

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 951, entitled

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

(attached)

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

John Proos

Joe Haveman

Roger Kahn

Greg MacMaster

Glenn Anderson

Steven Lindberg

Conferees for the Senate

Conferees for the House

**SUBSTITUTE FOR
SENATE BILL NO. 951**

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS
FOR FISCAL YEAR 2012-2013

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, 2013, from the funds indicated in this part. The following is a summary of the appropriations in this part:

1 **DEPARTMENT OF CORRECTIONS**

2 APPROPRIATION SUMMARY

| | | | |
|----|--|---------------|------------------|
| 3 | Average population | 43,953 | |
| 4 | Full-time equated unclassified positions..... | 16.0 | |
| 5 | Full-time equated classified positions..... | 14,679.2 | |
| 6 | GROSS APPROPRIATION..... | | \$ 2,000,915,900 |
| 7 | Appropriated from: | | |
| 8 | Interdepartmental grant revenues: | | |
| 9 | Total interdepartmental grants and intradepartmental | | |
| 10 | transfers | | 992,100 |
| 11 | ADJUSTED GROSS APPROPRIATION..... | | \$ 1,999,923,800 |
| 12 | Federal revenues: | | |
| 13 | Total federal revenues..... | | 8,784,400 |
| 14 | Special revenue funds: | | |
| 15 | Total local revenues..... | | 264,300 |
| 16 | Total private revenues..... | | 0 |
| 17 | Total other state restricted revenues..... | | 49,389,500 |
| 18 | State general fund/general purpose..... | | \$ 1,941,485,600 |
| 19 | State general fund/general purpose schedule: | | |
| 20 | Ongoing state general fund/general | | |
| 21 | purpose | 1,927,482,300 | |
| 22 | One-time state general fund/general | | |
| 23 | purpose | 14,003,300 | |
| 24 | Sec. 102. EXECUTIVE | | |
| 25 | Full-time equated unclassified positions..... | 16.0 | |
| 26 | Full-time equated classified positions..... | 5.0 | |
| 27 | Unclassified positions--16.0 FTE positions..... | | \$ 1,493,000 |

| | | |
|----|--|-------------------|
| 1 | Executive direction--5.0 FTE positions | 1,892,800 |
| 2 | Neal, et al. settlement agreement | <u>20,000,000</u> |
| 3 | GROSS APPROPRIATION..... | \$ 23,385,800 |
| 4 | Appropriated from: | |
| 5 | State general fund/general purpose | \$ 23,385,800 |
| 6 | Sec. 103. PRISONER RE-ENTRY AND COMMUNITY SUPPORT | |
| 7 | Prisoner re-entry local service providers | \$ 22,711,500 |
| 8 | Prisoner re-entry MDOC programs | 23,526,200 |
| 9 | Prisoner re-entry federal grants | 1,035,000 |
| 10 | Prisoner re-entry reintegration, training, and | |
| 11 | employment | 600,000 |
| 12 | Public safety initiative | <u>4,750,000</u> |
| 13 | GROSS APPROPRIATION..... | \$ 52,622,700 |
| 14 | Appropriated from: | |
| 15 | Federal revenues: | |
| 16 | DOJ, prisoner reintegration | 1,035,000 |
| 17 | Special revenue funds: | |
| 18 | State general fund/general purpose | \$ 51,587,700 |
| 19 | Sec. 104. OPERATIONS SUPPORT ADMINISTRATION | |
| 20 | Full-time equated classified positions..... 184.9 | |
| 21 | Operations support administration--97.0 FTE positions | \$ 10,715,300 |
| 22 | New custody staff training | 8,672,300 |
| 23 | Compensatory buyout and union leave bank | 100 |
| 24 | Worker's compensation | 18,566,200 |
| 25 | Bureau of fiscal management--65.9 FTE positions | 8,111,000 |
| 26 | Office of legal services--15.0 FTE positions | 2,134,800 |
| 27 | Internal affairs--7.0 FTE positions | 1,172,500 |

| | | |
|----|---|-------------------|
| 1 | Rent..... | 2,095,200 |
| 2 | Equipment and special maintenance..... | 6,725,500 |
| 3 | Administrative hearings officers..... | 3,013,600 |
| 4 | Judicial data warehouse user fees..... | 50,000 |
| 5 | Sheriffs' coordinating and training office..... | 500,000 |
| 6 | Prosecutorial and detainer expenses..... | 4,551,000 |
| 7 | County jail reimbursement program..... | <u>15,072,100</u> |
| 8 | GROSS APPROPRIATION..... | \$ 81,379,600 |
| 9 | Appropriated from: | |
| 10 | Interdepartmental grant revenues: | |
| 11 | IDG-MDSP, Michigan justice training fund..... | 328,200 |
| 12 | Special revenue funds: | |
| 13 | Jail reimbursement program fund..... | 5,900,000 |
| 14 | Special equipment fund..... | 5,800,000 |
| 15 | Local corrections officer training fund..... | 500,000 |
| 16 | Correctional industries revolving fund..... | 572,100 |
| 17 | State general fund/general purpose..... | \$ 68,279,300 |
| 18 | Sec. 105. FIELD OPERATIONS ADMINISTRATION | |
| 19 | Full-time equated classified positions..... | 2,112.3 |
| 20 | Field operations--1,789.9 FTE positions..... | \$ 186,232,100 |
| 21 | Parole board operations--41.0 FTE positions..... | 4,686,100 |
| 22 | Parole/probation services..... | 2,243,500 |
| 23 | Community re-entry centers--201.4 FTE positions..... | 30,224,200 |
| 24 | Electronic monitoring center--56.0 FTE positions..... | 15,962,400 |
| 25 | Community corrections administration--10.0 FTE | |
| 26 | positions | 1,210,200 |
| 27 | Substance abuse testing and treatment services--14.0 | |

| | | |
|----|---|------------------|
| 1 | FTE positions | 25,271,400 |
| 2 | Residential services..... | 16,075,500 |
| 3 | Community corrections comprehensive plans and services | 13,958,000 |
| 4 | Regional jail program..... | 100 |
| 5 | Felony drunk driver jail reduction and community | |
| 6 | treatment program | <u>1,440,100</u> |
| 7 | GROSS APPROPRIATION..... | \$ 297,303,600 |
| 8 | Appropriated from: | |
| 9 | Special revenue funds: | |
| 10 | Local - community tether program reimbursement | 263,000 |
| 11 | Re-entry center offender reimbursements | 23,400 |
| 12 | Parole and probation oversight fees | 5,995,600 |
| 13 | Parole and probation oversight fees set-aside | 2,657,000 |
| 14 | Tether program participant contributions | 2,200,700 |
| 15 | DOJ, office of justice programs, RSAT..... | 574,200 |
| 16 | State general fund/general purpose | \$ 285,589,700 |
| 17 | Sec. 106. CORRECTIONAL FACILITIES-ADMINISTRATION | |
| 18 | Full-time equated classified positions..... | 1,142.1 |
| 19 | Correctional facilities administration--30.0 FTE | |
| 20 | positions | \$ 9,135,800 |
| 21 | Prison food service--395.0 FTE positions | 59,691,300 |
| 22 | Transportation--205.6 FTE positions | 18,422,700 |
| 23 | Central records--52.5 FTE positions | 4,589,800 |
| 24 | Inmate legal services | 715,900 |
| 25 | Loans to parolees | 179,400 |
| 26 | Housing inmates in federal institutions | 993,800 |
| 27 | Prison store operations--65.0 FTE positions | 5,436,500 |

| | | |
|----|--|-------------------|
| 1 | Prison industries operations--145.0 FTE positions | 17,647,900 |
| 2 | Federal school lunch program..... | 812,800 |
| 3 | Leased beds and alternatives to leased beds | 10,000,100 |
| 4 | Public works programs--5.0 FTE positions | 1,000,000 |
| 5 | Cost-effective housing initiative | 100 |
| 6 | Inmate housing fund..... | 100 |
| 7 | Education program--244.0 FTE positions | <u>32,181,800</u> |
| 8 | GROSS APPROPRIATION..... | \$ 160,808,000 |
| 9 | Appropriated from: | |
| 10 | Interdepartmental grant revenues: | |
| 11 | IDG-MDCH, forensic center food service | 660,000 |
| 12 | Federal revenues: | |
| 13 | DAG-FNS, national school lunch..... | 812,800 |
| 14 | DED-OESE, title 1..... | 538,000 |
| 15 | DED-OVAE, adult education..... | 919,000 |
| 16 | DED-OSERS..... | 111,100 |
| 17 | DED, vocational education equipment | 286,800 |
| 18 | DED, youthful offender/Specter grant | 1,329,600 |
| 19 | DOJ-BOP, federal prisoner reimbursement | 411,000 |
| 20 | DOJ-OJP, serious and violent offender reintegration | |
| 21 | initiative | 10,600 |
| 22 | DOJ, prison rape elimination act grant | 646,000 |
| 23 | SSA-SSI, incentive payment | 262,400 |
| 24 | Federal education revenues | 152,300 |
| 25 | Special revenue funds: | |
| 26 | Correctional industries revolving fund..... | 17,647,900 |
| 27 | Public works user fees..... | 1,000,000 |

