

**SUBSTITUTE FOR
SENATE BILL NO. 173**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; to provide anticipated appropriations for the fiscal year ending September 30, 2013; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state

agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 FOR FISCAL YEAR 2011-2012

4 Sec. 101. Subject to the conditions set forth in this act, the
5 amounts listed in this part are appropriated for the department of
6 corrections for the fiscal year ending September 30, 2012, from the
7 funds indicated in this part. The following is a summary of the
8 appropriations in this part:

9 **DEPARTMENT OF CORRECTIONS**

10 APPROPRIATION SUMMARY

11	Average population	45,223	
12	Full-time equated unclassified positions.....	16.0	
13	Full-time equated classified positions.....	15,437.3	
14	GROSS APPROPRIATION.....		\$ 1,906,249,300
15	Interdepartmental grant revenues:		
16	Total interdepartmental grants and intradepartmental		
17	transfers		943,800
18	ADJUSTED GROSS APPROPRIATION.....		\$ 1,905,305,500
19	Federal revenues:		
20	Total federal revenues.....		7,995,100
21	Special revenue funds:		
22	Total local revenues.....		447,300
23	Total private revenues.....		0
24	Total other state restricted revenues.....		42,351,400
25	State general fund/general purpose.....		\$ 1,854,511,700

1 **Sec. 102. EXECUTIVE**

2	Full-time equated unclassified positions.....	16.0	
3	Full-time equated classified positions.....	42.0	
4	Unclassified positions--16.0 FTE positions		\$ 1,367,600
5	Executive direction--42.0 FTE positions		5,411,100
6	Neal, et al. settlement agreement		<u>15,000,000</u>
7	GROSS APPROPRIATION.....		\$ 21,778,700
8	Appropriated from:		
9	State general fund/general purpose		\$ 21,778,700

10 **Sec. 103. PLANNING AND COMMUNITY SUPPORT**

11	Full-time equated classified positions.....	12.0	
12	MPRI residential stability.....		\$ 7,251,300
13	MPRI employment readiness.....		7,265,100
14	MPRI social support.....		4,861,000
15	MPRI health and behavioral health.....		3,357,700
16	MPRI operations support.....		3,848,400
17	MPRI other projects.....		27,126,200
18	MPRI federal grants.....		1,035,000
19	Substance abuse testing and treatment services--12.0		
20	FTE positions		24,070,900
21	Residential services.....		18,075,500
22	Community corrections comprehensive plans and services		13,958,000
23	Public education and training.....		50,000
24	Regional jail program.....		100
25	Felony drunk driver jail reduction and community		
26	treatment program		1,740,100
27	County jail reimbursement program.....		<u>26,572,100</u>

1	GROSS APPROPRIATION.....	\$	139,211,400
2	Appropriated from:		
3	Federal revenues:		
4	DOJ-OJP, RSAT.....		143,900
5	DOJ, prisoner reintegration.....		1,035,000
6	Special revenue funds:		
7	Civil infraction fees.....		5,900,000
8	State general fund/general purpose.....	\$	132,132,500
9	Sec. 104. OPERATIONS SUPPORT ADMINISTRATION		
10	Full-time equated classified positions.....	141.9	
11	Operations support administration--42.0 FTE positions	\$	4,110,700
12	New custody staff training.....		6,094,100
13	Compensatory buyout and union leave bank.....		100
14	Worker's compensation.....		16,278,900
15	Bureau of fiscal management--82.9 FTE positions.....		8,448,300
16	Office of legal services--6.0 FTE positions.....		2,345,100
17	Internal affairs--11.0 FTE positions.....		1,219,300
18	Rent.....		2,095,200
19	Equipment and special maintenance.....		2,425,500
20	Administrative hearings officers.....		2,682,900
21	Judicial data warehouse user fees.....		50,000
22	Interdepartmental grant to department of judiciary...		1,000,000
23	Sheriffs' coordinating and training office.....		500,000
24	Prosecutorial and detainer expenses.....		<u>4,051,000</u>
25	GROSS APPROPRIATION.....	\$	51,301,100
26	Appropriated from:		
27	Interdepartmental grant revenues:		

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1	IDG-MDSP, Michigan justice training fund.....		313,200
2	Special revenue funds:		
3	Local corrections officer training fund.....		500,000
4	Correctional industries revolving fund.....		534,600
5	State general fund/general purpose.....	\$	49,953,300
6	Sec. 105. FIELD OPERATIONS ADMINISTRATION		
7	Full-time equated classified positions.....	2,161.9	
8	Field operations--2,007.9 FTE positions.....	\$	184,553,200
9	Parole board operations--45.0 FTE positions.....		4,517,400
10	Parole/probation services.....		2,243,500
11	Community re-entry centers--48.0 FTE positions.....		14,269,300
12	Electronic monitoring center--61.0 FTE positions.....		<u>16,570,200</u>
13	<<		>>
14	GROSS APPROPRIATION.....	\$	222,153,600
15	Appropriated from:		
16	Special revenue funds:		
17	Local - community tether program reimbursement.....		447,300
18	Re-entry center offender reimbursements		141,600
19	Parole and probation oversight fees.....		6,300,000
20	Parole and probation oversight fees set-aside.....		2,649,500
21	Tether program, participant contributions.....		2,033,800
22	State general fund/general purpose.....	\$	210,581,400
23	Sec. 106. CORRECTIONAL FACILITIES ADMINISTRATION		
24	Full-time equated classified positions.....	1,197.1	
25	Correctional facilities administration--25.0 FTE		
26	positions	\$	8,186,400
27	Prison food service--394.0 FTE positions.....		52,718,200

1	Transportation--211.6 FTE positions	18,043,600
2	Central records--50.5 FTE positions	3,906,100
3	Inmate legal services	715,900
4	Loans to parolees	179,400
5	Housing inmates in federal institutions	793,900
6	Prison store operations--75.0 FTE positions	1,467,100
7	Prison industries operations--189.0 FTE positions	21,325,400
8	Federal school lunch program	712,800
9	Leased beds and alternatives to leased beds	100
10	Inmate housing fund	100
11	Education program--252.0 FTE positions	<u>24,869,400</u>
12	GROSS APPROPRIATION	\$ 132,918,400
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG-MDCH, forensic center food service	630,600
16	Federal revenues:	
17	DAG-FNS, national school lunch	712,800
18	DED-OESE, title I	533,500
19	DED-OSERS	110,200
20	DED-OVAE, adult education	911,200
21	DED, vocational education equipment	283,100
22	DED, youthful offender/Specter grant	1,318,400
23	DOJ-BOP, federal prisoner reimbursement	211,100
24	DOJ-OJP, serious and violent offender reintegration	
25	initiative	10,400
26	DOJ, prison rape elimination act grant	1,037,900
27	DOJ, state criminal alien assistance program	144,300

1	Special revenue funds:	
2	Correctional industries revolving fund.....	21,325,400
3	Resident stores.....	1,467,100
4	State general fund/general purpose.....	\$ 104,222,400
5	Sec. 107. HEALTH CARE	
6	Full-time equated classified positions.....	1,686.5
7	Health care administration--14.0 FTE positions.....	\$ 3,236,200
8	Prisoner health care services.....	89,095,500
9	Vaccination program.....	691,200
10	Interdepartmental grant to human services,	
11	eligibility specialists	100,000
12	Mental health services and support--546.0 FTE	
13	positions	50,069,200
14	Northern region clinical complexes--366.6 FTE	
15	positions	43,309,800
16	Southern region clinical complexes--759.9 FTE	
17	positions	<u>116,019,300</u>
18	GROSS APPROPRIATION.....	\$ 302,521,200
19	Appropriated from:	
20	Special revenue funds:	
21	Prisoner health care copayments.....	354,900
22	State general fund/general purpose.....	\$ 302,166,300
23	Sec. 108. NORTHERN REGION CORRECTIONAL FACILITIES	
24	Average population	18,983.0
25	Full-time equated classified positions.....	4,262.9
26	Alger maximum correctional facility -	
27	Munising--264.0 FTE positions.....	\$ 26,479,100

1	Average population	889
2	Baraga maximum correctional facility - Baraga--324.1	
3	FTE positions	30,456,200
4	Average population	884
5	Earnest C. Brooks correctional facility -	
6	Muskegon--445.0 FTE positions.....	44,225,900
7	Average population	2,440
8	Chippewa correctional facility - Kincheloe--465.4	
9	FTE positions	46,467,300
10	Average population	2,282
11	Kinross correctional facility - Kincheloe--338.0 FTE	
12	positions	34,263,800
13	Average population	1,799
14	Marquette branch prison - Marquette--338.6 FTE	
15	positions	36,514,700
16	Average population	1,201
17	Newberry correctional facility - Newberry--262.9 FTE	
18	positions	25,348,600
19	Average population	978
20	Oaks correctional facility - Eastlake--305.0 FTE	
21	positions	33,366,400
22	Average population	1,156
23	Ojibway correctional facility - Marenisco--204.9 FTE	
24	positions	18,487,000
25	Average population	1,090
26	Pine River correctional facility - St. Louis--414.9 FTE	
27	positions	39,093,000

1	Average population	2,400	
2	Pugsley correctional facility - Kingsley--215.0 FTE		
3	positions		19,862,000
4	Average population	1,158	
5	Saginaw correctional facility - Freeland--311.8 FTE		
6	positions		31,060,200
7	Average population	1,480	
8	St. Louis correctional facility - St. Louis--319.3 FTE		
9	positions		31,637,400
10	Average population	1,226	
11	Northern region administration and support--54.0 FTE		
12	positions		<u>4,304,300</u>
13	GROSS APPROPRIATION.....	\$	421,565,900
14	Appropriated from:		
15	State general fund/general purpose.....	\$	421,565,900
16	Sec. 109. SOUTHERN REGION CORRECTIONAL FACILITIES		
17	Average population	26,240	
18	Full-time equated classified positions.....	5,933.0	
19	Bellamy Creek correctional facility - Ionia--393.4 FTE		
20	positions	\$	38,086,800
21	Average population	1,850	
22	Carson City correctional facility - Carson		
23	City--453.1 FTE positions		46,128,100
24	Average population	2,440	
25	Cooper Street correctional facility - Jackson--259.9		
26	FTE positions		27,297,400
27	Average population	1,799	

