following information:

27 (a) The prisoner's age, offense, sentence, and admission date.

1 (b) Each prisoner's facility and unit.

2 (c) A description of the circumstances of the suicide.

3 (d) The date of the suicide.

4 (e) Whether the suicide occurred in a housing unit, a
5 segregation unit, a mental health unit, or elsewhere on the grounds
6 of the facility.

7 (f) Whether the prisoner had been denied parole and the date
8 of any denial.

9 (g) Whether the prisoner had received a mental health
10 evaluation or assessment.

11 (h) Details on the department's responses to each suicide,
12 including immediate on-site responses and subsequent internal
13 investigations.

14 (i) A description of any monitoring and psychiatric
15 interventions that had been undertaken prior to the prisoner's
16 suicide, including any changes in placement or mental health care.

17 (j) Whether the prisoner had previously attempted suicide.

18 **PLANNING AND COMMUNITY SUPPORT**

19 Sec. 401. The department shall submit 3-year and 5-year prison
20 population projection updates by February 1, 2010 to the senate and
21 house appropriations subcommittees on corrections, the senate and
22 house fiscal agencies, and the state budget director. The report
23 shall include explanations of the methodology and assumptions used
24 in developing the projection updates.

25 Sec. 402. It is the intent of the legislature that the funds
26 appropriated in part 1 for prisoner reintegration programs be

1 expended for the purpose of reducing victimization by reducing
2 offender recidivism through the following prisoner reintegration
3 programming:

4 (a) The provision of employment and job training.

5 (b) The provision of assistance in acquiring the documents
6 necessary to obtain a state identification card or operator's
7 license.

8 (c) The provision of housing assistance.

9 (d) Referral to mental health services.

10 (e) Referral to substance abuse services.

11 (f) Referral to public health services.

12 (g) Referral to education.

13 (h) Referral to any other services necessary for successful
14 reintegration.

15 Sec. 403. By April 1, 2010, the department shall provide a
16 report on MPRI expenditures and allocations to the members of the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director. At
19 a minimum, the report shall include information on both of the
20 following:

21 (a) Details on prior-year expenditures, including amounts
22 spent on each project funded, itemized by service provided and
23 service provider.

24 (b) Allocations and projected expenditures for each project
25 funded and for each project to be funded, itemized by service to be
26 provided and service provider.

27 Sec. 403a. (1) In collaboration with a technical committee

1 composed of representatives from the department, the senate and
2 house fiscal agencies, and the justice center of the council of
3 state governments, the department shall develop a performance-based
4 dashboard tracking and reporting system that establishes key
5 indicators of the Michigan prisoner reentry initiative. Indicators
6 shall reflect the status of and trends in key program elements and
7 whether targeted goals are being met.

8 (2) By October 30, 2009, the department shall identify the
9 dashboard indicators in a report to the senate and house
10 appropriations subcommittees on corrections, the senate and house
11 fiscal agencies, and the state budget director.

12 (3) By April 1, 2010, the department shall report dashboard
13 data to the senate and house appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget director.

16 Sec. 404. (1) The department shall screen and assess each
17 prisoner for alcohol and other drug involvement to determine the
18 need for further treatment. The assessment process shall be
19 designed to identify the severity of alcohol and other drug
20 addiction and determine the treatment plan, if appropriate.

21 (2) Subject to the availability of funding resources, the
22 department shall provide substance abuse treatment to prisoners
23 with priority given to those prisoners who are most in need of
24 treatment and who can best benefit from program intervention based
25 on the screening and assessment provided under subsection (1).

26 Sec. 405. (1) In expending residential substance abuse
27 treatment services funds appropriated under this act, the

1 department shall ensure to the maximum extent possible that
2 residential substance abuse treatment services are available
3 statewide.

4 (2) By April 1, 2010, the department shall report to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house fiscal agencies, and the state budget director on
7 the allocation, distribution, and expenditure of all funds
8 appropriated by the substance abuse testing and treatment line item
9 during fiscal year 2008-2009 and projected for fiscal year 2009-
10 2010. The report shall include, but not be limited to, an
11 explanation of an anticipated year-end balance, the number of
12 participants in substance abuse programs, and the number of
13 offenders on waiting lists for residential substance abuse
14 programs. Information required under this subsection shall, where
15 possible, be separated by MDOC administrative region and by
16 offender type, including, but not limited to, a distinction between
17 prisoners, parolees, and probationers.

18 (3) By April 1, 2010, the department shall report to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director on
21 substance abuse testing and treatment program objectives, outcome
22 measures, and results, including program impact on offender
23 behavior and recidivism.

24 Sec. 405a. It is the intent of the legislature that the
25 department work cooperatively with MDCH and substance abuse
26 coordinating agencies in referring offenders as appropriate to
27 intensive substance abuse services, including residential services.

1 Sec. 407. (1) By June 30, 2010, the department shall place the
2 2009 statistical report on an Internet site. The statistical report
3 shall include, but not be limited to, the information as provided
4 in the 2004 statistical report.

5 (2) It is the intent of the legislature that starting with
6 calendar year 2009, the statistical report be placed on an Internet
7 site within 6 months after the end of each calendar year.

8 Sec. 408. The department shall measure the recidivism rates of
9 offenders using at least a 3-year period following their release
10 from prison.

11 Sec. 409. The office of community corrections shall provide
12 and coordinate the delivery and implementation of services in
13 communities to facilitate successful offender reintegration into
14 the community. Programs and services to be offered shall include,
15 but are not limited to, technical assistance for comprehensive
16 corrections plan development, new program start-up funding, program
17 funding for those programs delivering services for eligible
18 offenders in geographic areas identified by the office of community
19 corrections as having a shortage of available services, technical
20 assistance, referral services for education, employment services,
21 and substance abuse and family counseling. As used in this act:

22 (a) "Alternative to incarceration in a state facility or jail"
23 means a program that involves offenders who receive a sentencing
24 disposition that appears to be in place of incarceration in a state
25 correctional facility or jail based on historical local sentencing
26 patterns or that amounts to a reduction in the length of sentence
27 in a jail.

1 (b) "Goal" means the intended or projected result of a
2 comprehensive corrections plan or community corrections program to
3 reduce prison commitment rates, to reduce the length of stay in a
4 jail, or to improve the utilization of a jail.

5 (c) "Jail" means a facility operated by a local unit of
6 government for the physical detention and correction of persons
7 charged with or convicted of criminal offenses.

8 (d) "Offender eligibility criteria" means particular criminal
9 violations, state felony sentencing guidelines descriptors, and
10 offender characteristics developed by advisory boards and approved
11 by local units of government that identify the offenders suitable
12 for community corrections programs funded through the office of
13 community corrections.

14 (e) "Offender target population" means felons or misdemeanants
15 who would likely be sentenced to imprisonment in a state
16 correctional facility or jail, who would not increase the risk to
17 the public safety, who have not demonstrated a pattern of violent
18 behavior, and who do not have criminal records that indicate a
19 pattern of violent offenses.