| | | |
|----|--|--------------------|
| 1 | Resident stores..... | 5,436,500 |
| 2 | State general fund/general purpose..... | \$ 130,584,000 |
| 3 | Sec. 107. HEALTH CARE | |
| 4 | Full-time equated classified positions..... | 1,656.0 |
| 5 | Health care administration--17.0 FTE positions..... | \$ 3,278,000 |
| 6 | Prisoner health care services..... | 91,851,700 |
| 7 | Vaccination program..... | 691,200 |
| 8 | Interdepartmental grant to human services, eligibility | |
| 9 | specialists | 100,000 |
| 10 | Mental health services and support--494.0 FTE | |
| 11 | positions | 62,412,700 |
| 12 | Clinical complexes--1,145.0 FTE positions..... | <u>158,448,900</u> |
| 13 | GROSS APPROPRIATION..... | \$ 316,782,500 |
| 14 | Appropriated from: | |
| 15 | Special revenue funds: | |
| 16 | Prisoner health care copayments..... | 278,700 |
| 17 | State general fund/general purpose..... | \$ 316,503,800 |
| 18 | Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES | |
| 19 | Average population | 20,731 |
| 20 | Full-time equated classified positions..... | 4,294.1 |
| 21 | Alger correctional facility - Munising--250.1 FTE | |
| 22 | positions | \$ 26,374,200 |
| 23 | Average population | 889 |
| 24 | Baraga correctional facility - Baraga--298.9 FTE | |
| 25 | positions | 32,493,400 |
| 26 | Average population | 884 |
| 27 | Earnest C. Brooks correctional facility - Muskegon-- | |

| | | |
|----|---|------------|
| 1 | 436.5 FTE positions | 47,064,800 |
| 2 | Average population | 2,512 |
| 3 | Chippewa correctional facility - Kincheloe--454.2 FTE | |
| 4 | positions | 46,908,700 |
| 5 | Average population | 2,282 |
| 6 | Kinross correctional facility - Kincheloe--321.5 FTE | |
| 7 | positions | 34,399,400 |
| 8 | Average population | 1,799 |
| 9 | Marquette branch prison - Marquette--336.3 FTE | |
| 10 | positions | 38,421,600 |
| 11 | Average population | 1,201 |
| 12 | Muskegon correctional facility - Muskegon--208.4 FTE | |
| 13 | positions | 22,867,600 |
| 14 | Average population | 1,338 |
| 15 | Newberry correctional facility - Newberry--201.6 FTE | |
| 16 | positions | 22,972,500 |
| 17 | Average population | 978 |
| 18 | Oaks correctional facility - Eastlake--302.6 FTE | |
| 19 | positions | 35,698,700 |
| 20 | Average population | 1,156 |
| 21 | Ojibway correctional facility - Marenisco--203.7 FTE | |
| 22 | positions | 20,628,900 |
| 23 | Average population | 1,090 |
| 24 | Central Michigan correctional facility - St. Louis-- | |
| 25 | 397.7 FTE positions | 41,383,300 |
| 26 | Average population | 2,554 |
| 27 | Pugsley correctional facility - Kingsley--211.0 FTE | |

| | | |
|----|--|------------------|
| 1 | positions | 22,131,700 |
| 2 | Average population 1,342 | |
| 3 | Saginaw correctional facility - Freeland--306.6 FTE | |
| 4 | positions | 32,043,200 |
| 5 | Average population 1,480 | |
| 6 | St. Louis correctional facility - St. Louis--311.0 FTE | |
| 7 | positions | 33,705,200 |
| 8 | Average population 1,226 | |
| 9 | Northern region administration and support--54.0 FTE | |
| 10 | positions | <u>4,804,000</u> |
| 11 | GROSS APPROPRIATION..... | \$ 461,897,200 |
| 12 | Appropriated from: | |
| 13 | Special revenue funds: | |
| 14 | State general fund/general purpose | \$ 461,897,200 |
| 15 | Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES | |
| 16 | Average population 23,222 | |
| 17 | Full-time equated classified positions..... 5,284.8 | |
| 18 | Bellamy Creek correctional facility - Ionia--391.2 FTE | |
| 19 | positions | \$ 41,177,200 |
| 20 | Average population 1,850 | |
| 21 | Carson City correctional facility - Carson City--449.7 | |
| 22 | FTE positions | 48,089,700 |
| 23 | Average population 2,440 | |
| 24 | Cooper street correctional facility - Jackson--257.7 | |
| 25 | FTE positions | 28,334,800 |
| 26 | Average population 1,799 | |
| 27 | G. Robert Cotton correctional facility - Jackson-- | |

| | | |
|----|--|------------|
| 1 | 395.3 FTE positions | 39,996,300 |
| 2 | Average population | 1,841 |
| 3 | Charles E. Egeler correctional facility - Jackson-- | |
| 4 | 355.3 FTE positions | 40,660,800 |
| 5 | Average population | 1,376 |
| 6 | Richard A. Handlon correctional facility - Ionia-- | |
| 7 | 227.2 FTE positions | 23,955,600 |
| 8 | Average population | 1,373 |
| 9 | Gus Harrison correctional facility - Adrian--420.2 FTE | |
| 10 | positions | 45,306,100 |
| 11 | Average population | 2,342 |
| 12 | Womens Huron Valley correctional complex - Ypsilanti-- | |
| 13 | 536.4 FTE positions | 58,902,000 |
| 14 | Average population | 1,872 |
| 15 | Ionia correctional facility - Ionia--287.0 FTE | |
| 16 | positions | 30,814,200 |
| 17 | Average population | 654 |
| 18 | Lakeland correctional facility - Coldwater--257.6 FTE | |
| 19 | positions | 24,469,800 |
| 20 | Average population | 1,336 |
| 21 | Macomb correctional facility - New Haven--298.1 FTE | |
| 22 | positions | 32,521,900 |
| 23 | Average population | 1,376 |
| 24 | Maxey/Woodland Center correctional facility - Whitmore | |
| 25 | Lake--265.9 FTE positions | 23,813,800 |
| 26 | Average population | 328 |
| 27 | Michigan reformatory - Ionia--322.4 FTE positions | 35,416,700 |

| | | | |
|----|---|-------|-------------------|
| 1 | Average population | 1,338 | |
| 2 | Parnall correctional facility - Jackson--274.5 FTE | | |
| 3 | positions | | 29,173,200 |
| 4 | Average population | 1,678 | |
| 5 | Thumb correctional facility - Lapeer--282.3 FTE | | |
| 6 | positions | | 30,579,700 |
| 7 | Average population | 1,219 | |
| 8 | Special alternative incarceration program (Camp | | |
| 9 | Cassidy Lake)--120.0 FTE positions..... | | 12,101,800 |
| 10 | Average population | 400 | |
| 11 | Southern region administration and support--144.0 FTE | | |
| 12 | positions | | <u>22,663,900</u> |
| 13 | GROSS APPROPRIATION..... | \$ | 567,977,500 |
| 14 | Appropriated from: | | |
| 15 | Federal revenues: | | |
| 16 | Federal revenues and reimbursements..... | | 1,612,200 |
| 17 | Special revenue funds: | | |
| 18 | State restricted revenues and reimbursements..... | | 283,900 |
| 19 | State general fund/general purpose..... | \$ | 566,081,400 |
| 20 | Sec. 110. INFORMATION TECHNOLOGY | | |
| 21 | Information technology services and projects..... | \$ | <u>24,403,600</u> |
| 22 | GROSS APPROPRIATION..... | \$ | 24,403,600 |
| 23 | Appropriated from: | | |
| 24 | Special revenue funds: | | |
| 25 | Correctional industries revolving fund..... | | 168,600 |
| 26 | Parole and probation oversight fees set-aside..... | | 661,600 |
| 27 | State general fund/general purpose..... | \$ | 23,573,400 |

Sec. 111. ONE-TIME APPROPRIATIONS

| | | |
|--|----|-------------------|
| Information technology services and projects | \$ | 1,129,500 |
| State employee lump-sum payments | | <u>13,225,900</u> |
| GROSS APPROPRIATION | \$ | 14,355,400 |
| Appropriated from: | | |
| Interdepartmental grant revenues: | | |
| Interdepartmental grant revenues | | 3,900 |
| Federal revenues: | | |
| Federal revenues and reimbursements | | 83,400 |
| Special revenue funds: | | |
| Local revenues | | 1,300 |
| State restricted revenues and reimbursements | | 263,500 |
| State general fund/general purpose | \$ | 14,003,300 |

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

FOR FISCAL YEAR 2012-2013

GENERAL SECTIONS

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 2012-2013 is \$1,990,875,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2012-2013 is \$91,166,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

| | | |
|----|--|------------------|
| 1 | Field operations - assumption of county | |
| 2 | probation staff | \$ 55,192,700 |
| 3 | Community corrections comprehensive plans | |
| 4 | and services | 13,958,000 |
| 5 | Community corrections residential services | 16,075,500 |
| 6 | Felony drunk driver jail reduction and | |
| 7 | community treatment program | 1,440,100 |
| 8 | Regional jail program..... | 100 |
| 9 | Public safety initiative..... | <u>4,500,000</u> |
| 10 | TOTAL..... | \$ 91,166,400 |

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

14 Sec. 203. As used in this act:

15 (a) "Administrative segregation" means confinement for
 16 maintenance of order or discipline to a cell or room apart from
 17 accommodations provided for inmates who are participating in
 18 programs of the facility.

19 (b) "Cost per prisoner" means the sum total of the funds
 20 appropriated under part 1 for the following, divided by the
 21 projected prisoner population in fiscal year 2011-2012:

- 22 (i) Northern and southern region correctional facilities.
- 23 (ii) Northern and southern region administration and support.
- 24 (iii) Northern and southern region clinical complexes.
- 25 (iv) Prisoner health care services.
- 26 (v) Health care administration.
- 27 (vi) Vaccination program.

(vii) Prison food service and federal school lunch program.

(viii) Transportation.

(ix) Inmate legal services.

(x) Correctional facilities administration.

(xi) Central records.

(xii) DOJ psychiatric plan.

(xiii) Worker's compensation.

(xiv) New custody staff training.

(xv) Prison store operations.

(xvi) Education services and federal education grants.

(xvii) Education program.

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

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

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

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

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

(h) "DED-OVAE" means the DED office of vocational and adult education.

(i) "Department" or "MDOC" means the Michigan department of corrections.