1	G. Robert Cotton correctional facility -	
2	Jackson--401.5 FTE positions	38,467,100
3	Average population	1,841
4	Charles E. Egeler correctional facility -	
5	Jackson--355.3 FTE positions	38,924,900
6	Average population	1,376
7	Richard A. Handlon correctional facility -	
8	Ionia--232.4 FTE positions	23,341,900
9	Average population	1,373
10	Gus Harrison correctional facility - Adrian--442.7	
11	FTE positions	44,413,300
12	Average population	2,342
13	Huron Valley correctional complex - Ypsilanti--559.7	
14	FTE positions	56,904,200
15	Average population	1,872
16	Ionia maximum correctional facility - Ionia--303.7	
17	FTE positions	30,027,200
18	Average population	654
19	Lakeland correctional facility - Coldwater--268.8	
20	FTE positions	23,385,100
21	Average population	2,392
22	Macomb correctional facility - New Haven--303.3 FTE	
23	positions	29,556,800
24	Average population	1,228
25	Maxey/Woodland Center correctional facility -	
26	Whitmore Lake--272.2 FTE positions.....	25,429,000
27	Average population	328

1	Michigan reformatory - Ionia--319.1 FTE positions	31,897,600
2	Average population 1,338	
3	Mound correctional facility - Detroit--283.4 FTE	
4	positions 25,006,600	
5	Average population 1,062	
6	Parnall correctional facility - Jackson--265.2 FTE	
7	positions 26,770,400	
8	Average population 1,678	
9	Ryan correctional facility - Detroit--280.8 FTE	
10	positions 28,271,300	
11	Average population 1,048	
12	Thumb correctional facility - Lapeer--291.5 FTE	
13	positions 29,403,200	
14	Average population 1,219	
15	Special alternative incarceration program - Cassidy	
16	Lake--120.0 FTE positions 9,717,700	
17	Average population 400	
18	Southern region administration and support--127.0	
19	FTE positions <u>19,946,000</u>	
20	GROSS APPROPRIATION.....	\$ 592,974,600
21	Appropriated from:	
22	Federal revenues:	
23	DOJ, state criminal alien assistance program.....	1,543,300
24	Special revenue funds:	
25	Public works user fees.....	358,700
26	State general fund/general purpose.....	\$ 591,072,600
27	Sec. 110. INFORMATION TECHNOLOGY	

1	Information technology services and projects	\$	<u>21,824,400</u>
2	GROSS APPROPRIATION.....	\$	21,824,400
3	Appropriated from:		
4	Special revenue funds:		
5	Correctional industries revolving fund.....		159,600
6	Parole and probation oversight fees set-aside.....		626,200
7	State general fund/general purpose.....	\$	21,038,600

8 PART 2

9 PROVISIONS CONCERNING APPROPRIATIONS

10 FOR FISCAL YEAR 2011-2012

11 GENERAL SECTIONS

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

13 constitution of 1963, total state spending from state resources

14 under part 1 for fiscal year 2011-2012 is \$1,998,756,600.00 and

15 state spending from state resources to be paid to local units of

16 government for fiscal year 2011-2012 is \$92,562,700.00. The

17 itemized statement below identifies appropriations from which

18 spending to local units of government will occur:

19 DEPARTMENT OF CORRECTIONS

20	Field operations - assumption of county probation		
21	staff	\$	53,642,400
22	Public service work projects.....		707,800
23	Community corrections comprehensive plans and services		13,958,000
24	Community corrections residential services.....		18,075,500
25	Community corrections public education and training..		50,000

1	Felony drunk driver jail reduction and community	
2	treatment program	1,740,100
3	Community re-entry centers	2,019,600
4	Regional jail program	<u>100</u>
5	TOTAL	\$ 90,193,500

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

9 Sec. 203. As used in this act:

10 (a) "Administrative segregation" means confinement for
11 maintenance of order or discipline to a cell or room apart from
12 accommodations provided for inmates who are participating in
13 programs of the facility.

14 (b) "Cost per prisoner" means the sum total of the funds
15 appropriated under part 1 for the following, divided by the
16 projected prisoner population in fiscal year 2010-2011:

- 17 (i) Northern and southern region correctional facilities.
- 18 (ii) Northern and southern region administration and support.
- 19 (iii) Northern and southern region clinical complexes.
- 20 (iv) Prisoner health care services.
- 21 (v) Health care administration.
- 22 (vi) Vaccination program.
- 23 (vii) Prison food service and federal school lunch program.
- 24 (viii) Transportation.
- 25 (ix) Inmate legal services.
- 26 (x) Correctional facilities administration.
- 27 (xi) Central records.

1 (xii) DOJ psychiatric plan.

2 (xiii) Worker's compensation.

3 (xiv) New custody staff training.

4 (xv) Prison store operations.

5 (xvi) Education services and federal education grants.

6 (xvii) Education program.

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

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

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

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

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

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

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

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

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

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

21 (m) "Evidence-based practices" or "EBP" means a decision-
22 making process that integrates the best available research,
23 clinician expertise, and client characteristics.

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

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

26 (p) "Goal" means the intended or projected result of a
27 comprehensive corrections plan or community corrections program to

1 reduce repeat offending, criminogenic and high-risk behaviors,
2 prison commitment rates, to reduce the length of stay in a jail, or
3 to improve the utilization of a jail.

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

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

6 (s) "IDG" means interdepartmental grant.

7 (t) "IDT" means intradepartmental transfer.

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

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

12 (w) "Medicaid benefit" means a benefit paid or payable under a
13 program for medical assistance under the social welfare act, 1939
14 PA 280, MCL 400.1 to 400.119b.

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

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

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

23 (aa) "Offender eligibility criteria" means particular criminal
24 violations, state felony sentencing guidelines descriptors, and
25 offender characteristics developed by advisory boards and approved
26 by local units of government that identify the offenders suitable
27 for community corrections programs funded through the office of

1 community corrections.

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

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

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

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

10 (iv) Not been sentenced to a jail term for a new criminal
11 offense.

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

15 (vi) Obtained housing.

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

22 (dd) "Offender who would likely be sentenced to imprisonment"
23 means either of the following:

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

1 (ii) A currently incarcerated felon or misdemeanor who is
2 granted early release from incarceration to a community corrections
3 program or who is granted early release from incarceration as a
4 result of a community corrections program.

5 (ee) "Programmatic success" means that the department program
6 or initiative has ensured that the offender has accomplished all of
7 the following:

8 (i) Obtained employment, has enrolled or participated in a
9 program of education or job training, or has investigated all bona
10 fide employment opportunities.

11 (ii) Obtained housing.

12 (iii) Obtained a state identification card.

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

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

16 (ii) The adjudication of a supervised individual for a
17 violation of the conditions of supervision while under community
18 supervision.

19 (iii) A sanction resulting from a violation of terms of
20 supervision that results in a return to prison without being
21 adjudicated.

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

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

26 (ii) "Serious mental illness" means that term as defined in
27 section 100d(3) of the mental health code, 1974 PA 328, MCL

1 330.1100d.

2 (jj) "SSA" means the United States social security
3 administration.

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

5 Sec. 204. The civil service commission shall bill departments
6 and agencies at the end of the first fiscal quarter for the charges
7 authorized by section 5 of article XI of the state constitution of
8 1963. Payments shall be made for the total amount of the billing by
9 the end of the second fiscal quarter.

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

22 (2) Following the review, the department shall make
23 recommendations on changes needed to the state compensation plan
24 for health care professional positions and to department contracts
25 with health care providers so that compensation levels are
26 sufficient to ensure that needed health care professional positions
27 with vacancies are filled, that the department experiences adequate

1 retention levels for these positions, and that necessary health
2 care services are delivered in a timely manner to the prisoner
3 population. A report outlining these recommendations shall be
4 submitted to the senate and house appropriations subcommittees on
5 corrections, the senate and house fiscal agencies, and the state
6 budget office by May 1, 2011.

7 Sec. 205. (1) A hiring freeze is imposed on the state
8 classified civil service. State departments and agencies are
9 prohibited from hiring any new full-time state classified civil
10 service employees and prohibited from filling any vacant state
11 classified civil service positions. This hiring freeze does not
12 apply to internal transfers of classified employees from 1 position
13 to another within a department.

14 (2) The state budget director may grant exceptions to the
15 hiring freeze when the state budget director believes that this
16 hiring freeze will result in rendering a state department or agency
17 unable to deliver basic services, cause loss of revenue to the
18 state, result in the inability of the state to receive federal
19 funds, or necessitate additional expenditures that exceed any
20 savings from maintaining a vacancy. The state budget director shall
21 report quarterly to the chairpersons of the senate and house
22 standing committees on appropriations the number of exceptions to
23 the hiring freeze approved during the previous quarter and the
24 reasons to justify the exception.

25 Sec. 206. The department shall not engage in intimidation or
26 take disciplinary action against an employee for communicating with
27 a member of the legislature or his or her staff.

1 Sec. 207. At least 90 days before beginning any effort to
2 privatize, except for the current effort to privatize and contract
3 for prisoner mental health services that is necessitated by the
4 critical need for prisoner mental health treatment staff, the
5 department shall submit a complete project plan to the appropriate
6 senate and house appropriations subcommittees and the senate and
7 house fiscal agencies. The plan shall include the criteria under
8 which the privatization initiative will be evaluated. The
9 evaluation shall be completed and submitted to the appropriate
10 senate and house appropriations subcommittees and the senate and
11 house fiscal agencies within 30 months. In the case of the current
12 effort to privatize and contract for prisoner mental health
13 services, the department shall submit a complete project plan to
14 the appropriate senate and house appropriations committee chairs
15 and appropriate senate and house appropriations subcommittee chairs
16 as well as the senate and house fiscal agencies and state budget
17 office 10 days prior to beginning the effort.

18 Sec. 207a. (1) Before privatizing any services or activities
19 currently provided by state employees in the department, except for
20 the privatization of prisoner mental health services that is
21 necessitated by a critical shortage of mental health professional
22 staff, the department shall submit to the senate and house
23 appropriations committees a preprivatization cost-benefit analysis.
24 This analysis shall utilize accurate, reliable, and objective data.
25 Included in this analysis shall be a comparative estimate of the
26 costs that will be incurred by this state over the life of the
27 contract if 1 or both of the following occur:

1 (a) The service or activity continues to be provided by state
2 employees.