20 (f) "Offender who would likely be sentenced to imprisonment"
21 means either of the following:

22 (i) A felon or misdemeanor who receives a sentencing
23 disposition that appears to be in place of incarceration in a state
24 correctional facility or jail, according to historical local
25 sentencing patterns.

26 (ii) A currently incarcerated felon or misdemeanor who is
27 granted early release from incarceration to a community corrections

1 program or who is granted early release from incarceration as a
2 result of a community corrections program.

3 Sec. 410. (1) The funds included in part 1 for community
4 corrections comprehensive plans and services are to encourage the
5 development through technical assistance grants, implementation,
6 and operation of community corrections programs that serve as an
7 alternative to incarceration in a state facility or jail. The
8 comprehensive corrections plans shall include an explanation of how
9 the public safety will be maintained, the goals for the local
10 jurisdiction, offender target populations intended to be affected,
11 offender eligibility criteria for purposes outlined in the plan,
12 and how the plans will meet the following objectives, consistent
13 with section 8(4) of the community corrections act, 1988 PA 511,
14 MCL 791.408:

15 (a) Reduce admissions to prison of nonviolent offenders who
16 would have otherwise received an active sentence, including
17 probation violators.

18 (b) Improve the appropriate utilization of jail facilities,
19 the first priority of which is to open jail beds intended to house
20 otherwise prison-bound felons, and the second priority being to
21 appropriately utilize jail beds so that jail crowding does not
22 occur.

23 (c) Open jail beds through the increase of pretrial release
24 options.

25 (d) Reduce the readmission to prison of parole violators.

26 (e) Reduce the admission or readmission to prison of
27 offenders, including probation violators and parole violators, for

1 substance abuse violations.

2 (2) The award of community corrections comprehensive plans and
3 residential services funds shall be based on criteria that include,
4 but are not limited to, the prison commitment rate by category of
5 offenders, trends in prison commitment rates and jail utilization,
6 historical trends in community corrections program capacity and
7 program utilization, and the projected impact and outcome of annual
8 policies and procedures of programs on prison commitment rates and
9 jail utilization.

10 (3) Funds awarded for residential services in part 1 shall
11 provide for a per diem reimbursement of not more than \$47.50.

12 Sec. 411. The comprehensive corrections plans shall also
13 include, where appropriate, descriptive information on the full
14 range of sanctions and services that are available and utilized
15 within the local jurisdiction and an explanation of how jail beds,
16 residential services, the special alternative incarceration
17 program, probation detention centers, the electronic monitoring
18 program for probationers, and treatment and rehabilitative services
19 will be utilized to support the objectives and priorities of the
20 comprehensive corrections plans and the purposes and priorities of
21 section 8(4) of the community corrections act, 1988 PA 511, MCL
22 791.408. The plans shall also include, where appropriate,
23 provisions that detail how the local communities plan to respond to
24 sentencing guidelines found in chapter XVII of the code of criminal
25 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the
26 county jail reimbursement program under section 414. The state
27 community corrections board shall encourage local community

1 corrections advisory boards to include in their comprehensive
2 corrections plans strategies to collaborate with local alcohol and
3 drug treatment agencies of the MDCH for the provision of alcohol
4 and drug screening, assessment, case management planning, and
5 delivery of treatment to alcohol- and drug-involved offenders,
6 including, but not limited to, probation and parole violators who
7 are at risk of revocation.

8 Sec. 412. (1) As part of the March biannual report specified
9 in section 12(2) of the community corrections act, 1988 PA 511, MCL
10 791.412, that requires an analysis of the impact of that act on
11 prison admissions and jail utilization, the department shall submit
12 to the senate and house appropriations subcommittees on
13 corrections, the senate and house fiscal agencies, and the state
14 budget director the following information for each county and
15 counties consolidated for comprehensive corrections plans:

16 (a) Approved technical assistance grants and comprehensive
17 corrections plans including each program and level of funding, the
18 utilization level of each program, and profile information of
19 enrolled offenders.

20 (b) If federal funds are made available, the number of
21 participants funded, the number served, the number successfully
22 completing the program, and a summary of the program activity.

23 (c) Status of the community corrections information system and
24 the jail population information system.

25 (d) Data on residential services, including participant data,
26 participant sentencing guideline scores, program expenditures,
27 average length of stay, and bed utilization data.

1 (e) Offender disposition data by sentencing guideline range,
2 by disposition type, number and percent statewide and by county,
3 current year, and comparisons to the previous 3 years.

4 (f) Data on the use of funding made available under the felony
5 drunk driver jail reduction and community treatment program.

6 (2) The report required under subsection (1) shall include the
7 total funding allocated, program expenditures, required program
8 data, and year-to-date totals.

9 Sec. 413. (1) The department shall identify and coordinate
10 information regarding the availability of and the demand for
11 community corrections programs, jail-based community corrections
12 programs, and basic state-required jail data.

13 (2) The department is responsible for the collection,
14 analysis, and reporting of state-required jail data.

15 (3) As a prerequisite to participation in the programs and
16 services offered through the department, counties shall provide
17 basic jail data to the department.

18 Sec. 414. (1) The department shall administer a county jail
19 reimbursement program from the funds appropriated in part 1 for the
20 purpose of reimbursing counties for certain felons who otherwise
21 would have been sentenced to prison.

22 (2) The county jail reimbursement program shall reimburse
23 counties for convicted felons in the custody of the sheriff if the
24 conviction was for a crime committed on or after January 1, 1999
25 and 1 of the following applies:

26 (a) The felon's sentencing guidelines recommended range upper
27 limit is more than 18 months, the felon's sentencing guidelines

1 recommended range lower limit is 12 months or less, the felon's
2 prior record variable score is 35 or more points, and the felon's
3 sentence is not for commission of a crime in crime class G or crime
4 class H or a non-person crime in crime class F under chapter XVII
5 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
6 777.69.

7 (b) The felon's minimum sentencing guidelines range minimum is
8 more than 12 months.

9 (c) The felon was sentenced to jail for a felony committed
10 while he or she was on parole and under the jurisdiction of the
11 parole board and for which the sentencing guidelines recommended
12 range for the minimum sentence has an upper limit of more than 18
13 months.

14 (3) State reimbursement under this section shall be \$60.00 per
15 diem per diverted offender for offenders with a presumptive prison
16 guideline score, \$50.00 per diem per diverted offender for
17 offenders with a straddle cell guideline for a group one crime, and
18 \$35.00 per diem per diverted offender for offenders with a straddle
19 cell guideline for a group two crime. Reimbursements shall be paid
20 for sentences up to a 1-year total.

21 (4) The department and the state budget office shall, if
22 appropriate, recommend modification of the criteria for
23 reimbursement contained in subsection (2) to the chairs of the
24 house and senate appropriations subcommittees on corrections.

25 (5) County jail reimbursement program expenditures shall not
26 exceed the amount appropriated in part 1 for the county jail
27 reimbursement program. Payments to counties under the county jail

1 reimbursement program shall be made in the order in which properly
2 documented requests for reimbursements are received. A request
3 shall be considered to be properly documented if it meets MDOC
4 requirements for documentation. The department shall by October 15,
5 2009 distribute the documentation requirements to all counties.