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

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

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

(m) "Evidence-based practices" or "EBP" means a decision-making process that integrates the best available research,

1 clinician expertise, and client characteristics.

2 (n) "FTE" means full-time equated.

3 (o) "GED" means general educational development certificate.

4 (p) "Goal" means the intended or projected result of a
5 comprehensive corrections plan or community corrections program to
6 reduce repeat offending, criminogenic and high-risk behaviors,
7 prison commitment rates, to reduce the length of stay in a jail, or
8 to improve the utilization of a jail.

9 (q) "GPS" means global positioning system.

10 (r) "HIV" means human immunodeficiency virus.

11 (s) "IDG" means interdepartmental grant.

12 (t) "IDT" means intradepartmental transfer.

13 (u) "Jail" means a facility operated by a local unit of
14 government for the physical detention and correction of persons
15 charged with or convicted of criminal offenses.

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

17 (w) "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 (x) "MDSP" means the Michigan department of state police.

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

22 (z) "Objective risk and needs assessment" means an evaluation
23 of an offender's criminal history; the offender's noncriminal
24 history; and any other factors relevant to the risk the offender
25 would present to the public safety, including, but not limited to,
26 having demonstrated a pattern of violent behavior, and a criminal
27 record that indicates a pattern of violent offenses.

1 (aa) "Offender eligibility criteria" means particular criminal
2 violations, state felony sentencing guidelines descriptors, and
3 offender characteristics developed by advisory boards and approved
4 by local units of government that identify the offenders suitable
5 for community corrections programs funded through the office of
6 community corrections.

7 (bb) "Offender success" means that an offender has done all of
8 the following:

9 (i) Regularly reported to his or her assigned field agent.

10 (ii) Is participating in or has successfully completed all
11 required substance abuse, mental health, sex offender, or other
12 treatment as approved by the field agent.

13 (iii) Not sent or returned to prison for the conviction of a new
14 crime or the revocation of probation or parole.

15 (iv) Not been sentenced to a jail term for a new criminal
16 offense.

17 (v) Obtained employment, has enrolled or participated in a
18 program of education or job training, or has investigated all bona
19 fide employment opportunities.

20 (vi) Obtained housing.

21 (cc) "Offender target population" means felons or
22 misdemeanants who would likely be sentenced to imprisonment in a
23 state correctional facility or jail, who would not likely increase
24 the risk to the public safety based on an objective risk and needs
25 assessment that indicates that the offender can be safely treated
26 and supervised in the community.

27 (dd) "Offender who would likely be sentenced to imprisonment"

1 means either of the following:

2 (i) A felon or misdemeanor who receives a sentencing
3 disposition that appears to be in place of incarceration in a state
4 correctional facility or jail, according to historical local
5 sentencing patterns.

6 (ii) A currently incarcerated felon or misdemeanor who is
7 granted early release from incarceration to a community corrections
8 program or who is granted early release from incarceration as a
9 result of a community corrections program.

10 (ee) "Programmatic success" means that the department program
11 or initiative has ensured that the offender has accomplished all of
12 the following:

13 (i) Obtained employment, has enrolled or participated in a
14 program of education or job training, or has investigated all bona
15 fide employment opportunities.

16 (ii) Obtained housing.

17 (iii) Obtained a state identification card.

18 (ff) "Recidivism" means any of the following:

19 (i) The arrest and conviction of a supervised individual for a
20 new offense while under community supervision.

21 (ii) The adjudication of a supervised individual for a
22 violation of the conditions of supervision while under community
23 supervision.

24 (iii) A sanction resulting from a violation of terms of
25 supervision that results in a return to prison without being
26 adjudicated.

27 (gg) "RSAT" means residential substance abuse treatment.

1 (hh) "Serious emotional disturbance" means that term as
2 defined in section 100d(2) of the mental health code, 1974 PA 328,
3 MCL 330.1100d.

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

7 (jj) "SSA" means the United States social security
8 administration.

9 (kk) "SSA-SSI" means SSA supplemental security income.

10 Sec. 204. The civil service commission shall bill departments
11 and agencies at the end of the first fiscal quarter for the charges
12 authorized by section 5 of article XI of the state constitution of
13 1963. Payments shall be made for the total amount of the billing by
14 the end of the second fiscal quarter.

15 Sec. 204a. (1) The department shall collaborate with the civil
16 service commission and the department of civil service to review
17 the compensation rates for health care professionals who provide
18 direct health care services to prisoners within the corrections
19 system, including, but not limited to, doctors, all nursing
20 professionals, pharmacists, pharmacy technicians, and
21 psychologists. The review shall include health care professionals
22 employed by the state as well as those employed through state
23 contractors. These rates shall be compared to available data on
24 compensation rates for comparable medical professionals in the
25 private sectors who provide services to the general public to
26 estimate any disparity in compensation.

27 (2) Following the review, the department shall make

1 recommendations on changes needed to the state compensation plan
2 for health care professional positions and to department contracts
3 with health care providers so that compensation levels are
4 sufficient to ensure that needed health care professional positions
5 with vacancies are filled, that the department experiences adequate
6 retention levels for these positions, and that necessary health
7 care services are delivered in a timely manner to the prisoner
8 population. A report outlining these recommendations shall be
9 submitted to the senate and house appropriations subcommittees on
10 corrections, the senate and house fiscal agencies, and the state
11 budget office by May 1, 2012.

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

15 Sec. 207. State employees shall be given the opportunity to
16 bid on contracts that privatize services that are or were provided
17 by state employees. If the contract is awarded to any state
18 employee, he or she ceases being an employee of the state.

19 Sec. 208. Unless otherwise specified, the department shall use
20 the Internet to fulfill the reporting requirements of this act.
21 This requirement may include transmission of reports via electronic
22 mail to the recipients identified for each reporting requirement or
23 it may include placement of reports on an Internet or Intranet
24 site.

25 Sec. 209. Funds appropriated in part 1 shall not be used for
26 the purchase of foreign goods or services, or both, if
27 competitively priced and of comparable quality American goods or

1 services, or both, are available. Preference shall be given to
2 goods or services, or both, manufactured or provided by Michigan
3 businesses, if they are competitively priced and of comparable
4 quality. In addition, preference should be given to goods or
5 services, or both, that are manufactured or provided by Michigan
6 businesses owned and operated by veterans, if they are
7 competitively priced and of comparable quality.

8 Sec. 211. (1) The department may charge fees and collect
9 revenues in excess of appropriations in part 1 not to exceed the
10 cost of offender services and programming, employee meals, parolee
11 loans, academic/vocational services, custody escorts, compassionate
12 visits, union steward activities, and public works programs and
13 services provided to local units of government. The revenues and
14 fees collected are appropriated for all expenses associated with
15 these services and activities.

16 (2) If a parolee or probationer has been ordered to pay
17 restitution, the department shall ensure that payment is a
18 condition of his or her community supervision. Restitution payments
19 shall be made as provided in section 22 of chapter XV of the code
20 of criminal procedure, 1927 PA 175, MCL 775.22. The department
21 shall collect not more than 50% of all money collected from
22 parolees and probationers for payments other than victim payments,
23 as that term is defined in section 22 of chapter XV of the code of
24 criminal procedure, 1927 PA 175, MCL 775.22.

25 (3) By April 1, the department shall provide the members of
26 the senate and house appropriations subcommittees on corrections,
27 the senate and house fiscal agencies, and the state budget director

1 with a report detailing the collection of fees under this section.
2 At minimum, this report shall include a categorical accounting of
3 all fees collected under this section.

4 Sec. 212. On a quarterly basis, each executive branch
5 department and agency receiving appropriations in part 1 shall
6 report on the number of full-time equated positions in pay status
7 by civil service classification to the senate and house
8 appropriations subcommittees on corrections and the senate and
9 house fiscal agencies. This report shall include a detailed
10 accounting of the long-term vacancies that exist within each
11 department. As used in this subsection, "long-term vacancy" means
12 any full-time equated position that has not been filled at any time
13 during the past 24 calendar months.

14 Sec. 214. From the funds appropriated in part 1 for
15 information technology, the department shall pay user fees to the
16 department of technology, management, and budget for technology-
17 related services and projects. These user fees shall be subject to
18 provisions of an interagency agreement between the department and
19 the department of technology, management, and budget.

20 Sec. 215. Amounts appropriated in part 1 for information
21 technology may be designated as work projects and carried forward
22 to support technology projects under the direction of the
23 department of technology, management, and budget. Funds designated
24 in this manner are not available for expenditure until approved as
25 work projects under section 451a of the management and budget act,
26 1984 PA 431, MCL 18.1451a.

27 Sec. 216. The departments and agencies receiving

1 appropriations in part 1 shall prepare a report on out-of-state
2 travel expenses not later than January 1 of each year. The travel
3 report shall be a listing of 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 house and senate standing committees on
8 appropriations, the house and senate fiscal agencies, and the state
9 budget director. The report shall include the following
10 information:

11 (a) The dates of each travel occurrence.

12 (b) The total transportation and related costs of each travel
13 occurrence, including the proportion funded with state general
14 fund/general purpose revenues, the proportion funded with state
15 restricted revenues, the proportion funded with federal revenues,
16 and the proportion funded with other revenues.

17 Sec. 217. It is the intent of the legislature that all
18 principal executive departments and agencies cooperate with the
19 development and implementation of the department of technology,
20 management, and budget statewide office space consolidation plan.

21 Sec. 219. (1) Any contract for prisoner telephone services
22 entered into after the effective date of this act shall include a
23 condition that fee schedules for prisoner telephone calls,
24 including rates and any surcharges other than those necessary to
25 meet special equipment costs, be the same as fee schedules for
26 calls placed from outside of correctional facilities.