3 (b) The service or activity is privatized. The costs of
4 privatizing these services shall include the costs of all necessary
5 monitoring and oversight of the private entity by this state.

6 (2) The department shall not commence any efforts to privatize
7 the services or activities currently provided by state employees
8 under part 1, except for prisoner mental health services, until the
9 cost-benefit analysis prescribed by subsection (1) has been sent to
10 both the senate and house appropriations committees 14 days prior
11 to the efforts to privatize, and proves a cost savings equivalent
12 to the savings specified in civil service rules for disbursement
13 for personal services outside the civil service. Before awarding a
14 contract for the provision of prisoner mental health treatment
15 services, a cost-benefit analysis shall be completed as specified
16 in subsection (1) and submitted to the appropriate senate and house
17 appropriations committee chairs and appropriate senate and house
18 appropriations subcommittee chairs as well as the senate and house
19 fiscal agencies and state budget office not less than 7 days prior
20 to awarding a contract.

21 (3) In all cases in which a service or activity is privatized,
22 including the provision of prisoner mental health services, the
23 private entity shall be adequately bonded, so as not to expose the
24 state to any potential future liability or legal causes of action.

25 (4) A private contractor with a contract with this state that
26 expends state or federal tax dollars shall have all records
27 pertinent to state contracts, including all records detailing

1 compliance with section 209, be subject to disclosure to the
2 department or the department of management and budget.

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

7 Sec. 208. The department shall use the Internet to fulfill the
8 reporting requirements of this act. This requirement may include
9 transmission of reports via electronic mail to the recipients
10 identified for each reporting requirement or it may include
11 placement of reports on an Internet or Intranet site. There shall
12 be at least 1 separate and distinct electronic file for each
13 section that includes a reporting requirement.

14 Sec. 209. Funds appropriated in part 1 shall not be used for
15 the purchase of foreign goods or services, or both, if comparable
16 quality American goods or services, or both, that do not cost more
17 than 5% greater than foreign goods or services are available.
18 Preference shall be given to produce, goods or services, or both,
19 grown, processed, manufactured, or provided by Michigan businesses
20 if they are of comparable quality and do not cost more than 5%
21 greater than non-Michigan manufactured or provided goods or
22 services. In addition, preference shall be given to goods or
23 services, or both, that are manufactured or provided by Michigan
24 businesses owned and operated by veterans, if they are
25 competitively priced and of comparable quality.

26 Sec. 210. (1) Individuals seeking employment with the
27 department shall submit to a controlled substance test administered

1 by the department under civil service rules and regulations and
2 applicable collective bargaining agreements.

3 (2) The department shall deny employment to individuals
4 seeking employment with the department who violate subsection (1)
5 or who submit to testing under subsection (1) but test positive for
6 the illicit use of a controlled substance.

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

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

23 (3) By April 1, the department shall provide the members of
24 the senate and house appropriations subcommittees on corrections,
25 the senate and house fiscal agencies, and the state budget director
26 with a report detailing the collection of fees under this section.
27 At minimum, this report shall include a categorical accounting of

1 all fees collected under this section.

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

12 (2) From the funds appropriated in part 1, each executive
13 branch department and agency shall develop, post, and maintain on a
14 user-friendly and publicly accessible Internet site all
15 expenditures made by the departments and agencies within a fiscal
16 year. The posting shall include the purpose for which each
17 expenditure is made. Funds appropriated in part 1 from the federal
18 American recovery and reinvestment act of 2009, Public Law 111-5,
19 shall also be included on a publicly accessible website maintained
20 by the Michigan economic recovery office. Departments and agencies
21 shall not provide financial information on their websites under
22 this section if doing so would violate a federal or state law,
23 rule, regulation, or guideline that establishes privacy or security
24 standards applicable to that section.

25 Sec. 213. By February 15, the department shall provide the
26 members of the senate and house appropriations subcommittees on
27 corrections, the senate and house fiscal agencies, and the state

1 budget director with a report detailing non-general fund/general
2 purpose sources of revenue, including, but not limited to, federal
3 revenues, state restricted revenues, local and private revenues,
4 offender reimbursements and other payments, revolving funds, and 1-
5 time sources of revenue, whether or not those revenues were
6 appropriated. The report shall include statements detailing for
7 each account the total amount of revenue received during fiscal
8 year 2009-2010, the amount by which the revenue exceeded any
9 applicable appropriated fund source, the amount spent during fiscal
10 year 2009-2010, the account balance at the close of fiscal year
11 2009-2010, and the projected revenues and expenditures for fiscal
12 year 2010-2011.

13 Sec. 214. From the funds appropriated in part 1 for
14 information technology, the department shall pay user fees to the
15 department of technology, management, and budget for technology-
16 related services and projects. These user fees shall be subject to
17 provisions of an interagency agreement between the department and
18 the department of technology, management, and budget. It is the
19 intent of the legislature that the department consider using third-
20 party software and information technologies before contracting for
21 such services through the department of technology, management, and
22 budget.

23 Sec. 215. Amounts appropriated in part 1 for information
24 technology may be designated as work projects and carried forward
25 to support department of corrections technology projects under the
26 direction of the department of technology, management, and budget.
27 Funds designated in this manner are not available for expenditure

1 until approved as work projects under section 451a of the
2 management and budget act, 1984 PA 431, MCL 18.1451a.

3 Sec. 216. (1) Due to the current budgetary problems of this
4 state, out-of-state travel for the fiscal year ending September 30,
5 2011 shall be limited to situations in which 1 or more of the
6 following conditions apply:

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

9 (b) The travel is necessary to protect the health or safety of
10 Michigan citizens or visitors or to assist other states for similar
11 reasons.

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

15 (d) The travel is necessary to comply with federal
16 requirements.

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

19 (f) The travel is financed entirely by federal or nonstate
20 funds.

21 (2) Not later than January 1, each department shall prepare a
22 travel report listing all travel by classified and unclassified
23 employees outside this state in the immediately preceding fiscal
24 year that was funded in whole or in part with funds appropriated in
25 the department's budget. The report shall be submitted to the
26 senate and house standing committees on appropriations, the senate
27 and house fiscal agencies, and the state budget director. The

1 report shall include the following information:

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

4 (b) The destination of each travel occurrence.

5 (c) The dates of each travel occurrence.

6 (d) A brief statement of the reason for each travel
7 occurrence.

8 (e) The transportation and related costs of each travel
9 occurrence, including the proportion funded with state general
10 fund/general purpose revenues, the proportion funded with state
11 restricted revenues, the proportion funded with federal revenues,
12 and the proportion funded with other revenues.

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

15 Sec. 217. The director shall take all reasonable steps to
16 ensure businesses in deprived and depressed communities compete for
17 and perform contracts to provide services or supplies, or both. The
18 director shall strongly encourage firms with which the department
19 contracts to subcontract with certified businesses in deprived and
20 depressed communities for services, supplies, or both. The director
21 of the department shall strongly encourage certified firms with
22 which the department contracts to provide services or supplies, or
23 both, in deprived and depressed communities to help parolees or
24 probationers progress to success by hiring, participating with MPRI
25 training programs, or assisting with other community involvement
26 opportunities.

27 Sec. 219. Any contract for prisoner telephone services entered

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

6 Sec. 222. Funds appropriated in part 1 shall not be used by a
7 principal executive department, state agency, or authority to hire
8 a person to provide legal services that are the responsibility of
9 the attorney general. This prohibition does not apply to legal
10 services for bonding activities and for those activities that the
11 attorney general authorizes. If outside counsel is utilized, the
12 department shall provide a detailed report to the legislature
13 specifying expenditures incurred.

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

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

26 (3) In addition to the funds appropriated in part 1, there is
27 appropriated an amount not to exceed \$2,000,000.00 for local

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

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

11 Sec. 224. By March 1, the department shall provide a
12 litigation report to the senate and house appropriations
13 subcommittees on corrections, the senate and house fiscal agencies,
14 and the state budget director. The report shall identify all
15 lawsuits adjudicated through the trial court phase in which the
16 department or an employee acting on behalf of the department was a
17 defendant and in which trial court proceedings resulted in a
18 decision of \$250,000.00 or more against the department.

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

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

27 Sec. 230. (1) From the funds appropriated in part 1, the

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

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

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

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

21 (2) By September 1, the department shall report to the senate
22 and house appropriations subcommittees on corrections, the senate
23 and house appropriations subcommittees on community health, the
24 senate and house fiscal agencies, and the state budget director on
25 the results and findings of the study, including, at a minimum,
26 information on all of the following, to the extent that the
27 information does not conflict with state law on confidentiality for

1 the inmates included in the study:

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

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

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

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

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

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

26 (iv) Data indicating whether inmates previously had received
27 services managed by a community mental health program or substance

1 abuse coordinating agency.

2 Sec. 232. By April 1, the department shall report to the
3 senate and house of representatives appropriations subcommittees on
4 corrections, the senate and house fiscal agencies, and the state
5 budget director with a listing of Michigan vendors whose contracts
6 were canceled or reduced in favor of single-source contracts from
7 vendors based outside of Michigan. The report shall provide
8 information for fiscal years 2009-2010 and 2010-2011 and shall
9 include pertinent contract amounts.

10 Sec. 235. It is the intent of the legislature that the
11 department reduce expenditures using the following strategies:

12 (a) Following the recommendations outlined in audit report
13 471-0130-08 of June 2009 issued by the Michigan office of the
14 auditor general, which found \$7,534,039.00 in known savings that
15 would have been achieved through cost-neutral operation of the
16 bureau of correctional industries, as follows:

17 (i) Finding 1 indicates that the bureau of correctional
18 industries has consistently failed to maintain profitable or cost-
19 neutral operations.

20 (ii) Finding 2 indicates that the bureau of correctional
21 industries had not developed or implemented a comprehensive
22 business plan.

23 (iii) Finding 3 indicates that the bureau of correctional
24 industries did not efficiently schedule and utilize its trucks and
25 drivers for delivery of products and services.

26 (iv) Finding 4 indicates that the bureau of correctional
27 industries had not established comprehensive policies and

1 procedures for setting prices and discounts for products and
2 services.