6 (a) On a quarterly basis, the chairs of the senate and house
7 appropriations subcommittees on corrections shall convene a meeting
8 of a workgroup consisting of the Michigan department of
9 corrections, the Michigan sheriff's association, and the Michigan
10 association of counties for the purpose of all of the following:

11 (i) Reviewing the projected reimbursements compared to the
12 amount appropriated in part 1.

13 (ii) Determining whether there is a need for increased funding.

14 (iii) Recommending an appropriate funding level.

15 (6) As used in this section:

16 (a) "Group one crime" means a crime in 1 or more of the
17 following offense categories: arson, assault, assaultive other,
18 burglary, criminal sexual conduct, homicide or resulting in death,
19 other sex offenses, robbery, and weapon possession as determined by
20 the department based on specific crimes for which counties received
21 reimbursement under the county jail reimbursement program in fiscal
22 year 2007 and fiscal year 2008, and listed in the county jail
23 reimbursement program document titled "FY 2007 and FY 2008 Group
24 One Crimes Reimbursed," dated March 31, 2009.

25 (b) "Group two crime" means a crime that is not a group one
26 crime, including larceny, fraud, forgery, embezzlement, motor
27 vehicle, malicious destruction of property, controlled substance

1 offense, felony drunk driving, and other nonassaultive offenses.

2 (c) "In the custody of the sheriff" means that the convicted
3 felon has been sentenced to the county jail and either is housed in
4 the jail or has been released from jail and is being monitored
5 through the use of the sheriff's electronic monitoring system.

6 Sec. 415. (1) As a condition of receipt of the funds
7 appropriated in part 1 for community corrections plans and services
8 and residential services, the department shall only award those
9 funds requested under a properly prepared and approved
10 comprehensive corrections plan submitted under section 8 of the
11 community corrections act, 1988 PA 511, MCL 791.408, or directly
12 applied for under section 10 of the community corrections act, 1988
13 PA 511, MCL 791.410.

14 (2) The department shall only halt funding for an entity
15 funded under section 8 of the community corrections act, 1988 PA
16 511, MCL 791.408, in instances of substantial noncompliance during
17 the period covered by the plan.

18 Sec. 416. (1) Funds included in part 1 for the felony drunk
19 driver jail reduction and community treatment program are
20 appropriated for and may be expended for any of the following
21 purposes:

22 (a) To increase availability of treatment options to reduce
23 drunk driving and drunk driving-related deaths by addressing the
24 alcohol addiction of felony drunk drivers who otherwise likely
25 would be sentenced to jail or a combination of jail and other
26 sanctions.

27 (b) To divert from jail sentences or to reduce the length of

1 jail sentences for felony drunk drivers who otherwise would have
2 been sentenced to jail and whose recommended minimum sentence
3 ranges under sentencing guidelines established under chapter XVII
4 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
5 777.69, have upper limits of 18 months or less, through funding
6 programs that may be used in lieu of incarceration and that
7 increase the likelihood of rehabilitation.

8 (c) To provide a policy and funding framework to make
9 additional jail space available for housing convicted felons whose
10 recommended minimum sentence ranges under sentencing guidelines
11 established under chapter XVII of the code of criminal procedure,
12 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
13 less and who likely otherwise would be sentenced to prison, with
14 the aim of enabling counties to meet or exceed amounts received
15 through the county jail reimbursement program during fiscal year
16 2002-2003 and reducing the numbers of felons sentenced to prison.

17 (2) Expenditure of funds included in part 1 for the felony
18 drunk driver jail reduction and community treatment program shall
19 be by grant awards consistent with standards developed by a
20 committee of the state community corrections advisory board. The
21 chairperson of the committee shall be the board member representing
22 county sheriffs. Remaining members of the committee shall be
23 appointed by the chairperson of the board.

24 (3) In developing annual standards, the committee shall
25 consult with interested agencies and associations. Standards
26 developed by the committee shall include application criteria,
27 performance objectives and measures, funding allocations, and

1 allowable uses of the funds, consistent with the purposes specified
2 in this section.

3 (4) Allowable uses of the funds shall include reimbursing
4 counties for transportation, treatment costs, and housing felony
5 drunk drivers during a period of assessment for treatment and case
6 planning. Reimbursements for housing during the assessment process
7 shall be at the rate of \$43.50 per day per offender, up to a
8 maximum of 5 days per offender.

9 (5) The standards developed by the committee shall assign each
10 county a maximum funding allocation based on the amount the county
11 received under the county jail reimbursement program in fiscal year
12 2001-2002 for housing felony drunk drivers whose recommended
13 minimum sentence ranges under the sentencing guidelines described
14 in subsection (1)(c) had upper limits of 18 months or less.

15 (6) Awards of funding under this section shall be provided
16 consistent with the local comprehensive corrections plans developed
17 under the community corrections act, 1988 PA 511, MCL 791.401 to
18 791.414. Funds awarded under this section may be used in
19 conjunction with funds awarded under grant programs established
20 under that act. Due to the need for felony drunk drivers to be
21 transitioned from county jails to community treatment services, it
22 is the intent of the legislature that local units of government
23 utilize funds received under this section to support county sheriff
24 departments.

25 (7) As used in this section, "felony drunk driver" means a
26 felon convicted of operating a motor vehicle under the influence of
27 intoxicating liquor or a controlled substance, or both, third or

1 subsequent offense, under section 625(9)(c) of the Michigan vehicle
2 code, 1949 PA 300, MCL 257.625, or its predecessor statute,
3 punishable as a felony.

4 Sec. 417. (1) By April 1, 2010, the department shall report to
5 the members of the senate and house appropriations subcommittees on
6 corrections, the senate and house fiscal agencies, and the state
7 budget director on any new initiatives to control prison population
8 growth funded in the previous fiscal year or proposed to be funded
9 under part 1. For each program, the report shall include
10 information on each of the following:

11 (a) Program objectives and outcome measures.

12 (b) Expenditures by location.

13 (c) The impact on jail utilization.

14 (d) The impact on prison admissions.

15 (e) Other information relevant to an evaluation of the
16 program.

17 Sec. 418. (1) The department shall ensure that each prisoner
18 make all reasonable efforts to obtain the documents necessary to
19 obtain a state operator's license or state identification card
20 prior to a prisoner's discharge or parole hearing. The process for
21 prisoners to acquire this documentation shall be part of the
22 department's operating procedure.

23 (2) The department shall cooperate with MDCH to maintain a
24 process by which prisoners can obtain their birth certificates. By
25 April 1, 2010, the department shall report to the senate and house
26 appropriations subcommittees on corrections, the senate and house
27 fiscal agencies, and the state budget director on the process

1 developed under this section.

2 Sec. 419. (1) The department shall provide weekly electronic
3 mail reports to the senate and house appropriations subcommittees
4 on corrections, the senate and house fiscal agencies, and the state
5 budget director on prisoner, parolee, and probationer populations
6 by facility, and prison capacities.