27 (2) Revenues appropriated and collected for special equipment

1 funds shall be considered state restricted revenue and shall be
2 used for special equipment and security projects to facilitate the
3 replacement of personal protection systems, and the acquisition of
4 contraband detection systems. Unexpended funds remaining at the
5 close of the fiscal year shall not lapse to the general fund but
6 shall be carried forward and be available for appropriation in
7 subsequent fiscal years.

8 (3) The department shall submit a report to the house and
9 senate appropriations subcommittees on corrections, the house and
10 senate fiscal agencies, and the state budget director by February 1
11 outlining revenues and expenditures from special equipment funds.
12 The report shall include all of the following:

13 (a) A list of all individual projects and purchases financed
14 with special equipment funds in the immediately preceding fiscal
15 year and the amounts expended on each project or purchase.

16 (b) A list of planned projects and purchases to be financed
17 with special equipment funds during the current fiscal year and the
18 amounts to be expended on each project or purchase.

19 (c) A review of projects and purchases planned for future
20 fiscal years from special equipment funds.

21 Sec. 220. Not later than November 15, the department shall
22 prepare and transmit a report that provides for estimates of the
23 total general fund/general purpose appropriation lapses at the
24 close of the fiscal year. This report shall summarize the projected
25 year-end general fund/general purpose appropriation lapses by major
26 departmental program or program areas. The report shall be
27 transmitted to the office of the state budget, the chairpersons of

1 the senate and house of representatives standing committees on
2 appropriations, and the senate and house fiscal agencies.

3 Sec. 221. The department of technology, management, and budget
4 shall maintain a searchable website accessible by the public at no
5 cost that includes, but is not limited to, all of the following for
6 each department or agency:

7 (a) Fiscal year-to-date expenditures by category.

8 (b) Fiscal year-to-date expenditures by appropriation unit.

9 (c) Fiscal year-to-date payments to a selected vendor,
10 including the vendor name, payment date, payment amount, and
11 payment description.

12 (d) The number of active department employees by job
13 classification.

14 (e) Job specifications and wage rates.

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 March 1, 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 \$250,000.00 or more against the department.

20 Sec. 229. Within 14 days after the release of the executive
21 budget recommendation, the department shall provide the state
22 budget director, the senate and house appropriations chairs, the
23 senate and house appropriations subcommittees on corrections,
24 respectively, and the senate and house fiscal agencies with an
25 annual report on estimated state restricted fund balances, state
26 restricted fund projected revenues, and state restricted fund
27 expenditures for the fiscal years ending September 30, 2012 and

1 September 30, 2013.

2 Sec. 236. It is the intent of the legislature that from the
3 revenue resulting from the sale of the former Scott correctional
4 facility sufficient funds shall be appropriated to the department
5 to reimburse Michigan state industries for costs related to the
6 construction of the Industries Building, which was operated by
7 Michigan state industries on the site of the Scott correctional
8 facility.

9 Sec. 237. The department shall follow all requirements set
10 forth in statute and administrative rules related to procurement
11 requests and shall ensure that proper communication is maintained
12 with the department of technology, management, and budget regarding
13 the use of delegated purchasing authority granted by the department
14 of technology, management, and budget. The department shall not
15 pursue the procurement of any good or service on its own that falls
16 outside its delegated authority from the department of technology,
17 management, and budget. If any requests for proposal or requests
18 for qualifications are delayed due to the department's improper use
19 of purchasing authority under statute and administrative rules, the
20 department shall report on the improper use to the house and senate
21 appropriations subcommittees on corrections within 15 days after
22 determining that the improper use occurred. The report shall review
23 the purpose of the relevant procurement effort, explain why the
24 improper use of delegated authority occurred, and outline steps
25 being taken to ensure that improper use of delegated authority does
26 not occur again in the future.

27 Sec. 238. It is the intent of the legislature that the

1 department make additional efforts to sell, rent, or otherwise
2 repurpose closed correctional facilities.

3 Sec. 239. It is the intent of the legislature that the
4 department establish and maintain a management-to-staff ratio of
5 not more than 1 supervisor for each 5 employees at the department's
6 central office in Lansing and at both the northern and southern
7 region administration offices.

8 **EXECUTIVE**

9 Sec. 301. For 3 years after a felony offender is released from
10 the department's jurisdiction, the department shall maintain the
11 offender's file on the offender tracking information system and
12 make it publicly accessible in the same manner as the file of the
13 current offender. However, the department shall immediately remove
14 the offender's file from the offender tracking information system
15 upon determination that the offender was wrongfully convicted and
16 the offender's file is not otherwise required to be maintained on
17 the offender tracking information system.

18 Sec. 304. The director of the department shall maintain a
19 staff savings initiative program to invite employees to submit
20 suggestions for saving costs for the department. The department
21 shall report semiannually to the senate and house appropriations
22 subcommittees on corrections, the senate and house fiscal agencies,
23 and the state budget director on the suggestions submitted under
24 this section, the implementation plan for those suggestions with
25 which the department agrees, and an explanation of any
26 disagreements with suggestions.

1 Sec. 305. By March 1, the department shall report to the
2 senate and house appropriations subcommittees on corrections, the
3 senate and house fiscal agencies, and the state budget director on
4 the number of prisoners who committed suicide during the previous
5 calendar year. To the extent permitted by law, the report shall
6 include all of the following information:

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

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

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

10 (d) The date of the suicide.

11 (e) Whether the suicide occurred in a housing unit, a
12 segregation unit, a mental health unit, or elsewhere on the grounds
13 of the facility.

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

16 (g) Whether the prisoner had received a mental health
17 evaluation or assessment.

18 (h) Details on the department's responses to each suicide,
19 including immediate on-site responses and subsequent internal
20 investigations.

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

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

25 **PRISONER RE-ENTRY AND COMMUNITY SUPPORT**

26 Sec. 401. The department shall submit 3-year and 5-year prison

1 population projection updates concurrent with submission of the
2 executive budget to the senate and house appropriations
3 subcommittees on corrections, the senate and house fiscal agencies,
4 and the state budget director. The report shall include
5 explanations of the methodology and assumptions used in developing
6 the projection updates.

7 Sec. 402. (1) It is the intent of the legislature that the
8 funds appropriated in part 1 for prisoner re-entry programs be
9 expended for the purpose of reducing victimization by reducing
10 repeat offending through the following prisoner re-entry
11 programming:

12 (a) The provision of employment or employment services and job
13 training.

14 (b) The provision of housing assistance.

15 (c) Referral to mental health services.

16 (d) Referral to substance abuse services.

17 (e) Referral to public health services.

18 (f) Referral to education.

19 (g) Referral to any other services necessary for successful
20 reintegration.

21 (2) By March 1, the department shall provide a report on
22 prisoner re-entry expenditures and allocations to the members of
23 the senate and house appropriations subcommittees on corrections,
24 the senate and house fiscal agencies, and the state budget
25 director. At a minimum, the report shall include information on
26 both of the following:

27 (a) Details on prior-year expenditures, including amounts

1 spent on each project funded, itemized by service provided and
2 service provider.

3 (b) Allocations and planned expenditures for each project
4 funded and for each project to be funded, itemized by service to be
5 provided and service provider. The department shall provide an
6 amended report quarterly, if any revisions to allocations or
7 planned expenditures occurred during that quarter.

8 (3) The department shall continue its efforts, with technical
9 assistance provided by the justice center of the council of state
10 governments, on establishing criteria and key indicators of the
11 success and failure of offenders. Indicators shall reflect the
12 status of and trends in key program elements, behavior improvements
13 on the part of offenders, and whether targeted goals are being met.

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

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

24 Sec. 405. (1) In expending residential substance abuse
25 treatment services funds appropriated under this article, the
26 department shall ensure to the maximum extent possible that
27 residential substance abuse treatment services are available

1 statewide.

2 (2) By March 1, the department shall report to the senate and
3 house appropriations subcommittees on corrections, the senate and
4 house fiscal agencies, and the state budget director on the
5 allocation, distribution, and expenditure of all funds appropriated
6 by the substance abuse testing and treatment line item during
7 fiscal year 2011-2012 and projected for fiscal year 2012-2013. The
8 report shall include, but not be limited to, an explanation of an
9 anticipated year-end balance, the number of participants in
10 substance abuse programs, and the number of offenders on waiting
11 lists for residential substance abuse programs. Information
12 required under this subsection shall, where possible, be separated
13 by MDOC administrative region and by offender type, including, but
14 not limited to, a distinction between prisoners, parolees, and
15 probationers.

16 (3) By March 1, the department shall report to the senate and
17 house appropriations subcommittees on corrections, the senate and
18 house fiscal agencies, and the state budget director on substance
19 abuse testing and treatment program objectives, outcome measures,
20 and results, including program impact on offender success and
21 programmatic success as those terms are defined in section 203.

22 Sec. 405a. The department shall work cooperatively with MDCH and
23 substance abuse coordinating agencies in referring offenders as
24 appropriate to intensive substance abuse services, including
25 residential services.

26 Sec. 406. As a condition for expending any money appropriated
27 in part 1 for reinvestment in prisoner re-entry programs, the

1 department shall establish a pilot program with an allocation of at
2 least \$2,000,000.00 from the funding appropriated to prisoner
3 reintegration programs to contract with faith-based nonprofit
4 agencies with established programs that assist prisoners exiting
5 the prison system to reintegrate into the community. The department
6 shall report to the house and senate appropriations subcommittees
7 on corrections, the house and senate fiscal agencies, and the state
8 budget director by December 1 on the contracts awarded under the
9 pilot program, including the faith-based, nonprofit agencies
10 selected and the contract amounts awarded to each agency. The
11 department shall analyze and compare the success and failure rates
12 of prisoners served under the pilot program and those served
13 through other department reintegration programs and shall report
14 this information to the legislature during budget hearings on the
15 fiscal year 2013-2014 budget.

16 Sec. 407. (1) By June 30, the department shall place the 2012
17 statistical report on an Internet site. The statistical report
18 shall include, but not be limited to, the information as provided
19 in the 2004 statistical report.