3 (b) Continuing the supply chain transformation (SCT) with the
4 new fiscal year beginning October 1, 2011. The SCT shall address
5 all goods and services delivered into the department, with special
6 focus in the following areas: food service, offender transport,
7 warehousing, prisoner stores, laundries, textiles, transportation,
8 reverse logistics, education, sex offender programming, assaultive
9 offender programming, Michigan state industries manufacturing and
10 related material, and capital and service purchase contracts under
11 development or due to expire. The department shall continually
12 detail its supply chain strategy and implementation plan including
13 tasks, timing, resources, costs, and benefits to be achieved. The
14 department shall provide quarterly cost and benefit savings report
15 information. The department shall contract with a world-class
16 supply chain external resource with the following capabilities:
17 demonstrated success working in a department of corrections
18 environment in the targeted supply chain areas of focus;
19 demonstrated expertise in defining, developing, and implementing
20 cross-functional infrastructures; continuous quality improvement
21 teams; stakeholder and communications outreach programs; six
22 sigma/lean tools and templates; hands-on supply chain; continuous
23 quality improvement and six sigma tool training; and positive
24 working relations and measurable, documented client satisfaction
25 results.

26 (c) Following the recommendations outlined in audit report
27 471-0620-07L of October 2008 issued by the Michigan office of the

1 auditor general, which found \$14,800,000.00 in estimated savings
2 that could be achieved through reforms of the department's staffing
3 and purchasing policies, as follows:

4 (i) Finding 1 indicates that the department needs to improve
5 its administration of custody officer staffing.

6 (ii) Finding 2 indicates that the department needs to pursue
7 additional cost-saving measures through future contract
8 negotiations and review of its organizational structure.

9 (iii) Finding 3 indicates that the department did not have a
10 formal process in place to negotiate prices for goods and services
11 purchased from Michigan state industries.

12 (d) Following the recommendations outlined in audit report
13 471-0623-07L of December 2008 issued by the Michigan office of the
14 auditor general, which found significant but indeterminate savings
15 could be achieved through reforms of prisoner transportation
16 policies, specifically, finding 4 indicates that the department
17 should continue to seek the cooperation of the state court
18 administrative office and its medical service providers to fully
19 use existing technology to conduct videoconferencing for court and
20 medical appointments.

21 Sec. 236. It is the intent of the legislature that from the
22 revenue resulting from the sale of the former Scott correctional
23 facility sufficient funds shall be appropriated to the department
24 to reimburse Michigan state industries for costs related to the
25 construction of the Industries Building, which was operated by
26 Michigan state industries on the site of the Scott correctional
27 facility.

1 Sec. 237. It is the intent of the legislature that the
2 department make additional efforts to sell, rent, or otherwise
3 repurpose closed correctional facilities.

4 Sec. 238. It is the intent of the legislature that the
5 department establish and maintain a management-to-staff ratio of 1
6 supervisor for each 5 employees at the department's central office
7 in Lansing and at both the northern and southern region
8 administration offices.

9 **EXECUTIVE**

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

19 (2) Information removed from the offender tracking information
20 system due to the expiration of 3 years following release of an
21 offender from the department's jurisdiction shall be retained by
22 the department and maintained in a password-protected archive.
23 Effective October 1, 2009, information in the archive shall be made
24 available upon payment of a fee as determined by the department.
25 Revenue collected under this section is appropriated for the costs
26 of the offender tracking information system, and any revenue

1 collected in excess of the costs of maintaining the offender
2 tracking information system is appropriated for information
3 technology costs. The department shall report on March 1 to the
4 senate and house appropriations subcommittees on corrections, the
5 senate and house fiscal agencies, and the state budget director on
6 the fees charged and revenue collected under this section.

7 Sec. 302. The department shall provide a report to the members
8 of the senate and house appropriations subcommittees on corrections
9 and community health, the senate and house fiscal agencies, MDCH,
10 and the state budget director by May 1, reviewing actions taken to
11 implement the recommendations of the mental health study required
12 under section 302 of 2007 PA 124 with which it agrees and an
13 explanation of any disagreements with recommendations. It is the
14 intent of the legislature to review the department's implementation
15 plan and, in coordination with the department, to identify funds
16 with which to implement the plan, as appropriate.

17 Sec. 303. It is the intent of the legislature that the
18 quantity of database systems in use by the department be optimal
19 for efficient data usage and communications. By March 1, the
20 department shall report to the senate and house appropriations
21 subcommittees on corrections, the senate and house fiscal agencies,
22 and the state budget director on the status of the plan to
23 implement secure, encrypted, Internet-based database systems that
24 can electronically communicate with each other and with other law-
25 enforcement-related databases by September 30.

26 Sec. 304. The director of the department shall maintain a
27 staff savings initiative program to invite employees to submit

1 suggestions for saving costs for the department. The department
2 shall report semiannually to the senate and house appropriations
3 subcommittees on corrections, the senate and house fiscal agencies,
4 and the state budget director on the suggestions submitted under
5 this section, the implementation plan for those suggestions with
6 which the department agrees, and an explanation of any
7 disagreements with suggestions.

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

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

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

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

17 (d) The date of the suicide.

18 (e) Whether the suicide occurred in a housing unit, a
19 segregation unit, a mental health unit, or elsewhere on the grounds
20 of the facility.

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

23 (g) Whether the prisoner had received a mental health
24 evaluation or assessment.

25 (h) Details on the department's responses to each suicide,
26 including immediate on-site responses and subsequent internal
27 investigations.

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

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

5 **PLANNING AND COMMUNITY SUPPORT**

6 Sec. 401. The department shall submit 3-year and 5-year prison
7 population projection updates concurrent with submission of the
8 executive budget to the senate and house appropriations
9 subcommittees on corrections, the senate and house fiscal agencies,
10 and the state budget director. The report shall include
11 explanations of the methodology and assumptions used in developing
12 the projection updates.

13 Sec. 402. It is the intent of the legislature that the funds
14 appropriated in part 1 for prisoner reintegration programs be
15 expended for the purpose of reducing victimization by reducing
16 repeat offending through the following prisoner reintegration
17 programming:

18 (a) The provision of employment or employment services and job
19 training.

20 (b) The provision of housing assistance.

21 (c) Referral to mental health services.

22 (d) Referral to substance abuse services.

23 (e) Referral to public health services.

24 (f) Referral to education.

25 (g) Referral to any other services necessary for successful
26 reintegration.

1 Sec. 403. By March 1, the department shall provide a report on
2 MPRI expenditures and allocations to the members of the senate and
3 house appropriations subcommittees on corrections, the senate and
4 house fiscal agencies, and the state budget director. At a minimum,
5 the report shall include information on both of the following:

6 (a) Details on prior-year expenditures, including amounts
7 spent on each project funded, itemized by service provided and
8 service provider.

9 (b) Allocations and projected expenditures for each project
10 funded and for each project to be funded, itemized by service to be
11 provided and service provider.

12 Sec. 403a. (1) In collaboration with a technical committee
13 composed of representatives from the department, designees of the
14 senate and house appropriations subcommittees on corrections, the
15 senate and house fiscal agencies, and the justice center of the
16 council of state governments, the department shall develop a
17 performance-based dashboard tracking and reporting system that
18 establishes key indicators of the success and failure of offenders.
19 Indicators shall reflect the status of and trends in key program
20 elements, behavior improvements on the part of offenders, and
21 whether targeted goals are being met.

22 (2) By April 1, the department shall report dashboard data to
23 the senate and house appropriations subcommittees on corrections,
24 the senate and house fiscal agencies, and the state budget
25 director.

26 Sec. 404. (1) The department shall screen and assess each
27 prisoner for alcohol and other drug involvement to determine the

1 need for further treatment. The assessment process shall be
2 designed to identify the severity of alcohol and other drug
3 addiction and determine the treatment plan, if appropriate.

4 (2) The department shall provide substance abuse treatment to
5 prisoners with priority given to those prisoners who are most in
6 need of treatment and who can best benefit from program
7 intervention based on the screening and assessment provided under
8 subsection (1).

9 Sec. 405. (1) In expending residential substance abuse
10 treatment services funds appropriated under this act, the
11 department shall ensure to the maximum extent possible that
12 residential substance abuse treatment services are available
13 statewide.

14 (2) Of the funds appropriated in part 1 for substance abuse
15 testing and treatment services, at least \$5,000,000.00 shall be
16 utilized to operate residential substance abuse treatment programs
17 around the state.

18 (3) By March 1, the department shall report to the senate and
19 house appropriations subcommittees on corrections, the senate and
20 house fiscal agencies, and the state budget director on the
21 allocation, distribution, and expenditure of all funds appropriated
22 by the substance abuse testing and treatment line item during
23 fiscal year 2010-2011 and projected for fiscal year 2011-2012. The
24 report shall include, but not be limited to, an explanation of an
25 anticipated year-end balance, the number of participants in
26 substance abuse programs, and the number of offenders on waiting
27 lists for residential substance abuse programs. Information

1 required under this subsection shall, where possible, be separated
2 by MDOC administrative region and by offender type, including, but
3 not limited to, a distinction between prisoners, parolees, and
4 probationers.

5 (4) By March 1, the department shall report to the senate and
6 house appropriations subcommittees on corrections, the senate and
7 house fiscal agencies, and the state budget director on substance
8 abuse testing and treatment program objectives, outcome measures,
9 and results, including program impact on offender success and
10 programmatic success as those terms are defined in section 203.

11 Sec. 405a. The department shall work cooperatively with MDCH and
12 substance abuse coordinating agencies in referring offenders as
13 appropriate to intensive substance abuse services, including
14 residential services.

15 Sec. 407. (1) By June 30, the department shall place the 2011
16 statistical report on an Internet site. The statistical report
17 shall include, but not be limited to, the information as provided
18 in the 2004 statistical report.

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

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

25 Sec. 409. The office of community corrections shall provide
26 and coordinate the delivery and implementation of services in
27 communities to facilitate successful offender reintegration into

1 the community. Programs and services to be offered shall include,
2 but are not limited to, technical assistance for comprehensive
3 corrections plan development, new program start-up funding, program
4 funding for those programs delivering services for eligible
5 offenders in geographic areas identified by the office of community
6 corrections as having a shortage of available services, technical
7 assistance, referral services for education, employment services,
8 and substance abuse and family counseling.