7 (2) The department shall provide monthly electronic mail
8 reports to the senate and house appropriations subcommittees on
9 corrections, the senate and house fiscal agencies, and the state
10 budget director. The reports shall include information on end-of-
11 month prisoner populations in county jails, the net operating
12 capacity according to the most recent certification report,
13 identified by date, and end-of-month data, year-to-date data, and
14 comparisons to the prior year for the following:

15 (a) Community residential program populations, separated by
16 centers and electronic monitoring.

17 (b) Parole populations.

18 (c) Probation populations, with identification of the number
19 in special alternative incarceration.

20 (d) Prison and camp populations, with separate identification
21 of the number in special alternative incarceration and the number
22 of lifers.

23 (e) Parole board activity, including the numbers and
24 percentages of parole grants and parole denials.

25 (f) Prisoner exits, identifying transfers to community
26 placement, paroles from prisons and camps, paroles from community
27 placement, total movements to parole, prison intake, prisoner

1 deaths, prisoners discharging on the maximum sentence, and other
2 prisoner exits.

3 (g) Prison intake and returns, including probation violators,
4 new court commitments, violators with new sentences, escaper new
5 sentences, total prison intake, returns from court with additional
6 sentences, community placement returns, technical parole violator
7 returns, and total returns to prison and camp.

8 Sec. 420. By April 1, 2010, the department shall report to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house judiciary committees, the senate and house fiscal
11 agencies, and the state budget director on performance data and
12 efforts to improve efficiencies relative to departmental staffing,
13 health care services, food service, prisoner transportation, mental
14 health care services, and pharmaceutical costs.

15 Sec. 422. It is the intent of the legislature that MPRI
16 programs are maintained as standard operating procedure in the
17 department.

18 Sec. 423. (1) The department shall design and implement a
19 pilot project that has as its goal the reduction of criminal
20 behavior and of returns to prison of female technical parole
21 violators. The pilot project shall be of a design that is based on
22 evidence-based practices proven in other jurisdictions to reduce
23 criminal behavior.

24 (2) By May 1, 2010, the department shall report to the senate
25 and house appropriations subcommittees on corrections, the senate
26 and house fiscal agencies, and the state budget director on the
27 extent to which the program described in subsection (1) has been

1 successful, as evidenced by a reduction in the number of female
2 technical parole violator returns to prison compared to prior year
3 returns, and the extent to which any of the parolees enrolled in
4 the pilot project have either been convicted of new offenses or
5 have new pending charges upon return compared to paroles with
6 similar characteristics.

7 Sec. 424. (1) From the funds appropriated in part 1 for
8 residential services, the department shall develop and implement,
9 in collaboration with the judiciary, a pilot program that is based
10 on evidence-based practices related to judicial and case management
11 interventions that have been proven to increase public safety
12 for high-risk, high-need probationers as determined by a validated
13 risk and need assessment instrument. As used in this section,
14 "probationer" means a circuit court probationer serving a probation
15 sentence for a crime.

16 (2) The pilot program shall be implemented in 4 areas of the
17 state that are representative of areas with high rates of violent
18 crimes as described in the council of state governments' justice
19 center report on analyses of crime, community corrections, and
20 sentencing policies in Michigan.

21 (3) The primary goal of the pilot program is to reduce crime
22 and revictimization by high-risk, high-need probationers. The
23 secondary goal of the pilot program is to reduce expenditures for
24 long-term incarceration.

25 (4) The pilot program may provide up to 6 months of
26 residential services, and treatment methods, and interventions that
27 are evidence-based, including, but not limited to, the following:

1 (a) Risk/needs assessment.

2 (b) Motivational techniques.

3 (c) Type, intensity, and duration of treatment based on each
4 offender's risk and needs and delivered consistent with evidence-
5 based practices.

6 (5) The department shall implement the evidence-based practice
7 of collaborative case management and utilize the department's and
8 local community corrections' services consistent with the local
9 comprehensive corrections plan developed under the community
10 corrections act, 1988 PA 511, MCL 791.401 to 791.414.

11 (6) The department shall assign a probation officer to the
12 pilot program to supervise a specialized caseload for high-risk,
13 high-need probationers.

14 (7) The probation officer shall work in cooperation with the
15 local judiciary and the community corrections advisory board in a
16 collaborative effort toward the goals of promoting offender success
17 and reducing crime and revictimization.

18 (8) The probation officer assigned to the pilot program shall
19 comply with supervision requirements established for the pilot
20 program by the field operations administration deputy director.

21 (9) The department shall identify and coordinate information
22 for each local jurisdiction selected for the pilot program
23 regarding the rate of incarceration of high-risk, high-need
24 probationers to ensure that appropriate offenders are targeted for
25 the pilot program.

26 (10) From the funds appropriated in part 1 for public
27 education and training, the department shall collaborate with the

1 local judiciary, community corrections advisory board, and service
2 providers to develop and provide appropriate training for all local
3 stakeholders involved in the pilot program described in this
4 section.

5 (11) From the funds provided to the local jurisdiction for the
6 pilot project, the department shall collaborate with the local
7 judiciary and the community corrections advisory board to develop
8 and implement an evaluation of the pilot project that will show the
9 impact of the project on the arrests, convictions, technical
10 violations, and commitments to prison of the pilot project
11 participants. This evaluation shall be performed in accordance with
12 department of corrections policy and procedure on evaluation design
13 in cooperation with the office of research and planning.

14 (12) By May 1, 2010, the department shall report to the senate
15 and house appropriations subcommittees on corrections, the senate
16 and house fiscal agencies, and the state budget director on the
17 status of the pilot project prescribed under this section,
18 including information on all of the following:

19 (a) Pilot locations and participating courts.

20 (b) The number of probationers participating in the pilot
21 categorized by location and offense.

22 (c) Evaluation status and methodology.

23 (d) Preliminary results, if any.

24 **OPERATIONS AND SUPPORT ADMINISTRATION**

25 Sec. 501. From the funds appropriated in part 1 for
26 prosecutorial and detainer expenses, the department shall reimburse

1 counties for housing and custody of parole violators and offenders
2 being returned by the department from community placement who are
3 available for return to institutional status and for prisoners who
4 volunteer for placement in a county jail.

5 Sec. 502. Funds included in part 1 for the sheriffs'
6 coordinating and training office are appropriated for and may be
7 expended to defray costs of continuing education, certification,
8 recertification, decertification, and training of local corrections
9 officers, the personnel and administrative costs of the sheriffs'
10 coordinating and training office, the local corrections officers
11 advisory board, and the sheriffs' coordinating and training council
12 under the local corrections officers training act, 2003 PA 125, MCL
13 791.531 to 791.546.