20 (2) It is the intent of the legislature that starting with
21 calendar year 2010, the statistical report be placed on an Internet
22 site within 6 months after the end of each calendar year.

23 Sec. 408. The department shall measure the recidivism rates of
24 offenders using at least a 3-year period following their release
25 from prison. Any time spent in a county jail or otherwise
26 incarcerated shall be included in the recidivism rates.

27 Sec. 410. (1) The funds included in part 1 for community

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

12 (a) Reduce admissions to prison of offenders who would likely
13 be sentenced to imprisonment, including probation violators.

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

19 (c) Open jail beds through the increase of pretrial release
20 options.

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

22 (e) Reduce the admission or readmission to prison of
23 offenders, including probation violators and parole violators, for
24 substance abuse violations.

25 (f) Contribute to offender success, as that term is defined in
26 section 203.

27 (2) The award of community corrections comprehensive plans and

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

8 (3) Funds awarded for residential services in part 1 shall
9 provide for a per diem reimbursement of not more than \$47.50 for
10 nonaccredited facilities, or of not more than \$48.50 for facilities
11 that have been accredited by the American corrections association
12 or a similar organization as approved by the department.

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

1 program under section 414. The state community corrections board
2 shall encourage local community corrections advisory boards to
3 include in their comprehensive corrections plans strategies to
4 collaborate with local alcohol and drug treatment agencies of the
5 MDCH for the provision of alcohol and drug screening, assessment,
6 case management planning, and delivery of treatment to alcohol- and
7 drug-involved offenders.

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, by prior record variable score, by number and
3 percent statewide and by county, current year, and comparisons to
4 the previous 3 years.

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

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

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

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

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

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

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

1 (a) The felon's sentencing guidelines recommended range upper
2 limit is more than 18 months, the felon's sentencing guidelines
3 recommended range lower limit is 12 months or less, the felon's
4 prior record variable score is 35 or more points, and the felon's
5 sentence is not for commission of a crime in crime class G or crime
6 class H or a nonperson crime in crime class F under chapter XVII of
7 the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

8 (b) The felon's minimum sentencing guidelines range minimum is
9 more than 12 months under the sentencing guidelines described in
10 subdivision (a).

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

16 (3) State reimbursement under this subsection shall be \$60.00
17 per diem per diverted offender for offenders with a presumptive
18 prison guideline score, \$50.00 per diem per diverted offender for
19 offenders with a straddle cell guideline for a group 1 crime, and
20 \$35.00 per diem per diverted offender for offenders with a straddle
21 cell guideline for a group 2 crime. Reimbursements shall be paid
22 for sentences up to a 1-year total.

23 (4) As used in this subsection:

24 (a) "Group 1 crime" means a crime in 1 or more of the
25 following offense categories: arson, assault, assaultive other,
26 burglary, criminal sexual conduct, homicide or resulting in death,
27 other sex offenses, robbery, and weapon possession as determined by

1 the department of corrections based on specific crimes for which
2 counties received reimbursement under the county jail reimbursement
3 program in fiscal year 2007 and fiscal year 2008, and listed in the
4 county jail reimbursement program document titled "FY 2007 and FY
5 2008 Group One Crimes Reimbursed", dated March 31, 2009.

6 (b) "Group 2 crime" means a crime that is not a group 1 crime,
7 including larceny, fraud, forgery, embezzlement, motor vehicle,
8 malicious destruction of property, controlled substance offense,
9 felony drunk driving, and other nonassaultive offenses.

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

15 (5) County jail reimbursement program expenditures shall not
16 exceed the amount appropriated in part 1 for the county jail
17 reimbursement program. Payments to counties under the county jail
18 reimbursement program shall be made in the order in which properly
19 documented requests for reimbursements are received. A request
20 shall be considered to be properly documented if it meets MDOC
21 requirements for documentation. By October 15, 2012, the department
22 shall distribute the documentation requirements to all counties.

23 (6) Of the funds appropriated in part 1 for the county jail
24 reimbursement program, \$500,000.00 shall be utilized to reimburse
25 county jails for housing individuals who violate terms of probation
26 under the swift-and-sure sanctions pilot program.

27 Sec. 415. (1) The department shall create a database for use

1 by the department and MPRI service providers. The database shall be
2 available to both the department and the service provider in real
3 time. The department, in consultation with the service providers,
4 shall issue a policy defining each field in the database so that
5 there will be common usage of all terms and fields.

6 (2) The department, in consultation with the service
7 providers, shall publish financial guidelines for administration of
8 this program.

9 Sec. 416. Allowable uses of the felony drunk driver jail
10 reduction and community treatment program shall include reimbursing
11 counties for transportation, treatment costs, and housing felony
12 drunk drivers during a period of assessment for treatment and case
13 planning. Reimbursements for housing during the assessment process
14 shall be at the rate of \$43.50 per day per offender, up to a
15 maximum of 5 days per offender.

16 Sec. 417. (1) By March 1, the department shall report to the
17 members of the senate and house appropriations subcommittees on
18 corrections, the senate and house fiscal agencies, and the state
19 budget director on each of the following programs from the previous
20 fiscal year:

21 (a) The county jail reimbursement program.

22 (b) The felony drunk driver jail reduction and community
23 treatment program.

24 (c) Any new initiatives to control prison population growth
25 funded or proposed to be funded under part 1.

26 (2) For each program listed under subsection (1), the report
27 shall include information on each of the following:

1 (a) Program objectives and outcome measures, including, but
2 not limited to, the number of offenders who successfully completed
3 the program, and the number of offenders who successfully remained
4 in the community during the 3 years following termination from the
5 program.

6 (b) Expenditures by location.

7 (c) The impact on jail utilization.

8 (d) The impact on prison admissions.

9 (e) Other information relevant to an evaluation of the
10 program.

11 Sec. 418. (1) The department shall collaborate with the state
12 court administrative office on facilitating changes to Michigan
13 court rules that would require the court to collect at the time of
14 sentencing the state operator's license, state identification card,
15 or other documentation used to establish the identity of the
16 individual to be admitted to the department. The department shall
17 maintain those documents in the prisoner's personal file.

18 (2) The department shall cooperate with MDCH to create and
19 maintain a process by which prisoners can obtain their Michigan
20 birth certificates if necessary. The department shall describe a
21 process for obtaining birth certificates from other states, and in
22 situations where the prisoner's effort fails, the department shall
23 assist in obtaining the birth certificate.

24 Sec. 419. (1) The department shall provide weekly electronic
25 mail reports to the senate and house appropriations subcommittees
26 on corrections, the senate and house fiscal agencies, and the state
27 budget director on prisoner, parolee, and probationer populations

1 by facility, and prison capacities.

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

10 (a) Community residential program populations, separated by
11 centers and electronic monitoring.

12 (b) Parole populations.

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

15 (d) Prison and camp populations, with separate identification
16 of the number in special alternative incarceration and the number
17 of lifers.

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

20 (f) Prisoner exits, identifying transfers to community
21 placement, paroles from prisons and camps, paroles from community
22 placement, total movements to parole, prison intake, prisoner
23 deaths, prisoners discharging on the maximum sentence, and other
24 prisoner exits.

25 (g) Prison intake and returns, including probation violators,
26 new court commitments, violators with new sentences, escaper new
27 sentences, total prison intake, returns from court with additional

1 sentences, community placement returns, technical parole violator
2 returns, and total returns to prison and camp.

3 Sec. 420. By March 1, the department shall report to the
4 senate and house appropriations subcommittees on corrections, the
5 senate and house judiciary committees, the senate and house fiscal
6 agencies, and the state budget director on performance data and
7 efforts to improve efficiencies relative to departmental staffing,
8 health care services, food service, prisoner transportation, mental
9 health care services, and pharmaceutical costs.

10 Sec. 422. It is the intent of the legislature that MPRI
11 programs from prisoner entry into the corrections system to reentry
12 into the community and as measured by offender success and
13 programmatic success as those terms are defined in section 203
14 shall be maintained as standard operating procedure in the
15 department. In particular, services should be focused on moderate-
16 to high-risk individuals. Special in-prison programming shall be
17 directed to those prisoners who were paroled and have returned to
18 prison and who will subsequently be eligible for parole again in
19 the future. In addition, MPRI services provided to prisoners shall
20 include basic computer skills training.

21 Sec. 424. (1) From the funds appropriated in part 1 for
22 residential services, the department shall develop and implement,
23 in collaboration with the judiciary and as approved by the state
24 court administrative office, a demonstration project based on
25 evidence-based practices related to judicial and case management
26 interventions that have been proven to increase public safety for
27 high-risk, high-need probationers as determined by a validated risk

1 and need assessment instrument. As used in this section,
2 "probationer" means a circuit court probationer serving a probation
3 sentence for a crime.

4 (2) The demonstration project shall be implemented in 4 areas
5 of the state identified jointly by the department and the state
6 court administrative office. Preference shall be given to locations
7 that are representative of areas with high rates of violent crimes
8 as described in the council of state governments' justice center
9 report on analyses of crime, community corrections, and sentencing
10 policies in this state.

11 (3) The primary goal of the demonstration project is to reduce
12 crime and revictimization by high-risk, high-need probationers. The
13 secondary goal of the demonstration project is to reduce
14 expenditures for long-term incarceration.

15 (4) The demonstration project may provide up to 6 months of
16 residential services, and treatment methods, and interventions that
17 are evidence-based, including, but not limited to, the following:

18 (a) Risk/needs assessment.

19 (b) Motivational techniques.

20 (c) Type, intensity, and duration of treatment based on each
21 probationer's risk and needs and delivered consistent with
22 evidence-based practices.

23 (5) The department shall implement the evidence-based practice
24 of collaborative case management and utilize the services of the
25 department and of local community corrections consistent with the
26 local comprehensive corrections plan developed under the community
27 corrections act, 1988 PA 511, MCL 791.401 to 791.414.