9 Sec. 410. (1) The funds included in part 1 for community
10 corrections comprehensive plans and services are to encourage the
11 development through technical assistance grants, implementation,
12 and operation of community corrections programs that enhance
13 offender success and that also may serve as an alternative to
14 incarceration in a state facility or jail. The comprehensive
15 corrections plans shall include an explanation of how the public
16 safety will be maintained, the goals for the local jurisdiction,
17 offender target populations intended to be affected, offender
18 eligibility criteria for purposes outlined in the plan, and how the
19 plans will meet the following objectives, consistent with section
20 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

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

23 (b) Improve the appropriate utilization of jail facilities,
24 the first priority of which is to open jail beds intended to house
25 otherwise prison-bound felons, and the second priority being to
26 appropriately utilize jail beds so that jail crowding does not
27 occur.

1 (c) Open jail beds through the increase of pretrial release
2 options.

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

4 (e) Reduce the admission or readmission to prison of
5 offenders, including probation violators and parole violators, for
6 substance abuse violations.

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

9 (2) The award of community corrections comprehensive plans and
10 residential services funds shall be based on criteria that include,
11 but are not limited to, the prison commitment rate by category of
12 offenders, trends in prison commitment rates and jail utilization,
13 historical trends in community corrections program capacity and
14 program utilization, and the projected impact and outcome of annual
15 policies and procedures of programs on offender success, prison
16 commitment rates, and jail utilization.

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

22 Sec. 411. The comprehensive corrections plans shall also
23 include, where appropriate, descriptive information on the full
24 range of sanctions and services that are available and utilized
25 within the local jurisdiction and an explanation of how jail beds,
26 residential services, the special alternative incarceration
27 program, probation detention centers, the electronic monitoring

1 program for probationers, and treatment and rehabilitative services
2 will be utilized to support the objectives and priorities of the
3 comprehensive corrections plans and the purposes and priorities of
4 section 8(4) of the community corrections act, 1988 PA 511, MCL
5 791.408, that contribute to the success of offenders. The plans
6 shall also include, where appropriate, provisions that detail how
7 the local communities plan to respond to sentencing guidelines
8 found in chapter XVII of the code of criminal procedure, 1927 PA
9 175, MCL 777.1 to 777.69, and use the county jail reimbursement
10 program under section 414. The state community corrections board
11 shall encourage local community corrections advisory boards to
12 include in their comprehensive corrections plans strategies to
13 collaborate with local alcohol and drug treatment agencies of the
14 MDCH for the provision of alcohol and drug screening, assessment,
15 case management planning, and delivery of treatment to alcohol- and
16 drug-involved offenders.

17 Sec. 412. (1) As part of the March biannual report specified
18 in section 12(2) of the community corrections act, 1988 PA 511, MCL
19 791.412, that requires an analysis of the impact of that act on
20 prison admissions and jail utilization, the department shall submit
21 to the senate and house appropriations subcommittees on
22 corrections, the senate and house fiscal agencies, and the state
23 budget director the following information for each county and
24 counties consolidated for comprehensive corrections plans:

25 (a) Approved technical assistance grants and comprehensive
26 corrections plans including each program and level of funding, the
27 utilization level of each program, and profile information of

1 enrolled offenders.

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

5 (c) Status of the community corrections information system and
6 the jail population information system.

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

10 (e) Offender disposition data by sentencing guideline range,
11 by disposition type, by prior record variable score, by number and
12 percent statewide and by county, current year, and comparisons to
13 the previous 3 years.

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

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

19 Sec. 413. (1) The department shall identify and coordinate
20 information regarding the availability of and the demand for
21 community corrections programs, jail-based community corrections
22 programs, jail-based probation violation sanctions, and all state-
23 required jail data.

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

26 (3) As a prerequisite to participation in the programs and
27 services offered through the department, counties shall provide

1 necessary jail data to the department.

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

6 (2) Counties shall be given the option of choosing from 1 of 2
7 eligibility and reimbursement standards as described in this
8 subsection for the county jail reimbursement program. The
9 department shall submit to each county a county jail reimbursement
10 application form by October 1, 2011 that explains the 2 eligibility
11 and reimbursement standards and shall request that the county
12 submit a decision to the department regarding the standard it
13 elects to utilize for the operation of the county's program.
14 Counties shall submit their decision to the department by October
15 15, 2011, and shall not be allowed to revise this decision after
16 submission. A county shall not be reimbursed for any services
17 provided after October 15, 2011 unless that county has submitted a
18 decision on the eligibility and reimbursement standards to the
19 department. The department shall offer counties the option to
20 choose between the eligibility and reimbursement standards outlined
21 below:

22 (a) The standards outlined in subsections (2) and (3) of
23 section 414 of 2008 PA 245 as outlined below:

24 (i) The county jail reimbursement program shall reimburse
25 counties for housing and custody of convicted felons 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 under chapter XVII of the code of criminal procedure, 1927
7 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 sub-subparagraph (A).

11 (ii) State reimbursement under this subdivision for prisoner
12 housing and custody expenses per diverted offender shall be \$43.50
13 per diem for up to a 1-year total.

14 (b) The standards outlined and defined in subsections (2),
15 (3), and (6) of section 301 of 2010 PA 89 as outlined below:

16 (i) The county jail reimbursement program shall reimburse
17 counties for convicted felons in the custody of the sheriff if the
18 conviction was for a crime committed on or after January 1, 1999
19 and 1 of the following applies:

20 (A) The felon's sentencing guidelines recommended range upper
21 limit is more than 18 months, the felon's sentencing guidelines
22 recommended range lower limit is 12 months or less, the felon's
23 prior record variable score is 35 or more points, and the felon's
24 sentence is not for commission of a crime in crime class G or crime
25 class H or a nonperson crime in crime class F under chapter XVII of
26 the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

27 (B) The felon's minimum sentencing guidelines range minimum is

1 more than 12 months under the sentencing guidelines described in
2 sub-subparagraph (A).

3 (C) The felon was sentenced to jail for a felony committed
4 while he or she was on parole and under the jurisdiction of the
5 parole board and for which the sentencing guidelines recommended
6 range for the minimum sentence has an upper limit of more than 18
7 months.

8 (ii) State reimbursement under this subdivision shall be \$60.00
9 per diem per diverted offender for offenders with a presumptive
10 prison guideline score, \$50.00 per diem per diverted offender for
11 offenders with a straddle cell guideline for a group 1 crime, and
12 \$35.00 per diem per diverted offender for offenders with a straddle
13 cell guideline for a group 2 crime. Reimbursements shall be paid
14 for sentences up to a 1-year total.

15 (iii) As used in this subdivision:

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

25 (B) "Group 2 crime" means a crime that is not a group 1 crime,
26 including larceny, fraud, forgery, embezzlement, motor vehicle,
27 malicious destruction of property, controlled substance offense,

1 felony drunk driving, and other nonassaultive offenses.

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

7 (3) Except as otherwise provided in subsection (4), county
8 jail reimbursement program expenditures shall not exceed the amount
9 appropriated in part 1 for the county jail reimbursement program.
10 Payments to counties under the county jail reimbursement program
11 shall be made in the order in which properly documented requests
12 for reimbursements are received. A request shall be considered to
13 be properly documented if it meets MDOC requirements for
14 documentation. By October 15, 2011, the department shall distribute
15 the documentation requirements to all counties.

16 (4) By May 1, 2012, the subcommittee chair of the chamber that
17 sponsored the current fiscal year budget act for the department
18 shall convene a reimbursement committee consisting of the chairs of
19 the senate and house appropriations subcommittees on corrections, 1
20 representative from the department of corrections, the state budget
21 office, the Michigan association of counties, and the Michigan
22 sheriffs association for the purpose of reviewing payment of all
23 eligible and properly documented reimbursement requests that comply
24 with the reimbursement criteria in subsection (2)(b) for counties
25 that elected that eligibility and reimbursement standard. If the
26 committee determines that the current appropriation will not cover
27 all eligible reimbursement costs, the state budget office shall

1 request a legislative transfer from other appropriation line items
2 in the department budget to the county jail reimbursement program
3 line item to cover the additional costs.

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

8 Sec. 416. (1) Funds included in part 1 for the felony drunk
9 driver jail reduction and community treatment program are
10 appropriated for and may be expended for any of the following
11 purposes:

12 (a) To increase availability of treatment options to reduce
13 drunk driving and drunk driving-related deaths by addressing the
14 alcohol addiction of felony drunk drivers who otherwise likely
15 would be sentenced to jail or a combination of jail and other
16 sanctions.

17 (b) To divert from jail sentences or to reduce the length of
18 jail sentences for felony drunk drivers who otherwise would have
19 been sentenced to jail and whose recommended minimum sentence
20 ranges under sentencing guidelines established under chapter XVII
21 of the code of criminal procedure, 1927 PA 175, MCL 777.1 to
22 777.69, have upper limits of 18 months or less or the lower limit
23 of the sentencing range is 1 year or less and the upper limit of
24 the range is more than 18 months and the prior record variable is
25 less than 35 points, through funding programs that may be used in
26 lieu of incarceration and that increase the likelihood of
27 rehabilitation.

1 (c) To provide a policy and funding framework to make
2 additional jail space available for housing convicted felons whose
3 recommended minimum sentence ranges under sentencing guidelines
4 established under chapter XVII of the code of criminal procedure,
5 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or
6 less and who likely otherwise would be sentenced to prison, with
7 the aim of enabling counties to meet or exceed amounts received
8 through the county jail reimbursement program during fiscal year
9 2002-2003 and reducing the numbers of felons sentenced to prison.

10 (2) Expenditure of funds included in part 1 for the felony
11 drunk driver jail reduction and community treatment program shall
12 be by grant awards consistent with standards developed by a
13 committee of the state community corrections advisory board. The
14 chairperson of the committee shall be the board member representing
15 county sheriffs. Remaining members of the committee shall be
16 appointed by the chairperson of the board.

17 (3) In developing annual standards, the committee shall
18 consult with interested agencies and associations. Standards
19 developed by the committee shall include application criteria,
20 performance objectives and measures, funding allocations, and
21 allowable uses of the funds, consistent with the purposes specified
22 in this section.