14 Sec. 503. Funds appropriated in part 1 for administrative
15 hearings officers are appropriated as an interdepartmental grant to
16 the department of energy, labor, and economic growth for the
17 purpose of funding administrative hearings officers for
18 adjudication of grievances pertaining to the department of
19 corrections. The department shall not expend appropriations from
20 part 1 to satisfy charges from the department of energy, labor, and
21 economic growth for administrative hearings officers in excess of
22 the amount expressly appropriated by this act for the
23 administrative hearings officers unless funding is transferred into
24 this line under section 393(2) of the management and budget act,
25 1984 PA 431, MCL 18.1393.

26 Sec. 505. The department shall train all custody staff in
27 effective and safe ways of handling prisoners with mental illness

1 and referring prisoners to mental health treatment programs. Mental
2 health awareness training shall be incorporated into the training
3 of new custody staff.

4 **FIELD OPERATIONS ADMINISTRATION**

5 Sec. 601. (1) From the funds appropriated in part 1, the
6 department shall conduct a statewide caseload audit of field
7 agents. The audit shall address public protection issues and assess
8 the ability of the field agents to complete their professional
9 duties. The results of the audit shall be submitted to the senate
10 and house appropriations subcommittees on corrections and the
11 senate and house fiscal agencies, and the state budget office by
12 May 31, 2010.

13 (2) It is the intent of the legislature that the department
14 maintain a number of field agents sufficient to meet supervision
15 and workload standards.

16 Sec. 602. (1) Of the amount appropriated in part 1 for field
17 operations, a sufficient amount shall be allocated for the
18 community service work program and shall be used for salaries and
19 wages and fringe benefit costs of community service coordinators
20 employed by the department to supervise offenders participating in
21 work crew assignments. Funds shall also be used to cover motor
22 transport division rates on state vehicles used to transport
23 offenders to community service work project sites.

24 (2) The community service work program shall provide offenders
25 with community service work of tangible benefit to a community
26 while fulfilling court-ordered community service work sanctions and

1 other postconviction obligations.

2 (3) As used in this section, "community service work" means
3 work performed by an offender in an unpaid position with a
4 nonprofit or tax-supported or government agency for a specified
5 number of hours of work or service within a given time period.

6 Sec. 603. (1) All prisoners, probationers, and parolees
7 involved with the electronic tether program shall reimburse the
8 department for costs associated with their participation in the
9 program. The department may require community service work
10 reimbursement as a means of payment for those able-bodied
11 individuals unable to pay for the costs of the equipment.

12 (2) Program participant contributions and local community
13 tether program reimbursement for the electronic tether program
14 appropriated in part 1 are related to program expenditures and may
15 be used to offset expenditures for this purpose.

16 (3) Included in the appropriation in part 1 is adequate
17 funding to implement the community tether program to be
18 administered by the department. The community tether program is
19 intended to provide sentencing judges and county sheriffs in
20 coordination with local community corrections advisory boards
21 access to the state's electronic tether program to reduce prison
22 admissions and improve local jail utilization. The department shall
23 determine the appropriate distribution of the tether units
24 throughout the state based upon locally developed comprehensive
25 corrections plans under the community corrections act, 1988 PA 511,
26 MCL 791.401 to 791.414.

27 (4) For a fee determined by the department, the department

1 shall provide counties with the tether equipment, replacement
2 parts, administrative oversight of the equipment's operation,
3 notification of violators, and periodic reports regarding county
4 program participants. Counties are responsible for tether equipment
5 installation and service. For an additional fee as determined by
6 the department, the department shall provide staff to install and
7 service the equipment. Counties are responsible for the
8 coordination and apprehension of program violators.

9 (5) Any county with tether charges outstanding over 60 days
10 shall be considered in violation of the community tether program
11 agreement and lose access to the program.

12 Sec. 608. By April 1, 2010, the department shall report to the
13 senate and house appropriations subcommittees on corrections, the
14 senate and house fiscal agencies, and the state budget director on
15 the use of GPS electronic monitoring. At a minimum, the report
16 shall include all of the following:

17 (a) Details on the failure rate of parolees for whom GPS
18 tether is utilized, including the number and rate of parolee
19 technical violations, including specifying failures due to
20 committing a new crime that is uncharged but leads to parole
21 termination, and the number and rate of parolee violators with new
22 sentences.

23 (b) Information on the factors considered in determining
24 whether an offender is placed on active GPS tether, passive GPS
25 tether, radio frequency tether, or some combination of these or
26 other types of electronic monitoring.

27 (c) Monthly data on the number of offenders on active GPS

1 tether, passive GPS tether, radio frequency tether, and any other
2 type of tether.

3 Sec. 609. By April 1, 2010, the department shall report to the
4 senate and house appropriations subcommittees on corrections, the
5 senate and house fiscal agencies, and the state budget director on
6 the use of kiosk reporting stations. At a minimum, the report shall
7 include all of the following:

8 (a) Factors considered in determining whether an offender is
9 assigned to report at a kiosk.

10 (b) Information on the location, costs, safety features, and
11 other features of kiosks used for offender reporting.

12 (c) Information on pilot program outcome measures.

13 (d) An evaluation of the kiosk reporting pilot program,
14 including any need for improvement and an assessment of the
15 potential for expanded use of kiosk reporting stations.

16 Sec. 611. The department shall prepare by April 1, 2010
17 individual reports for the community reentry program, the
18 electronic tether program, and the special alternative to
19 incarceration program. The reports shall be submitted to the house
20 and senate appropriations subcommittees on corrections, the house
21 and senate fiscal agencies, and the state budget director. Each
22 program's report shall include information on all of the following:

23 (a) Monthly new participants by type of offender. Community
24 re-entry program participants shall be categorized by reason for
25 placement. For technical rule violators, the report shall sort
26 offenders by length of time since release from prison, by the most
27 recent violation, and by the number of violations occurring since

1 release from prison.

2 (b) Monthly participant unsuccessful terminations, including
3 cause.

4 (c) Number of successful terminations.

5 (d) End month population by facility/program.

6 (e) Average length of placement.

7 (f) Return to prison statistics.

8 (g) Description of each program location or locations,
9 capacity, and staffing.

10 (h) Sentencing guideline scores and actual sentence statistics
11 for participants, if applicable.

12 (i) Comparison with prior year statistics.

13 (j) Analysis of the impact on prison admissions and jail
14 utilization and the cost effectiveness of the program.

15 Sec. 612. (1) The department shall review and revise as
16 necessary policy proposals that provide alternatives to prison for
17 offenders being sentenced to prison as a result of technical
18 probation violations and technical parole violations. To the extent
19 the department has insufficient policies or resources to affect the
20 continued increase in prison commitments among these offender
21 populations, the department shall explore other policy options to
22 allow for program alternatives, including department or OCC-funded
23 programs, local level programs, and programs available through
24 private agencies that may be used as prison alternatives for these
25 offenders.

26 (2) To the extent policies or programs described in subsection
27 (1) are used, developed, or contracted for, the department may

1 request that funds appropriated in part 1 be transferred under
2 section 393(2) of the management and budget act, 1984 PA 431, MCL
3 18.1393, for their operation.