1 (6) The department shall assign a probation officer to the
2 demonstration project to supervise a specialized caseload for high-
3 risk, high-need probationers. All probation officers supervising a
4 specialized caseload under this section shall receive substantial
5 education and training on issues of substance abuse, mental health,
6 and drug and alcohol testing.

7 (7) The probation officer shall work in cooperation with the
8 local judiciary and the community corrections advisory board in a
9 collaborative effort toward the goals of promoting probationer
10 success and reducing crime and revictimization.

11 (8) The probation officer assigned to the demonstration
12 project shall comply with supervision requirements established for
13 the demonstration project by the field operations administration
14 deputy director.

15 (9) The department shall identify and coordinate information
16 for each local jurisdiction selected for the demonstration project
17 regarding the rate of incarceration of high-risk, high-need
18 probationers to ensure that appropriate probationers are targeted
19 for the demonstration project.

20 (10) From the funds appropriated in part 1 for public
21 education and training, the department shall collaborate with the
22 local judiciary, community corrections advisory board, and service
23 providers to develop and provide appropriate training for all local
24 stakeholders involved in the demonstration project described in
25 this section.

26 (11) From the funds provided to the local jurisdiction for the
27 demonstration project, the department shall collaborate with the

1 local judiciary and the community corrections advisory board to
2 develop and implement an evaluation of the demonstration project
3 that will show the impact of the project on the arrests,
4 convictions, technical violations, and commitments to prison of the
5 demonstration project participants. This evaluation shall be
6 performed in accordance with department of corrections policy and
7 procedure on evaluation design in cooperation with the office of
8 research and planning.

9 (12) By May 1, the department shall report to the senate and
10 house appropriations subcommittees on corrections, the senate and
11 house fiscal agencies, and the state budget director on the status
12 of the demonstration project prescribed under this section,
13 including information on all of the following:

14 (a) Demonstration project locations and participating courts.

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

17 (c) Evaluation status and methodology.

18 (d) Preliminary results, if any.

19 Sec. 429. It is the intent of the legislature that the
20 department work with other state departments and agencies to
21 implement the policy options provided to the state by the council
22 of state governments in January 2009 and March 2011.

23 Sec. 430. The department shall ensure that each prisoner has
24 the opportunity to meet with his or her transition team prior to
25 release from prison. If applicable, community providers shall enter
26 the prison to meet with the prisoner prior to release.

27 Sec. 431. The department shall ensure that prior to release

1 from prison, each offender has possession of all of the following:

2 (a) All documents necessary to obtain a state operator's
3 license or state identification card.

4 (b) A set of clothing that would be appropriate and suitable
5 for wearing to an interview for employment.

6 Sec. 433. The department shall report quarterly on January 1,
7 2013, April 1, 2013, July 1, 2013, and September 30, 2013 to the
8 senate and house appropriations subcommittees on corrections, the
9 senate and house fiscal agencies, and the state budget director on
10 the status of any contracts entered into under the June 2009
11 request for proposals for the re-entry initiative project for
12 offenders with special needs. The report shall include information
13 on all of the following:

14 (a) The number of prisoners and participating parolees in each
15 of the target population subgroups, including medically fragile,
16 mentally ill, developmentally disabled, and youthful offenders.

17 (b) Descriptions of the key services being provided to each
18 subgroup under the contract or contracts.

19 (c) Estimates of the average per-offender costs of services
20 for each target population subgroup under each contract, compared
21 to the average cost of prison incarceration for those populations.

22 OPERATIONS AND SUPPORT ADMINISTRATION

23 Sec. 501. From the funds appropriated in part 1 for
24 prosecutorial and detainer expenses, the department shall reimburse
25 counties for housing and custody of parole violators and offenders
26 being returned by the department from community placement who are

1 available for return to institutional status and for prisoners who
2 volunteer for placement in a county jail.

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

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

23 Sec. 504. Of the funds appropriated in part 1, \$50,000.00 is
24 appropriated to provide an interdepartmental grant to the judiciary
25 for use of the judicial data warehouse by department employees.

26 Sec. 505. The department shall provide for the training of all
27 custody staff in effective and safe ways of handling prisoners with

1 mental illness and referring prisoners to mental health treatment
2 programs. Mental health awareness training shall be incorporated
3 into the training 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 complete audit shall be submitted to the senate and
10 house appropriations subcommittees on corrections and the senate
11 and house fiscal agencies, and the state budget office by March 1.

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

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

21 (2) Program participant contributions and local community
22 tether program reimbursement for the electronic tether program
23 appropriated in part 1 are related to program expenditures and may
24 be used to offset expenditures for this purpose.

25 (3) Included in the appropriation in part 1 is adequate
26 funding to implement the community tether program to be

1 administered by the department. The community tether program is
2 intended to provide sentencing judges and county sheriffs in
3 coordination with local community corrections advisory boards
4 access to the state's electronic tether program to reduce prison
5 admissions and improve local jail utilization. The department shall
6 determine the appropriate distribution of the tether units
7 throughout the state based upon locally developed comprehensive
8 corrections plans under the community corrections act, 1988 PA 511,
9 MCL 791.401 to 791.414.

10 (4) For a fee determined by the department, the department
11 shall provide counties with the tether equipment, replacement
12 parts, administrative oversight of the equipment's operation,
13 notification of violators, and periodic reports regarding county
14 program participants. Counties are responsible for tether equipment
15 installation and service. For an additional fee as determined by
16 the department, the department shall provide staff to install and
17 service the equipment. Counties are responsible for the
18 coordination and apprehension of program violators.

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

22 Sec. 604. Community-placement prisoners and parolees shall
23 reimburse the department for the total costs of the program. As an
24 alternative method of payment, the department may develop a
25 community service work schedule for those individuals unable to
26 meet reimbursement requirements established by the department.

27 Sec. 606. It is the intent of the legislature that the

1 department shall ensure that parolees and probationers may timely
2 contact their parole or probation agents and maintain procedures
3 that preclude any necessity for an offender to have access to an
4 agent's home telephone number or other personal information
5 pertaining to the agent.

6 Sec. 608. By March 1, 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 on
9 the use of electronic monitoring. At a minimum, the report shall
10 include all of the following:

11 (a) Details on the failure rate of parolees for whom GPS
12 tether is utilized, including the number and rate of parolee
13 technical violations, including specifying failures due to
14 committing a new crime that is uncharged but leads to parole
15 termination, and the number and rate of parolee violators with new
16 sentences.

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

21 (c) Monthly data on the number of offenders on active GPS
22 tether, passive GPS tether, radio frequency tether, and any other
23 type of tether.

24 Sec. 611. The department shall prepare by March 1, 2011
25 individual reports for the community re-entry program, the
26 electronic tether program, and the special alternative to
27 incarceration program. The reports shall be submitted to the house

1 and senate appropriations subcommittees on corrections, the house
2 and senate fiscal agencies, and the state budget director. Each
3 program's report shall include information on all of the following:

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

10 (b) Monthly participant unsuccessful terminations, including
11 cause.

12 (c) Number of successful terminations.

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

14 (e) Average length of placement.

15 (f) Return to prison statistics.

16 (g) Description of each program location or locations,
17 capacity, and staffing.

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

20 (i) Comparison with prior year statistics.

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

23 Sec. 612. (1) The department shall review and revise as
24 necessary policy proposals that provide alternatives to prison for
25 offenders being sentenced to prison as a result of technical
26 probation violations and technical parole violations. To the extent
27 the department has insufficient policies or resources to affect the

1 continued increase in prison commitments among these offender
2 populations, the department shall explore other policy options to
3 allow for program alternatives, including department or OCC-funded
4 programs, local level programs, and programs available through
5 private agencies that may be used as prison alternatives for these
6 offenders.

7 (2) To the extent policies or programs described in subsection
8 (1) are used, developed, or contracted for, the department may
9 request that funds appropriated in part 1 be transferred under
10 section 393(2) of the management and budget act, 1984 PA 431, MCL
11 18.1393, for their operation.

12 (3) The department shall continue to utilize parole violator
13 processing guidelines that require parole agents to utilize all
14 available appropriate community-based, nonincarcerative postrelease
15 sanctions and services when appropriate. The department shall
16 periodically evaluate such guidelines for modification, in response
17 to emerging information from the demonstration projects for
18 substance abuse treatment provided under this act and applicable
19 provisions of prior budget acts for the department.

20 (4) The department shall provide quarterly reports to the
21 senate and house appropriations subcommittees on corrections, the
22 senate and house fiscal agencies, and the state budget director on
23 the number of all parolees returned to prison and probationers
24 sentenced to prison for either a technical violation or new
25 sentence during the preceding calendar quarter. The reports shall
26 include the following information each for probationers, parolees
27 after their first parole, and parolees who have been paroled more

1 than once:

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

6 (b) The numbers of parole and probation violators returned to
7 or sent to prison for a technical violation and the type of
8 violation, including, but not limited to, zero gun tolerance and
9 substance abuse violations. For parole technical rule violators,
10 the report shall list violations by type, by length of time since
11 release from prison, by the most recent violation, and by the
12 number of violations occurring since release from prison.

13 (c) The educational history of those offenders, including how
14 many had a GED or high school diploma prior to incarceration in
15 prison, how many received a GED while in prison, and how many
16 received a vocational certificate while in prison.

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

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

22 Sec. 613. Subject to the appropriations in part 1, the
23 department is encouraged to expand the use of continuous remote
24 alcohol monitors for parolees and probationers who test positive
25 for alcohol abuse or have alcohol-abuse-related violations of their
26 community supervision.