23 (4) Allowable uses of the funds shall include reimbursing
24 counties for transportation, treatment costs, and housing felony
25 drunk drivers during a period of assessment for treatment and case
26 planning. Reimbursements for housing during the assessment process
27 shall be at the rate of \$43.50 per day per offender, up to a

1 maximum of 5 days per offender.

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

8 (6) Awards of funding under this section shall be provided
9 consistent with the local comprehensive corrections plans developed
10 under the community corrections act, 1988 PA 511, MCL 791.401 to
11 791.414. Funds awarded under this section may be used in
12 conjunction with funds awarded under grant programs established
13 under that act. Due to the need for felony drunk drivers to be
14 transitioned from county jails to community treatment services, it
15 is the intent of the legislature that local units of government
16 utilize funds received under this section to support county sheriff
17 departments.

18 (7) As used in this section, "felony drunk driver" means a
19 felon convicted of operating a motor vehicle under the influence of
20 intoxicating liquor or a controlled substance, or both, third or
21 subsequent offense, under section 625(9)(c) of the Michigan vehicle
22 code, 1949 PA 300, MCL 257.625, or its predecessor statute,
23 punishable as a felony.

24 Sec. 417. (1) By March 1, the department shall report to the
25 members of the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, and the state
27 budget director on each of the following programs from the previous

1 fiscal year:

2 (a) The county jail reimbursement program.

3 (b) The felony drunk driver jail reduction and community
4 treatment program.

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

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

9 (a) Program objectives and outcome measures, including, but
10 not limited to, the number of offenders who successfully completed
11 the program, and the number of offenders who successfully remained
12 in the community during the 3 years following termination from the
13 program.

14 (b) Expenditures by location.

15 (c) The impact on jail utilization.

16 (d) The impact on prison admissions.

17 (e) Other information relevant to an evaluation of the
18 program.

19 Sec. 418. (1) The department shall collaborate with the state
20 court administrative office on facilitating changes to Michigan
21 court rules that would require the court to collect at the time of
22 sentencing the state operator's license, state identification card,
23 or other documentation used to establish the identity of the
24 individual to be admitted to the department. The department shall
25 maintain those documents in the prisoner's personal file.

26 (2) The department shall collaborate with the Michigan
27 department of state to ensure that an achievable list of documents

1 necessary to obtain a state operator's license or state
2 identification card upon parole or release is developed and
3 presented to the prisoner so that application for identification
4 can begin prior to a prisoner's discharge or parole hearing. The
5 process for prisoners to acquire this documentation shall be part
6 of the department's operating procedure.

7 (3) The department shall cooperate with MDCH to create and
8 maintain a process by which prisoners can obtain their Michigan
9 birth certificates if necessary. The department shall describe a
10 process for obtaining birth certificates from other states, and in
11 situations where the prisoner's effort fails, the department shall
12 assist in obtaining the birth certificate.

13 (4) By March 1, the department shall report to the senate and
14 house appropriations subcommittees on corrections, the senate and
15 house fiscal agencies, the legislative corrections ombudsman, and
16 the state budget director on the plan for implementing all
17 necessary processes and policy changes in order to ensure
18 compliance with the requirements of this section.

19 Sec. 419. (1) The department shall provide weekly electronic
20 mail reports to the senate and house appropriations subcommittees
21 on corrections, the senate and house fiscal agencies, and the state
22 budget director on prisoner, parolee, and probationer populations
23 by facility, and prison capacities.

24 (2) The department shall provide monthly electronic mail
25 reports to the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, and the state
27 budget director. The reports shall include information on end-of-

1 month prisoner populations in county jails, the net operating
2 capacity according to the most recent certification report,
3 identified by date, and end-of-month data, year-to-date data, and
4 comparisons to the prior year for the following:

5 (a) Community residential program populations, separated by
6 centers and electronic monitoring.

7 (b) Parole populations.

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

10 (d) Prison and camp populations, with separate identification
11 of the number in special alternative incarceration and the number
12 of lifers.

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

15 (f) Prisoner exits, identifying transfers to community
16 placement, paroles from prisons and camps, paroles from community
17 placement, total movements to parole, prison intake, prisoner
18 deaths, prisoners discharging on the maximum sentence, and other
19 prisoner exits.

20 (g) Prison intake and returns, including probation violators,
21 new court commitments, violators with new sentences, escaper new
22 sentences, total prison intake, returns from court with additional
23 sentences, community placement returns, technical parole violator
24 returns, and total returns to prison and camp.

25 Sec. 420. By March 1, the department shall report to the
26 senate and house appropriations subcommittees on corrections, the
27 senate and house judiciary committees, the senate and house fiscal

1 agencies, and the state budget director on performance data and
2 efforts to improve efficiencies relative to departmental staffing,
3 health care services, food service, prisoner transportation, mental
4 health care services, and pharmaceutical costs.

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

16 Sec. 424. (1) From the funds appropriated in part 1 for
17 residential services, the department shall develop and implement,
18 in collaboration with the judiciary and as approved by the state
19 court administrative office, a demonstration project based on
20 evidence-based practices related to judicial and case management
21 interventions that have been proven to increase public safety for
22 high-risk, high-need probationers as determined by a validated risk
23 and need assessment instrument. As used in this section,
24 "probationer" means a circuit court probationer serving a probation
25 sentence for a crime.

26 (2) The demonstration project shall be implemented in 4 areas
27 of the state identified jointly by the department and the state

1 court administrative office. Preference shall be given to locations
2 that are representative of areas with high rates of violent crimes
3 as described in the council of state governments' justice center
4 report on analyses of crime, community corrections, and sentencing
5 policies in this state.

6 (3) The primary goal of the demonstration project is to reduce
7 crime and revictimization by high-risk, high-need probationers. The
8 secondary goal of the demonstration project is to reduce
9 expenditures for long-term incarceration.

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

13 (a) Risk/needs assessment.

14 (b) Motivational techniques.

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

18 (5) The department shall implement the evidence-based practice
19 of collaborative case management and utilize the services of the
20 department and of local community corrections consistent with the
21 local comprehensive corrections plan developed under the community
22 corrections act, 1988 PA 511, MCL 791.401 to 791.414.

23 (6) The department shall assign a probation officer to the
24 demonstration project to supervise a specialized caseload for high-
25 risk, high-need probationers. All probation officers supervising a
26 specialized caseload under this section shall receive substantial
27 education and training on issues of substance abuse, mental health,

1 and drug and alcohol testing.

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

6 (8) The probation officer assigned to the demonstration
7 project shall comply with supervision requirements established for
8 the demonstration project by the field operations administration
9 deputy director.

10 (9) The department shall identify and coordinate information
11 for each local jurisdiction selected for the demonstration project
12 regarding the rate of incarceration of high-risk, high-need
13 probationers to ensure that appropriate probationers are targeted
14 for the demonstration project.

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

21 (11) From the funds provided to the local jurisdiction for the
22 demonstration project, the department shall collaborate with the
23 local judiciary and the community corrections advisory board to
24 develop and implement an evaluation of the demonstration project
25 that will show the impact of the project on the arrests,
26 convictions, technical violations, and commitments to prison of the
27 demonstration project participants. This evaluation shall be

1 performed in accordance with department of corrections policy and
2 procedure on evaluation design in cooperation with the office of
3 research and planning.

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

9 (a) Demonstration project locations and participating courts.

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

12 (c) Evaluation status and methodology.

13 (d) Preliminary results, if any.

14 Sec. 426. Of the money appropriated in part 1 for prisoner
15 reintegration programs, \$500,000.00 shall be distributed to 1 or
16 more Michigan-chartered 501(c)(3) nonprofit corporations to expand
17 existing business models, or to create new business enterprises
18 including capital equipment needs, that presently have established
19 public utility asset recovery recycling programs. This nonprofit
20 will hire new employees through the funding provided above and must
21 include at least 45% returning citizens. The programs shall be
22 administered by 1 or more Michigan-chartered corporations that are
23 exempt from taxation under section 501(c)(3) of the internal
24 revenue code, 26 USC 501(c)(3), and that have documented
25 entrepreneurial social enterprise expertise in creating employment
26 opportunities for parolees.

27 Sec. 429. It is the intent of the legislature that the

1 department work with other state departments and agencies to
2 implement the policy options provided to the state by the council
3 of state governments in January 2009.

4 Sec. 430. The department shall ensure that each prisoner has
5 the opportunity to meet with his or her transition team prior to
6 release from prison. If applicable, community providers shall enter
7 the prison to meet with the prisoner prior to release.

8 Sec. 431. The department shall ensure that prior to release
9 from prison, each offender has possession of all of the following:

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

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

14 Sec. 433. The department shall report quarterly on January 1,
15 2012, April 1, 2012, July 1, 2012, and September 30, 2012 to the
16 senate and house appropriations subcommittees on corrections, the
17 senate and house fiscal agencies, and the state budget director on
18 the status of any contracts entered into under the June 2009
19 request for proposals for the re-entry initiative project for
20 offenders with special needs. The report shall include information
21 on all of the following:

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

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

27 (c) Estimates of the average per-offender costs of services

1 for each target population subgroup under each contract, compared
2 to the average cost of prison incarceration for those populations.

3 Sec. 434. (1) It is the intent of the legislature that the
4 department, in coordination with the department of energy, labor,
5 and economic growth, Michigan state housing development authority,
6 and local government officials, implement employment-related
7 projects targeted toward at-risk young adults who are disconnected
8 from school and employment, and probationers and parolees in high-
9 crime neighborhoods where the adult incarceration rate is at least
10 45%.

11 (2) The department shall identify high-crime neighborhoods
12 where the adult incarceration rate is at least 45% and in
13 coordination with the department of human services and the
14 superintendent of public instruction shall develop programs for
15 recommendation to the legislature that offer academic, counseling,
16 and social support to children of incarcerated parents.

17 OPERATIONS AND SUPPORT ADMINISTRATION

18 Sec. 501. From the funds appropriated in part 1 for
19 prosecutorial and detainer expenses, the department shall reimburse
20 counties for housing and custody of parole violators and offenders
21 being returned by the department from community placement who are
22 available for return to institutional status and for prisoners who
23 volunteer for placement in a county jail.