4 (3) The department shall continue to utilize parole violator
5 processing guidelines that require parole agents to utilize all
6 available appropriate community-based, nonincarcerative postrelease
7 sanctions and services when appropriate. The department shall
8 periodically evaluate such guidelines for modification, in response
9 to emerging information from the pilot projects for substance abuse
10 treatment provided under this act and applicable provisions of
11 prior budget acts for the department.

12 (4) The department shall provide quarterly reports to the
13 senate and house appropriations subcommittees on corrections, the
14 senate and house fiscal agencies, and the state budget director on
15 the number of all parolees returned to prison and probationers
16 sentenced to prison for either a technical violation or new
17 sentence during the preceding calendar quarter. The reports shall
18 include the following information each for probationers, parolees
19 after their first parole, and parolees who have been paroled more
20 than once:

21 (a) The numbers of parole and probation violators returned to
22 or sent to prison for a new crime with a comparison of original
23 versus new offenses by major offense type: assaultive,
24 nonassaultive, drug, and sex.

25 (b) The numbers of parole and probation violators returned to
26 or sent to prison for a technical violation and the type of
27 violation, including, but not limited to, zero gun tolerance and

1 substance abuse violations. For parole technical rule violators,
2 the report shall list violations by type, by length of time since
3 release from prison, by the most recent violation, and by the
4 number of violations occurring since release from prison.

5 (c) The educational history of those offenders, including how
6 many had a GED or high school diploma prior to incarceration in
7 prison, how many received a GED while in prison, and how many
8 received a vocational certificate while in prison.

9 (d) The number of offenders who participated in the MPRI
10 versus the number of those who did not.

11 (e) The unduplicated number of offenders who participated in
12 substance abuse treatment programs, mental health treatment
13 programs, or both, while in prison, itemized by diagnosis.

14 Sec. 613. Appropriations in part 1 include funding for the
15 operations of a parole board and a special parole board as provided
16 under the corrections code of 1953, 1953 PA 232, MCL 791.201 to
17 791.285, as amended by House Bill Nos. 4710 and 4711 of the 95th
18 Legislature. Expenditures for costs associated with the parole
19 board or the special parole board may be made only in accordance
20 with the corrections code of 1953, 1953 PA 232, MCL 791.201 to
21 791.285, as amended by House Bill Nos. 4710 and 4711 of the 95th
22 Legislature.

23 HEALTH CARE

24 Sec. 801. The department shall not expend funds appropriated
25 under part 1 for any surgery, procedure, or treatment to provide or
26 maintain a prisoner's sex change unless it is determined medically

1 necessary by the chief medical officer of the department.

2 Sec. 802. As a condition of expenditure of the funds
3 appropriated in part 1, the department shall provide the senate and
4 house of representatives appropriations subcommittees on
5 corrections, the senate and house fiscal agencies, and the state
6 budget director with all of the following:

7 (a) Quarterly reports on physical and mental health care
8 detailing the average number of days between a prisoner's diagnosis
9 and commencement of treatment for that diagnosis, quarterly and
10 fiscal year-to-date expenditures itemized by vendor, allocations,
11 status of payments from contractors to vendors, and projected year-
12 end expenditures from accounts for prisoner health care, mental
13 health care, pharmaceutical services, and durable medical
14 equipment.

15 (b) Regular updates on progress on requests for proposals and
16 requests for information pertaining to prisoner health care and
17 mental health care, until the applicable contract is approved.

18 Sec. 804. (1) The department shall report quarterly to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director on
21 prisoner health care utilization. The report shall include the
22 number of inpatient hospital days, outpatient visits, and emergency
23 room visits in the previous quarter and since October 1, 2009, by
24 facility.

25 (2) By April 1, 2010, the department shall report to the
26 senate and house appropriations subcommittees on corrections, the
27 senate and house fiscal agencies, and the state budget director on

1 prisoners receiving off-site inpatient medical care that would have
2 received care in a state correctional facility if beds were
3 available. The report shall include the number of prisoners
4 receiving off-site inpatient medical care and average length of
5 stay in an off-site facility during the period they would have
6 received care in a state correctional facility if beds were
7 available, by month and correctional facilities administration
8 region.

9 Sec. 805. The bureau of health care services shall develop
10 information on Hepatitis C and HIV prevention and the risks
11 associated with exposure to Hepatitis C and HIV. The health care
12 providers shall disseminate this information verbally and in
13 writing to each prisoner at the health screening and full health
14 appraisal conducted at admissions, at the annual health care
15 screening 30 days before or after a prisoner's birthday, and prior
16 to release to the community by parole, transfer to community
17 residential placement, or discharge on the maximum sentence.

18 Sec. 806. (1) From the funds appropriated in part 1, the
19 department shall require a Hepatitis C antibody test and an HIV
20 test for each prisoner prior to release to the community by parole,
21 transfer to community residential placement, or discharge on the
22 maximum sentence. The department shall require an HIV test and a
23 Hepatitis C risk factor screening for each prisoner at the health
24 screening at admissions. If Hepatitis C risk factors are
25 identified, the department shall offer the prisoner a Hepatitis C
26 antibody test. An explanation of results of the tests shall be
27 provided confidentially to the prisoner, and if appropriate based

1 on the test results, the prisoner shall also be provided a
2 recommendation to seek follow-up medical attention.

3 (2) By March 1, 2010, the department shall report to the
4 senate and house appropriations subcommittees on corrections, the
5 senate and house appropriations subcommittees on community health,
6 the senate and house fiscal agencies, and the state budget director
7 on the number of offenders tested and the number of offenders
8 testing positive for HIV, the Hepatitis C antibody, or both at
9 prison admission and parole, transfer to community residential
10 placement, or discharge on the maximum sentence. The department
11 shall keep records of those offenders testing positive for HIV, the
12 Hepatitis C antibody, or both at prison admission, parole, transfer
13 to community residential placement, and discharge. These records
14 shall clearly state the date each test was performed.

15 (3) As a condition of expenditure of the funds appropriated in
16 part 1, the department shall keep records of the following:

17 (a) The number of offenders testing positive for the Hepatitis
18 C antibody who do not receive treatment, by reason for not
19 participating.

20 (b) The number of offenders achieving a sustained viral
21 response from Hepatitis C treatment.

22 (c) Cost and duration of treatment by offender.

23 Sec. 807. The department shall ensure that all medications for
24 a prisoner be transported with that prisoner when the prisoner is
25 transferred from 1 correctional facility to another. Prisoners
26 being released shall be provided with a supply of medication to
27 allow for continuity of care in the community.

1 Sec. 808. There are sufficient funds and FTEs appropriated in
2 part 1 to provide a full complement of nurses for clinical
3 complexes working regular pay hours, and it is the intent of the
4 legislature that sufficient nurses be hired or retained to limit
5 the use of overtime other-than-holiday pay.

6 Sec. 809. The department, in conjunction with efforts to
7 implement the MPRI, shall cooperate with the MDCH to share data and
8 information as they relate to prisoners being released who are HIV
9 positive or positive for the Hepatitis C antibody. By April 1,
10 2010, the department shall report to the senate and house
11 appropriations subcommittees on corrections, the senate and house
12 fiscal agencies, and the state budget director on all of the
13 following:

14 (a) Programs and the location of programs implemented as a
15 result of the work under this section.