27 Sec. 615. After the parole board has reviewed the cases of all

1 inmates sentenced to imprisonment for life with the possibility of
2 parole who have good institutional records, the parole board shall
3 calculate each inmate's parole guidelines score. The parole board
4 shall provide the legislature with the specific reason or reasons
5 why any individual inmate who scores "high probability of release"
6 is not being paroled. The parole board shall submit a report
7 containing a list of these reasons for each inmate to the house and
8 senate appropriations subcommittees on corrections, the house and
9 senate fiscal agencies, and the state budget director by January 1.

10 HEALTH CARE

11 Sec. 802. As a condition of expenditure of the funds
12 appropriated in part 1, the department shall provide the senate and
13 house of representatives appropriations subcommittees on
14 corrections, the senate and house fiscal agencies, and the state
15 budget director with all of the following:

16 (a) Quarterly reports on physical and mental health care
17 detailing quarterly and fiscal year-to-date expenditures itemized
18 by vendor, allocations, status of payments from contractors to
19 vendors, and projected year-end expenditures from accounts for
20 prisoner health care, mental health care, pharmaceutical services,
21 and durable medical equipment.

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

25 Sec. 804. (1) The department shall report quarterly to the
26 senate and house appropriations subcommittees on corrections, the

1 senate and house fiscal agencies, and the state budget director on
2 prisoner health care utilization. The report shall include the
3 number of inpatient hospital days, outpatient visits, and emergency
4 room visits in the previous quarter and since October 1, 2009, by
5 facility.

6 (2) By March 1, the department shall report to the senate and
7 house appropriations subcommittees on corrections, the senate and
8 house fiscal agencies, and the state budget director on prisoners
9 receiving off-site inpatient medical care that would have received
10 care in a state correctional facility if beds were available. The
11 report shall include the number of prisoners receiving off-site
12 inpatient medical care and average length of stay in an off-site
13 facility during the period they would have received care in a state
14 correctional facility if beds were available, by month and
15 correctional facilities administration region.

16 Sec. 806. From the funds appropriated in part 1, the
17 department shall require a hepatitis C antibody test and an HIV
18 test for each prisoner prior to release to the community by parole
19 or discharge on the maximum sentence. The department shall require
20 an HIV test and a hepatitis C risk factor screening for each
21 prisoner at the health screening at admissions. If hepatitis C risk
22 factors are identified, the department shall offer the prisoner a
23 hepatitis C antibody test. An explanation of results of the tests
24 shall be provided confidentially to the prisoner, and if
25 appropriate based on the test results, the prisoner shall also be
26 provided a recommendation to seek follow-up medical attention.

27 Sec. 807. The department shall ensure that all medications for

1 a prisoner be transported with that prisoner when the prisoner is
2 transferred from 1 correctional facility to another. Prisoners
3 being released shall have access to at least a 30-day supply of
4 medication and a prescription for refills to allow for continuity
5 of care in the community.

6 Sec. 809. The department, in conjunction with efforts to
7 implement prisoner re-entry, shall cooperate with the MDCH to share
8 data and information as they relate to prisoners being released who
9 are HIV positive or positive for the hepatitis C antibody. By March
10 1, 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 parolees and offenders discharged on the
21 maximum sentence who are HIV or hepatitis C positive by paroling
22 office as reported to the state department of community health for
23 referral to the local public health department.

24 Sec. 812. (1) The department shall provide the department of
25 human services with a monthly list of prisoners newly committed to
26 the department of corrections. The department and the department of
27 human services shall enter into an interagency agreement under

1 which the department of human services provides the department of
2 corrections with monthly lists of newly committed prisoners who are
3 eligible for Medicaid benefits in order to maintain the process by
4 which Medicaid benefits are suspended rather than terminated. The
5 department shall assist prisoners who may be eligible for Medicaid
6 benefits after release from prison with the Medicaid enrollment
7 process prior to release from prison.

8 (2) The department shall provide the senate and house
9 appropriations subcommittees on corrections, the senate and house
10 fiscal agencies, and the state budget director with quarterly
11 updates on the utilization of Medicaid benefits for prisoners.

12 Sec. 814. The department shall assure that psychotropic
13 medications are available, when deemed medically necessary by a
14 licensed medical service provider, to prisoners who have mental
15 illness diagnoses but are not enrolled in corrections mental health
16 services.

17 Sec. 816. By April 1, the department shall provide the members
18 of the senate and house appropriations subcommittees on
19 corrections, the senate and house fiscal agencies, the state budget
20 director, and the legislative corrections ombudsman with a report
21 on pharmaceutical expenditures and prescribing practices. In
22 particular, the report shall provide the following information:

23 (a) A detailed accounting of expenditures on antipsychotic
24 medications.

25 (b) Any changes that have been made to the prescription drug
26 formularies.

27 (c) A progress report on the department's efforts to address

1 various findings outlined in audit report 471-0325-09L issued in
2 March 2011 by the Michigan office of the auditor general.

3 **CORRECTIONAL FACILITIES ADMINISTRATION**

4 Sec. 905. (1) Savings in the inmate housing fund shall be
5 achieved through competitive bidding of facility operations or
6 other measures to reduce the custody, treatment, clinical, and
7 administrative costs associated with the housing of prisoners.
8 Savings shall be distributed as necessary into separate accounts
9 created to separately identify savings through specific cost
10 savings measures.

11 (2) Quarterly reports on all expenditures from the inmate
12 housing fund shall be submitted by the department to the state
13 budget director, the senate and house appropriations subcommittees
14 on corrections, and the senate and house fiscal agencies.

15 Sec. 906. It is the intent of the legislature that the
16 department maintain or expand upon existing public works
17 programming by contracting with local units of government or
18 private organizations. Any local unit of government or private
19 organization that contracts with the department for public works
20 services shall be responsible for financing the entire cost of such
21 an agreement.

22 Sec. 907. The department shall report by March 1 to the senate
23 and house appropriations subcommittees on corrections, the senate
24 and house fiscal agencies, and the state budget director on
25 academic and vocational programs. The report shall provide
26 information relevant to an assessment of the department's academic

1 and vocational programs, including, but not limited to, all of the
2 following:

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

5 (b) The number of prisoners enrolled in each program, the
6 number of prisoners completing each program, the number of
7 prisoners who fail each program, the number of prisoners who do not
8 complete each program and the reason for not completing the
9 program, the number of prisoners transferred to another facility
10 while enrolled in a program and the reason for transfer, the number
11 of prisoners enrolled who are repeating the program by reason, and
12 the number of prisoners on waiting lists for each program, all
13 itemized by facility.

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

17 (d) The number of prisoners paroled without a high school
18 diploma and the number of prisoners paroled without a GED.

19 (e) An explanation of the value and purpose of each program,
20 for example, to improve employability, reduce recidivism, reduce
21 prisoner idleness, or some combination of these and other factors.

22 (f) An identification of program outcomes for each academic
23 and vocational program.

24 (g) An explanation of the department's plans for academic and
25 vocational programs, including plans to contract with intermediate
26 school districts for GED and high school diploma programs.

27 (h) The number of prisoners not paroled at their earliest

1 release date due to lack of a GED, and the reason those prisoners
2 have not obtained a GED.

3 Sec. 910. The department shall allow the Michigan Braille
4 transcribing fund program to operate at its current location. The
5 donation of the building by the Michigan Braille transcribing fund
6 at the G. Robert Cotton correctional facility in Jackson is
7 acknowledged and appreciated. The department shall continue to
8 encourage the Michigan Braille transcribing fund program to produce
9 high-quality materials for use by the visually impaired.

10 Sec. 911. By March 1, the department shall report to the
11 senate and house appropriations subcommittees on corrections, the
12 senate and house fiscal agencies, the legislative corrections
13 ombudsman, and the state budget director the number of critical
14 incidents occurring each month by type and the number and severity
15 of assaults occurring each month at each facility during calendar
16 year 2011.

17 Sec. 912. The department shall report to the senate and house
18 appropriations subcommittees on corrections, the senate and house
19 fiscal agencies, and the state budget director by March 1 on the
20 ratio of correctional officers to prisoners for each correctional
21 institution, the ratio of shift command staff to line custody
22 staff, and the ratio of noncustody institutional staff to prisoners
23 for each correctional institution.

24 Sec. 913. (1) It is the intent of the legislature that any
25 prisoner required to complete an assaultive offender program,
26 sexual offender program, or other program as a condition of parole
27 shall be transferred to a facility where that program is available

1 in order to accomplish timely completion of that program prior to
2 the expiration of his or her minimum sentence and eligibility for
3 parole. Nothing in this section should be deemed to make parole
4 denial appealable in court.

5 (2) The department shall submit a quarterly report to the
6 members of the senate and house appropriations subcommittees on
7 corrections, the senate and house fiscal agencies, the state budget
8 director, and the legislative corrections ombudsman detailing
9 enrollment in sex offender programming, assaultive offender
10 programming, violent offender programming, and thinking for change.
11 At a minimum, the report shall include the following:

12 (a) A full accounting of the number of individuals who are
13 required to complete the programming, but have not yet done so.

14 (b) The number of individuals who have reached their earliest
15 release date, but who have not completed required programming.

16 (c) A plan of action for addressing any waiting lists or
17 backlogs for programming that may exist.

18 Sec. 916. The department shall report by February 1 to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director on
21 the number of computers available for use by prisoners within each
22 prison facility. The report shall summarize the purpose and
23 frequency of use of these computers within each facility, and in
24 particular shall provide detail on the extent to which computers
25 are utilized for education programming, for both academic and
26 vocational purposes.

27 Sec. 921. (1) By March 1, the department shall report to the

1 chairs of the senate and house appropriations committees, the
2 senate and house appropriations subcommittees on corrections, the
3 senate and house fiscal agencies, and the state budget director on
4 the following:

5 (a) The actual savings realized between January 1, 2009 and
6 April 1, 2012 as a result of closing correctional facilities and
7 correctional camps between January 1, 2009 and January 1, 2013,
8 itemized by correctional facility or correctional camp.