24 Sec. 502. Funds included in part 1 for the sheriffs'
25 coordinating and training office are appropriated for and may be
26 expended to defray costs of continuing education, certification,

1 recertification, decertification, and training of local corrections
2 officers, the personnel and administrative costs of the sheriffs'
3 coordinating and training office, the local corrections officers
4 advisory board, and the sheriffs' coordinating and training council
5 under the local corrections officers training act, 2003 PA 125, MCL
6 791.531 to 791.546.

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

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

22 Sec. 505. (1) The department shall train all custody staff in
23 effective and safe ways of handling prisoners with mental illness
24 and referring prisoners to mental health treatment programs. Mental
25 health awareness training shall be incorporated into the training
26 of new custody staff.

27 (2) All staff having direct contact with prisoners and

1 employed within correctional facilities shall attend at least 1
2 mental health awareness training session.

3 Sec. 507. Of the funds appropriated in part 1, \$1,000,000.00
4 is appropriated for the establishment of a pilot program for the
5 use of swift-and-sure jail sanctions as a response to certain
6 probation violations. This program shall be administered by the
7 various state drug courts in cooperation with county jails.

8 **FIELD OPERATIONS ADMINISTRATION**

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

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

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

1 offenders to community service work project sites.

2 (2) The community service work program shall provide offenders
3 with community service work of tangible benefit to a community
4 while fulfilling court-ordered community service work sanctions and
5 other postconviction obligations.

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

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

16 (2) Program participant contributions and local community
17 tether program reimbursement for the electronic tether program
18 appropriated in part 1 are related to program expenditures and may
19 be used to offset expenditures for this purpose.

20 (3) Included in the appropriation in part 1 is adequate
21 funding to implement the community tether program to be
22 administered by the department. The community tether program is
23 intended to provide sentencing judges and county sheriffs in
24 coordination with local community corrections advisory boards
25 access to the state's electronic tether program to reduce prison
26 admissions and improve local jail utilization. The department shall
27 determine the appropriate distribution of the tether units

1 throughout the state based upon locally developed comprehensive
2 corrections plans under the community corrections act, 1988 PA 511,
3 MCL 791.401 to 791.414.

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

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

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

21 Sec. 606. It is the intent of the legislature that the
22 department shall ensure that parolees and probationers may timely
23 contact their parole or probation agents and maintain procedures
24 that preclude any necessity for an offender to have access to an
25 agent's home telephone number or other personal information
26 pertaining to the agent.

27 Sec. 608. By March 1, the department shall report to the

1 senate and house appropriations subcommittees on corrections, the
2 senate and house fiscal agencies, and the state budget director on
3 the use of electronic monitoring. At a minimum, the report shall
4 include all of the following:

5 (a) Details on the failure rate of parolees for whom GPS
6 tether is utilized, including the number and rate of parolee
7 technical violations, including specifying failures due to
8 committing a new crime that is uncharged but leads to parole
9 termination, and the number and rate of parolee violators with new
10 sentences.

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

15 (c) Monthly data on the number of offenders on active GPS
16 tether, passive GPS tether, radio frequency tether, and any other
17 type of tether.

18 Sec. 609. By March 1, the department shall report to the
19 senate and house appropriations subcommittees on corrections, the
20 senate and house fiscal agencies, and the state budget director on
21 the use of kiosk reporting stations. At a minimum, the report shall
22 include all of the following:

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

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

27 (c) Information on demonstration project outcome measures.

1 (d) An evaluation of the kiosk reporting demonstration
2 project, including any need for improvement and an assessment of
3 the potential for expanded use of kiosk reporting stations.

4 Sec. 611. The department shall prepare by March 1, 2011
5 individual reports for the community re-entry program, the
6 electronic tether program, and the special alternative to
7 incarceration program. The reports shall be submitted to the house
8 and senate appropriations subcommittees on corrections, the house
9 and senate fiscal agencies, and the state budget director. Each
10 program's report shall include information on all of the following:

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

17 (b) Monthly participant unsuccessful terminations, including
18 cause.

19 (c) Number of successful terminations.

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

21 (e) Average length of placement.

22 (f) Return to prison statistics.

23 (g) Description of each program location or locations,
24 capacity, and staffing.

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

27 (i) Comparison with prior year statistics.

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

3 Sec. 612. (1) The department shall review and revise as
4 necessary policy proposals that provide alternatives to prison for
5 offenders being sentenced to prison as a result of technical
6 probation violations and technical parole violations. To the extent
7 the department has insufficient policies or resources to affect the
8 continued increase in prison commitments among these offender
9 populations, the department shall explore other policy options to
10 allow for program alternatives, including department or OCC-funded
11 programs, local level programs, and programs available through
12 private agencies that may be used as prison alternatives for these
13 offenders.

14 (2) To the extent policies or programs described in subsection
15 (1) are used, developed, or contracted for, the department may
16 request that funds appropriated in part 1 be transferred under
17 section 393(2) of the management and budget act, 1984 PA 431, MCL
18 18.1393, for their operation.

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

27 (4) The department shall provide quarterly reports to the

1 senate and house appropriations subcommittees on corrections, the
2 senate and house fiscal agencies, and the state budget director on
3 the number of all parolees returned to prison and probationers
4 sentenced to prison for either a technical violation or new
5 sentence during the preceding calendar quarter. The reports shall
6 include the following information each for probationers, parolees
7 after their first parole, and parolees who have been paroled more
8 than once:

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

13 (b) The numbers of parole and probation violators returned to
14 or sent to prison for a technical violation and the type of
15 violation, including, but not limited to, zero gun tolerance and
16 substance abuse violations. For parole technical rule violators,
17 the report shall list violations by type, by length of time since
18 release from prison, by the most recent violation, and by the
19 number of violations occurring since release from prison.

20 (c) The educational history of those offenders, including how
21 many had a GED or high school diploma prior to incarceration in
22 prison, how many received a GED while in prison, and how many
23 received a vocational certificate while in prison.

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

26 (e) The unduplicated number of offenders who participated in
27 substance abuse treatment programs, mental health treatment

1 programs, or both, while in prison, itemized by diagnosis.

2 Sec. 613. Subject to the appropriations in part 1, the
3 department is encouraged to expand the use of continuous remote
4 alcohol monitors for parolees and probationers who test positive
5 for alcohol abuse or have alcohol-abuse-related violations of their
6 community supervision.

7 Sec. 614. (1) As a condition of probation, community control,
8 payment plan for the payment of a fine or restitution, or any other
9 court-ordered supervision, the court may order the posting of a
10 bond to secure the defendant's appearance at any subsequent court
11 proceeding or to otherwise enforce the orders of the court. An
12 appearance bond executed under this section shall be filed with the
13 court or with the sheriff by a licensed professional bail agent who
14 shall provide a copy of the bond to the clerk of court.

15 (2) The court may issue an order to produce the defendant sua
16 sponte or upon notice by the clerk or the probation officer that
17 the person has violated the terms of probation, community control,
18 court-ordered supervision, or other applicable court order. The
19 court or the clerk of the court shall give the bail agent not less
20 than 72 hours to bring the defendant before the court. If the bail
21 agent fails to produce the defendant in court or to the sheriff at
22 the time noticed by the court or the clerk of court, the appearance
23 bond required under subsection (1) shall be forfeited according to
24 the procedures set forth in section 15 of chapter V of the code of
25 criminal procedure, 1927 PA 175, MCL 765.15. The defendant's
26 failure to appear shall be the sole grounds for forfeiture of the
27 appearance bond.

1 Sec. 615. After the parole and commutations board has reviewed
2 the cases of all inmates sentenced to life with the possibility of
3 parole who have good institutional records and pose low-risk to the
4 community, the parole and commutations board shall provide the
5 legislature with a detailed explanation of why an inmate who scores
6 "high probability of release" is not being paroled.

7 HEALTH CARE

8 Sec. 801. The department shall not expend funds appropriated
9 under part 1 for any surgery, procedure, or treatment to provide or
10 maintain a prisoner's sex change unless it is determined medically
11 necessary by the chief medical officer of the department.

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

17 (a) Quarterly reports on physical and mental health care
18 detailing the average number of days between a prisoner's diagnosis
19 and commencement of treatment for that diagnosis, quarterly and
20 fiscal year-to-date expenditures itemized by vendor, allocations,
21 status of payments from contractors to vendors, and projected year-
22 end expenditures from accounts for prisoner health care, mental
23 health care, pharmaceutical services, and durable medical
24 equipment.

25 (b) Regular updates on progress on requests for proposals and
26 requests for information pertaining to prisoner health care and

1 mental health care, until the applicable contract is approved.

2 Sec. 803. For mental health contracts entered into by the
3 department, including those with the Michigan department of
4 community health, recognized performance standards and measures of
5 quality shall be utilized to conduct periodic performance reviews.
6 At least once every 3 years, the department shall renegotiate all
7 mental health contracts entered into under this section with the
8 goals of improving care and reducing costs.

9 Sec. 804. (1) The department shall report quarterly to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house fiscal agencies, and the state budget director on
12 prisoner health care utilization. The report shall include the
13 number of inpatient hospital days, outpatient visits, and emergency
14 room visits in the previous quarter and since October 1, 2009, by
15 facility.

16 (2) 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 prisoners
19 receiving off-site inpatient medical care that would have received
20 care in a state correctional facility if beds were available. The
21 report shall include the number of prisoners receiving off-site
22 inpatient medical care and average length of stay in an off-site
23 facility during the period they would have received care in a state
24 correctional facility if beds were available, by month and
25 correctional facilities administration region.

26 Sec. 805. The bureau of health care services shall develop
27 information on hepatitis C and HIV prevention and the risks

1 associated with exposure to hepatitis C and HIV. The health care
2 providers shall disseminate this information verbally and in
3 writing to each prisoner at the health screening and full health
4 appraisal conducted at admissions, at the annual health care
5 screening 30 days before or after a prisoner's birthday, and prior
6 to release to the community by parole, transfer to community
7 residential placement, or discharge on the maximum sentence.