16 (b) The number of prisoners released to the community by
17 parole, discharge on the maximum sentence, or transfer to community
18 residential placement who are HIV positive, positive for the
19 Hepatitis C antibody, or both.

20 (c) The number of offenders referred to the local public
21 health department, by county.

22 Sec. 811. By February 1, 2010, the department shall report to
23 the senate and house appropriations subcommittees on corrections,
24 the senate and house fiscal agencies, and the state budget director
25 on the status of efforts to implement continuous quality
26 improvement for prisoner health care. At a minimum, the report
27 shall identify the processes that were in place before the start of

1 the fiscal year, the processes undertaken since the beginning of
2 the fiscal year, and plans for future changes.

3 Sec. 812. (1) It is the intent of the legislature that the
4 department continue to provide the department of human services
5 with a monthly list of prisoners newly committed to the department
6 of corrections. The department and the department of human services
7 shall enter into an interagency agreement under which the
8 department of human services provides the department of corrections
9 with monthly lists of newly committed prisoners who are eligible
10 for Medicaid benefits. The department shall assist prisoners who
11 may be eligible for Medicaid benefits after release from prison
12 with the Medicaid enrollment process prior to release from prison.

13 (2) The department shall provide the senate and house
14 appropriations subcommittees on corrections, the senate and house
15 fiscal agencies, and the state budget director with regular updates
16 on the utilization of Medicaid benefits for prisoners.

17 CORRECTIONAL FACILITIES ADMINISTRATION

18 Sec. 901. By February 1, 2010, the department shall provide to
19 the senate and house appropriations subcommittees on corrections,
20 the senate and house fiscal agencies, and the state budget director
21 a report on the impact of converting all facilities to tobacco-free
22 status. At a minimum, the report shall include details on the
23 department's efforts to provide tobacco cessation programs for
24 prisoners and staff, and the impact on institutional safety and
25 security of making all facilities tobacco-free.

26 Sec. 902. From the funds appropriated in part 1, the

1 department shall allocate sufficient funds to develop a pilot
2 children's visitation program. The pilot program shall teach
3 parenting skills and arrange for day visitation at these facilities
4 for parents and their children, except for the families of
5 prisoners convicted of a crime involving criminal sexual conduct in
6 which the victim was less than 18 years of age or involving child
7 abuse.

8 Sec. 903. Except as otherwise provided in this section, the
9 department shall prohibit prisoners' access to or use of the
10 Internet or any similar system. Under adequate supervision and with
11 security precautions that ensure appropriate computer use by
12 prisoners, the department may allow a prisoner access to or use of
13 the Internet for the purposes of educational programming,
14 employment training, job searches, or other Internet-based programs
15 and services consistent with programming objectives, efficient
16 operations, and the safety and security of the institution.

17 Sec. 904. Any department employee who, in the course of his or
18 her job, is determined by a physician to have had a potential
19 exposure to the Hepatitis B virus, shall receive a Hepatitis B
20 vaccination upon request.

21 Sec. 905. (1) The inmate housing fund shall be used for the
22 custody, treatment, clinical, and administrative costs associated
23 with the housing of prisoners other than those specifically
24 budgeted for elsewhere in this act. Included in the negative
25 appropriation for the inmate housing fund are savings that may be
26 derived from improved operational efficiencies, personnel cost
27 reductions, increased use of contracting for services and

1 operations, and bed closures.

2 (2) Funding in the inmate housing fund is appropriated into a
3 separate control account. Funding in the control account shall be
4 distributed as necessary into separate accounts created to
5 separately identify costs for specific purposes.

6 (3) Quarterly reports on all expenditures from the inmate
7 housing fund shall be submitted by the department to the state
8 budget director, the senate and house appropriations subcommittees
9 on corrections, and the senate and house fiscal agencies.

10 Sec. 906. The department shall establish a uniform rate to be
11 paid by public and private agencies that benefit from public work
12 services provided by special alternative incarceration participants
13 and prisoners.

14 Sec. 907. The department shall report quarterly to the senate
15 and house appropriations subcommittees on corrections, the senate
16 and house fiscal agencies, and the state budget director on
17 academic/vocational programs. The report shall provide information
18 relevant to an assessment of the department's academic and
19 vocational programs, including, but not limited to, the following:

20 (a) The number of instructors and the number of instructor
21 vacancies, by program and facility.

22 (b) The number of prisoners enrolled in each program, the
23 number of prisoners completing each program, the number of
24 prisoners who fail each program, the number of prisoners who do not
25 complete each program and the reason for not completing the
26 program, the number of prisoners transferred to another facility
27 while enrolled in a program and the reason for transfer, the number

1 of prisoners enrolled who are repeating the program by reason, and
2 the number of prisoners on waiting lists for each program, all
3 itemized by facility.

4 (c) The steps the department has undertaken to improve
5 programs, track records, accommodate transfers and prisoners with
6 health care needs, and reduce waiting lists.

7 (d) The number of prisoners paroled without a high school
8 diploma or a GED.

9 (e) An explanation of the value and purpose of each program,
10 e.g., to improve employability, reduce recidivism, reduce prisoner
11 idleness, or some combination of these and other factors.

12 (f) An identification of program outcomes for each academic
13 and vocational program.

14 (g) An explanation of the department's plans for academic and
15 vocational programs.

16 Sec. 908. By February 1, 2010, the department shall report to
17 the senate and house appropriations subcommittees on corrections,
18 the senate and house fiscal agencies, and the state budget
19 director, the percent of offenders included in the prison
20 population intake for fiscal years 2007-2008 and 2008-2009 who have
21 a high school diploma or a GED.

22 Sec. 910. The department shall allow the Michigan Braille
23 transcribing fund program to operate at its current location. The
24 donation of the building by the Michigan Braille transcribing fund
25 at the G. Robert Cotton correctional facility in Jackson is
26 acknowledged and appreciated. The department shall continue to
27 encourage the Michigan Braille transcribing fund to produce high-

1 quality materials for use by the visually impaired.

2 Sec. 911. (1) From the appropriations in part 1, the
3 department shall ensure that all prisoner activities shall include
4 the presence of a sufficient number of correctional officers needed
5 to maintain the safety and security of the institution.

6 (2) By February 1, 2010, the department shall report to the
7 senate and house appropriations subcommittees on corrections, the
8 senate and house fiscal agencies, and the state budget director the
9 number of critical incidents occurring each month by type and the
10 number and severity of assaults occurring each month at each
11 facility during calendar year 2009.

12 Sec. 912. The department shall report to the senate and house
13 appropriations subcommittees on corrections, the senate and house
14 fiscal agencies, and the state budget director by April 1, 2010 on
15 the ratio of correctional officers to prisoners for each
16 correctional institution, the ratio of shift command staff to line
17 custody staff, and the ratio of noncustody institutional staff to
18 prisoners for each correctional institution.