9 (b) The projected fiscal year 2012-2013 savings by closing
10 correctional facilities and correctional camps between January 1,
11 2009 and January 1, 2013, itemized by correctional facility or
12 correctional camp.

13 (2) The report in subsection (1) shall include information on
14 all of the following:

15 (a) The savings realized or projected to be realized, itemized
16 by program or type of expenditure.

17 (b) Any cost of field supervision, field operations programs,
18 or prisoner reintegration programs related to the closure of
19 correctional facilities and correctional camps between January 1,
20 2009 and January 1, 2013.

21 Sec. 923. (1) The department shall cooperate with the
22 department of education to evaluate the feasibility of local
23 intermediate school districts providing education programming to
24 targeted prisoners under the age of 20 who have not received a high
25 school diploma. By June 1, 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 any plans or evaluations developed under this section.

2 (2) The department shall make efforts to encourage retired
3 school teachers to provide education services in correctional
4 facilities through volunteerism.

5 Sec. 924. The department shall evaluate all prisoners at
6 intake for substance abuse disorders, developmental disorders,
7 serious mental illness, and other mental health disorders.
8 Prisoners with serious mental illness shall not be confined in
9 administrative segregation. Under the supervision of a mental
10 health professional, a prisoner with serious mental illness may be
11 secluded in a therapeutic environment for the safety of the
12 prisoner or others. A prisoner in therapeutic seclusion shall be
13 evaluated by a mental health professional at a frequency set forth
14 in the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106,
15 or at least every 12 hours, whichever would require more frequent
16 evaluations, in order to remain in therapeutic seclusion.

17 Sec. 925. By March 1, 2013, the department shall report to the
18 senate and house appropriations subcommittees on corrections, the
19 senate and house fiscal agencies, and the state budget director on
20 the annual number of prisoners in administrative segregation
21 between October 1, 2003 and September 30, 2012, and the annual
22 number of prisoners in administrative segregation between October
23 1, 2003 and September 30, 2012 who at any time during the current
24 or prior prison term were diagnosed with serious mental illness or
25 have a developmental disorder and the number of days each of the
26 prisoners with serious mental illness or a developmental disorder
27 have been confined to administrative segregation.

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

3 (a) Ensure that any inmate care and control staff in contact
4 with prisoners less than 19 years of age are adequately trained
5 with regard to the developmental and mental health needs of
6 prisoners less than 19 years of age. By April 1, 2012, the
7 department shall report to the senate and house appropriations
8 subcommittees on corrections, the senate and house fiscal agencies,
9 and the state budget director on the training curriculum used and
10 the number and types of staff receiving training under that
11 curriculum since October 2009.

12 (b) Provide appropriate placement for prisoners less than 19
13 years of age who have serious mental illness, serious emotional
14 disturbance, or a developmental disorder and need to be housed
15 separately from the general population. Prisoners less than 19
16 years of age who have serious mental illness, serious emotional
17 disturbance, or a developmental disorder shall not be placed in
18 administrative segregation. Under the supervision of a mental
19 health professional, a prisoner less than 19 years of age with
20 serious mental illness or serious emotional disturbance may be
21 secluded in a therapeutic environment for the safety of the
22 prisoner or others. A prisoner in therapeutic seclusion shall be
23 evaluated every 12 hours by a mental health professional in order
24 to remain in therapeutic seclusion.

25 (c) Implement a specialized re-entry program that recognizes
26 the needs of prisoners less than 19 years old for supervised re-
27 entry.

1 Sec. 930. The department shall not have a shooting range
2 located on property east of 3760 Foco Road, Standish, Michigan.

3 Sec. 935. The department shall regularly evaluate each
4 correctional facility in terms of cost effectiveness and make a
5 determination as to how long each facility should remain open based
6 upon the age of the facility, the costs of its continued operation,
7 and the relative costs of alternative bed space that could be
8 utilized. When it is determined that a facility is no longer cost-
9 effective to operate due to the age of the facility or that the
10 facility has become functionally obsolete, or both, the department
11 should analyze the economic impact of the facility on the
12 surrounding community. If the department determines that the
13 facility is critical to the economic viability of the surrounding
14 community, the department shall work with the Michigan economic
15 development corporation and any other relevant state or local
16 agencies to encourage private sector investment in that community.

17 Sec. 936. The department shall contract with third-party
18 providers to complete an assessment of energy utilization at each
19 state correctional facility. In particular, the department shall
20 endeavor to identify and implement energy-saving initiatives in the
21 various correctional facilities. By April 1, the department shall
22 provide the members of the senate and house appropriations
23 subcommittees on corrections, the senate and house fiscal agencies,
24 the state budget director, and the legislative corrections
25 ombudsman with a report on these efforts.

26 Sec. 937. The funds appropriated in part 1 for the cost-
27 effective housing initiative shall be utilized to ensure more cost-

1 effective housing of prisoners. The department shall use this
2 funding to house prisoners in the most cost-effective manner
3 possible. This shall include exploring the use of public-private
4 partnerships, the use of privately owned facilities in Michigan,
5 and the use of state facilities by third-party contractors. The use
6 of cost-effective housing from this initiative shall be used to
7 achieve general prison operations savings budgeted in the inmate
8 housing fund line item. The department shall work cooperatively
9 with the chairpersons of the senate and house appropriations
10 subcommittees on corrections in identifying appropriate reductions
11 to prison facility line items to achieve the budgeted savings in
12 the inmate housing fund line item.

13 Sec. 939. (1) By January 1, the department shall release a
14 request for proposal seeking competitive bids for the special
15 alternative incarceration facility, the prison stores, the food
16 service operations, and up to 1,750 custody beds.

17 (2) The department, working with the department of technology,
18 management, and budget, shall issue a quarterly report detailing
19 the current status of any requests for proposal required under this
20 section. If the status of any item listed in the report remains
21 unchanged for more than 2 consecutive reporting periods, the report
22 shall provide an explanation of the delay.

23 Sec. 940. For the purpose of procuring drug testing services
24 at correctional facilities, the department shall enter into a
25 contract with a Michigan-based company that provides laboratory
26 oral fluid drug testing.

27 Sec. 941. The department shall ensure that any contract with a

1 public or private party to operate the special alternative
2 incarceration facility at camp Cassidy Lake includes a provision to
3 require that public works program services continue to be provided
4 to the St. Louis Center in Chelsea at rates consistent with the
5 rate structure in place as of May 1, 2011.

6 Sec. 942. The department shall ensure that any contract with a
7 public or private party to operate a facility to house state
8 prisoners includes a provision to allow access by both the office
9 of the legislative auditor general and the office of the
10 legislative corrections ombudsman to the facility and to
11 appropriate records and documents related to the operation of the
12 facility. These access rights for both offices shall be the same
13 for the contracted facility as for a general state-operated
14 correctional facility.

15 Sec. 943. It is the intent of the legislature that the
16 department maintains sufficient perimeter security measures at
17 department prison facilities to ensure the safety of communities
18 surrounding those facilities.

19 Sec. 945. As a condition for expending funds appropriated in
20 part 1, the department shall allow a person acting as a prisoner
21 mentor to continue his or her mentoring relationship with a
22 prisoner as that prisoner transitions back into the community
23 during his or her term of parole unless the department has specific
24 reasons as to why the continuation of the mentoring relationship is
25 not in the best interest of the prisoner's transition success. The
26 department shall not establish or practice a policy that
27 automatically disqualifies a mentor from continuing an established

1 mentoring relationship during a prisoner's term of parole.

2 Sec. 946. As a condition for expending funds appropriated in
3 part 1, the department shall not restrict prisoner access to
4 programming and shall not deny prisoner access to persons qualified
5 to deliver programming because of the faith-based nature of the
6 programming. The department shall establish clear policy guidance
7 regarding the validity of faith-based programming for prisoners who
8 desire that programming and prohibiting discrimination against
9 faith-based programming relative to other types of programming for
10 those prisoners. The policy shall be communicated to all prison
11 wardens and key facility management staff to ensure compliance.

12 **MISCELLANEOUS**

13 Sec. 1009. The department shall create an information packet
14 for the families of incoming prisoners. This packet shall be made
15 available on the department website by February 1, 2013 and shall
16 be updated by February 1 of each year thereafter. The packet shall
17 provide information on topics including, but not limited to: how to
18 put money into prisoner accounts, how to make phone calls or create
19 Jpay email accounts, how to visit in person, proper procedures for
20 filing complaints or grievances, the rights of prisoners to
21 physical and mental health care, how to utilize the offender
22 tracking information system (OTIS), truth-in-sentencing and how it
23 applies to minimum sentences, the parole process, and guidance on
24 the importance of the role of families in the reentry process. The
25 department is encouraged to partner with external advocacy groups
26 and actual families of prisoners in the packet-writing process to

1 ensure that the information is useful and complete.

2 Sec. 1011. The department shall accept in-kind services and
3 equipment donations to facilitate the addition of a cable network
4 that provides programming that will address the religious needs of
5 incarcerated individuals. This network shall be a cable television
6 network that presently reaches the majority of households in the
7 United States. A bilingual channel affiliated with this network may
8 also be added to department programming to assist the religious
9 needs of Spanish-speaking inmates. The addition of these channels
10 shall be of no additional cost to this state.

11 PART 2A

12 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

13 FOR FISCAL YEAR 2013-2014

14 GENERAL SECTIONS

15 Sec. 1201. It is the intent of the legislature to provide
16 appropriations for the fiscal year ending on September 30, 2014 for
17 the line items listed in part 1. The fiscal year 2013-2014
18 appropriations are anticipated to be the same as those for fiscal
19 year 2012-2013, except that the line items will be adjusted for
20 changes in caseload and related costs, federal fund match rates,
21 economic factors, and available revenue. These adjustments will be
22 determined after the January 2013 consensus revenue estimating
23 conference.