19 Sec. 913. The department shall develop and maintain a
20 statewide waiting list for offenders referred for assessment for
21 the assaultive offender program for parole eligibility and, if
22 possible, shall transfer prisoners into facilities where assaultive
23 offender programs are available in order to facilitate timely
24 participation and completion prior to parole eligibility hearings.
25 Nothing in this section should be deemed to make parole denial
26 appealable in court.

27 Sec. 914. Funds appropriated in part 1 for transportation are

1 appropriated for costs incurred by the department in transporting
2 offenders. It is the intent of the legislature that costs of
3 offender transportation be met through expenditure of the line item
4 for transportation, and that any costs in excess of the amount
5 expressly appropriated for transportation be met solely through
6 transfers into that line item under section 393(2) of the
7 management and budget act, 1984 PA 431, MCL 18.1393.

8 Sec. 915. Funds appropriated in part 1 for prison food service
9 are appropriated for costs incurred by the department in providing
10 food to prisoners, to department employees as provided by
11 collective bargaining agreements, and to governmental agencies as
12 provided by interagency agreements and contracts. It is the intent
13 of the legislature that costs of prison food service be met through
14 expenditure of the line item for prison food service, and that any
15 costs in excess of the amount expressly appropriated for prison
16 food service be met solely through transfers into that line item
17 under section 393(2) of the management and budget act, 1984 PA 431,
18 MCL 18.1393.

19 Sec. 917. From the funds appropriated in part 1, the
20 department shall allocate sufficient funds to implement evidence-
21 based pilot programs that change offenders' behaviors, values,
22 beliefs, and attitudes toward victims and the community.

23 Sec. 918. Following receipt of an auditor general performance
24 audit on offender transportation, the department, in conjunction
25 with the department of management and budget, shall issue a request
26 for information on the possible bidding of all offender
27 transportation services. State employees shall be given the

1 opportunity to respond to a request for information on offender
2 transportation services. Any response to the request for
3 information shall include an explanation of how savings of at least
4 5% over existing costs of offender transportation would be
5 realized.

6 Sec. 919. (1) As a condition of expending funds appropriated
7 in part 1 for prison food service, the department shall comply with
8 the provisions of sections 207 and 207a, including, but not limited
9 to, all of the following criteria:

10 (a) Providing a complete project plan at least 120 days prior
11 to issuing a request for proposals or an invitation to bid for all
12 or a substantial portion of food service, including a contract for
13 food procurement.

14 (b) Conducting a preprivatization cost-benefit analysis as
15 described by section 207a.

16 (c) Providing a copy of the cost-benefit analysis to the
17 senate and house appropriations subcommittees on corrections, the
18 senate and house fiscal agencies, and the state budget director
19 before the earliest of the following:

20 (i) Issuance of a request for proposals or invitation to bid.

21 (ii) Filing a contract change request with the state
22 administrative board.

23 (iii) Entering into a contract for all or a substantial portion
24 of prison food service.

25 (2) As a condition of expending funds appropriated in part 1
26 for prison food service, any contract for prison food service or
27 prison food procurement shall identify all of the following:

1 (a) How savings of at least 5% over existing costs of prison
2 food service would be realized.

3 (b) How the department will comply with the requirements of
4 sections 209 and 212.

5 (c) How food quality will be maintained in conjunction with
6 any cost savings.

7 (d) The impact on local vendors, growers, and processors,
8 identified by facility or region, as appropriate, compared to
9 prior-year purchases.

10 Sec. 923. The department shall cooperate with the department
11 of education to evaluate the feasibility of local school districts
12 providing education programming to targeted prisoners under the age
13 of 20 who have not received a high school diploma. By June 1, 2010,
14 the department shall report to the senate and house appropriations
15 subcommittees on corrections, the senate and house fiscal agencies,
16 and the state budget director on any plans or evaluations developed
17 under this section.

18 Sec. 924. The department shall evaluate all prisoners at
19 intake for substance abuse disorders, developmental disorders, and
20 serious mental illness. Prisoners with serious mental illness shall
21 not be confined in administrative segregation due to behavior that
22 is symptomatic of serious mental illness. Under the supervision of
23 a mental health professional, a prisoner with serious mental
24 illness may be secluded in a therapeutic environment for the safety
25 of the prisoner or others. A prisoner in seclusion shall be
26 evaluated every 12 hours by a mental health professional in order
27 to remain in seclusion. As used in this section:

1 (a) "Administrative segregation" means confinement for
2 maintenance of order or discipline to a cell or room apart from
3 accommodations provided for inmates who are participating in
4 programs of the facility.

5 (b) "Serious mental illness" means that term as defined in
6 section 100d(3) of the mental health code, 1974 PA 328, MCL
7 330.1100d.

8 Sec. 925. By March 1, 2010, the department shall report to the
9 senate and house appropriations subcommittees on corrections, the
10 senate and house fiscal agencies, and the state budget director on
11 the annual number of prisoners in administrative segregation
12 between October 1, 2003 and September 30, 2009, and the annual
13 number of prisoners in administrative segregation between October
14 1, 2003 and September 30, 2009 who at any time during the current
15 or prior prison term were diagnosed with serious mental illness or
16 have a developmental disorder and the number of days each of the
17 prisoners with serious mental illness or a developmental disorder
18 have been confined to administrative segregation. As used in this
19 section:

20 (a) "Administrative segregation" means confinement for
21 maintenance of order or discipline to a cell or room apart from
22 accommodations provided for inmates who are participating in
23 programs of the facility.

24 (b) "Serious mental illness" means that term as defined in
25 section 100d(3) of the mental health code, 1974 PA 328, MCL
26 330.1100d.

27 Sec. 927. It is the intent of the legislature that the

1 department of corrections and the department of human services
2 examine the potential of entering into an intergovernmental
3 agreement to place offenders less than 19 years of age who are
4 committed to the department of corrections in underutilized units
5 of the W.J. Maxey training school. The facilities shall be used to
6 house offenders less than 19 years of age who are currently
7 committed to the department of corrections.

8 Sec. 928. Funding appropriated in part 1 for consent decree
9 line items is appropriated into separate control accounts created
10 for each line item. Funding in each control account shall be
11 distributed as necessary into separate accounts created for the
12 purpose of separately identifying costs and expenditures associated
13 with each consent decree.

14 Sec. 929. From the funds appropriated in part 1, the
15 department shall do all of the following:

16 (a) Ensure that any inmate care and control staff in contact
17 with prisoners less than 19 years of age are adequately trained
18 with regard to the developmental and mental health needs of
19 prisoners less than 19 years of age.

20 (b) Provide appropriate placement for prisoners less than 19
21 years of age who have serious mental illness or a developmental
22 disorder and who need to be housed separately from the general
23 population. It is the intent of the legislature that prisoners less
24 than 19 years of age who have serious mental illness or a
25 developmental disorder not be placed in administrative segregation.

26 (c) Implement a specialized reentry program that recognizes
27 the needs of prisoners less than 19 years old for supervised

1 reentry.