8 Sec. 806. (1) From the funds appropriated in part 1, the
9 department shall require a hepatitis C antibody test and an HIV
10 test for each prisoner prior to release to the community by parole,
11 transfer to community residential placement, or discharge on the
12 maximum sentence. The department shall require an HIV test and a
13 hepatitis C risk factor screening for each prisoner at the health
14 screening at admissions. If hepatitis C risk factors are
15 identified, the department shall offer the prisoner a hepatitis C
16 antibody test. An explanation of results of the tests shall be
17 provided confidentially to the prisoner, and if appropriate based
18 on the test results, the prisoner shall also be provided a
19 recommendation to seek follow-up medical attention.

20 (2) By March 1, the department shall report to the senate and
21 house appropriations subcommittees on corrections, the senate and
22 house appropriations subcommittees on community health, the senate
23 and house fiscal agencies, and the state budget director on the
24 number of offenders tested and the number of offenders testing
25 positive for HIV, the hepatitis C antibody, or both, at prison
26 admission and parole, transfer to community residential placement,
27 or discharge on the maximum sentence. The department shall keep

1 records of those offenders testing positive for HIV, the hepatitis
2 C antibody, or both, at prison admission, parole, transfer to
3 community residential placement, and discharge. These records shall
4 clearly state the date each test was performed.

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

7 (a) The number of offenders testing positive for the hepatitis
8 C antibody who do not receive treatment, by reason for not
9 participating.

10 (b) Cost and duration of treatment by offender as allowable by
11 privacy law.

12 Sec. 807. The department shall ensure that all medications for
13 a prisoner be transported with that prisoner when the prisoner is
14 transferred from 1 correctional facility to another. Prisoners
15 being released shall be provided with at least a 30-day supply of
16 medication and a prescription for refills to allow for continuity
17 of care in the community.

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

23 Sec. 809. The department, in conjunction with efforts to
24 implement the MPRI, shall cooperate with the MDCH to share data and
25 information as they relate to prisoners being released who are HIV
26 positive or positive for the hepatitis C antibody. By March 1,
27 2011, the department shall report to the senate and house

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

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

6 (b) The number of prisoners released to the community by
7 parole, discharge on the maximum sentence, or transfer to community
8 residential placement who are HIV positive, positive for the
9 hepatitis C antibody, or both.

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

12 Sec. 811. By February 1, the department shall report to the
13 senate and house appropriations subcommittees on corrections, the
14 senate and house fiscal agencies, and the state budget director on
15 the status of efforts to implement continuous quality improvement
16 for prisoner health care. At a minimum, the report shall identify
17 the processes that were in place before the start of the fiscal
18 year, the processes undertaken since the beginning of the fiscal
19 year, and plans for future changes.

20 Sec. 812. (1) The department shall provide the department of
21 human services with a monthly list of prisoners newly committed to
22 the department of corrections. The department and the department of
23 human services shall enter into an interagency agreement under
24 which the department of human services provides the department of
25 corrections with monthly lists of newly committed prisoners who are
26 eligible for Medicaid benefits in order to maintain the process by
27 which Medicaid benefits are suspended rather than terminated. The

1 department shall assist prisoners who may be eligible for Medicaid
2 benefits after release from prison with the Medicaid enrollment
3 process prior to release from prison.

4 (2) The department shall provide the senate and house
5 appropriations subcommittees on corrections, the senate and house
6 fiscal agencies, and the state budget director with quarterly
7 updates on the utilization of Medicaid benefits for prisoners.

8 Sec. 813. The department shall work in cooperation with the
9 department of community health to monitor and document drug
10 utilization by department for prisoner health care services. As
11 part of this effort, the department shall examine drug utilization
12 patterns and cost-cutting strategies used by corrections systems in
13 other states. By March 1, 2011, the department shall provide a
14 report to the legislature detailing the department's drug
15 utilizations and drug utilization statistics for corrections
16 systems in other states.

17 Sec. 814. The department shall assure that psychotropic
18 medications are available, when deemed medically necessary by a
19 physician, to prisoners who have mental illness diagnoses but are
20 not enrolled in the corrections mental health program.

21 Sec. 815. From the money appropriated in part 1 for health
22 care administration, the department shall expend at least
23 \$520,000.00 to operate a health care quality assurance unit.

24 Sec. 816. By April 1, the department shall provide the members
25 of the senate and house appropriations subcommittees on
26 corrections, the senate and house fiscal agencies, the state budget
27 director, and the legislative corrections ombudsman with a report

1 on pharmaceutical expenditures and prescribing practices. In
2 particular, the report shall provide the following information:

3 (a) A detailed accounting of expenditures on antipsychotic
4 medications.

5 (b) Any changes that have been made to the prescription drug
6 formularies.

7 (c) A progress report on the department's efforts to address
8 various findings outlined in audit report 471-0325-09L issued in
9 March 2011 by the Michigan office of the auditor general.

10 **CORRECTIONAL FACILITIES ADMINISTRATION**

11 Sec. 902. From the funds appropriated in part 1, the
12 department shall allocate sufficient funds to develop a
13 demonstration children's visitation program. The demonstration
14 program shall teach parenting skills and arrange for day visitation
15 at these facilities for parents and their children, except for the
16 families of prisoners convicted of a crime involving criminal
17 sexual conduct in which the victim was less than 18 years of age or
18 involving child abuse.

19 Sec. 903. Except as otherwise provided in this section, the
20 department shall prohibit prisoners' access to or use of the
21 Internet or any similar system. Under adequate supervision and with
22 security precautions that ensure appropriate computer use by
23 prisoners, the department may allow a prisoner access to or use of
24 the Internet for the purposes of educational programming,
25 employment training, job searches, or other Internet-based programs
26 and services consistent with programming objectives, efficient

1 operations, and the safety and security of the institution.

2 Sec. 904. Any department employee who, in the course of his or
3 her job, is determined by a physician to have had a potential
4 exposure to the hepatitis B virus, shall receive a hepatitis B
5 vaccination upon request.

6 Sec. 905. (1) The inmate housing fund shall be used for the
7 custody, treatment, clinical, and administrative costs associated
8 with the housing of prisoners other than those specifically
9 budgeted for elsewhere in this act. Funding in the inmate housing
10 fund is appropriated into a separate control account. Funding in
11 the control account shall be distributed as necessary into separate
12 accounts created to separately identify costs for specific
13 purposes.

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

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

25 Sec. 907. The department shall report quarterly to the senate
26 and house appropriations subcommittees on corrections, the senate
27 and house fiscal agencies, and the state budget director on

1 academic/vocational programs. The report shall provide information
2 relevant to an assessment of the department's academic and
3 vocational programs, including, but not limited to, the following:

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

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

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

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

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

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

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

1 (h) The number of prisoners not paroled at their earliest
2 release date due to lack of a GED, and the reason those prisoners
3 have not obtained a GED.

4 Sec. 908. By February 1, the department shall report to the
5 senate and house appropriations subcommittees on corrections, the
6 senate and house fiscal agencies, and the state budget director,
7 the percent of offenders included in the prison population intake
8 for fiscal years 2008-2009 and 2009-2010 who have a high school
9 diploma or a GED.

10 Sec. 909. As a condition of expending funds appropriated for
11 academic/vocational programs under part 1, the department shall by
12 January 31, 2011 provide a plan to contract with intermediate
13 school districts for GED and high school diploma programs at
14 correctional facilities to the members of the senate and house
15 appropriations committees, the senate and house fiscal agencies,
16 and the state budget director. The plan shall include detailed
17 information on the development of the curriculum, how the program
18 will be administered, how the program will improve employability,
19 and how the program will be evaluated.

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

27 Sec. 911. (1) From the appropriations in part 1, the

1 department shall ensure that all prisoner activities shall include
2 the presence of a sufficient number of correctional officers needed
3 to maintain the safety and security of the institution.

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

11 (3) The department shall not reduce the ratio of custody
12 officers to prisoners at any correctional facility below the levels
13 that existed October 1, 2008. Any correctional facility that
14 reduces its security level after October 1, 2008 shall not have a
15 ratio of custody officers to prisoners below that of a comparable
16 facility. The department shall report to the senate and house
17 appropriations subcommittees on corrections, the senate and house
18 fiscal agencies, and the state budget director if it is unable to
19 comply with this section. The report shall include all of the
20 following:

21 (a) A list of the correctional facilities that reduced their
22 ratio of custody officers to prisoners in violation of this
23 subsection.

24 (b) An explanation of why the department is unable to comply
25 with this subsection.

26 (c) A plan to maintain the safety and security of the
27 facilities or units.

1 (4) Subsection (3) does not apply to facilities or portions of
2 facilities that have closed.

3 Sec. 912. The department shall report to the senate and house
4 appropriations subcommittees on corrections, the senate and house
5 fiscal agencies, and the state budget director by March 1 on the
6 ratio of correctional officers to prisoners for each correctional
7 institution, the ratio of shift command staff to line custody
8 staff, and the ratio of noncustody institutional staff to prisoners
9 for each correctional institution.

10 Sec. 913. (1) It is the intent of the legislature that any
11 prisoner required to complete an assaultive offender program,
12 sexual offender program, or other program as a condition of parole
13 shall be transferred to a facility where that program is available
14 in order to accomplish timely completion of that program prior to
15 the expiration of his or her minimum sentence and eligibility for
16 parole. Nothing in this section should be deemed to make parole
17 denial appealable in court.

18 (2) The department shall submit a quarterly report to the
19 members of the senate and house appropriations subcommittees on
20 corrections, the senate and house fiscal agencies, the state budget
21 director, and the legislative corrections ombudsman detailing
22 enrollment in sex offender programming and assaultive offender
23 programming. At a minimum, the report shall include the following:

24 (a) A full accounting of the number of individuals who are
25 required to complete either sex offender programming or assaultive
26 offender programming, but have not yet done so.

27 (b) The number of individuals who have reached their earliest

1 release date, but who have not completed required sex offender
2 and/or assaultive offender programming.

3 (c) A plan of action for addressing any waiting lists or
4 backlogs for sex offender programming or assaultive offender
5 programming that may exist.

6 Sec. 916. The department shall issue a request for proposals
7 by June 1, 2011 to convert the law library collections at
8 correctional facilities to an electronic medium, if the
9 department's feasibility study that examined similar conversions in
10 Ohio and Pennsylvania reveals that the conversion would be
11 beneficial.

12 Sec. 917. From the funds appropriated in part 1, the
13 department shall allocate sufficient funds to implement evidence-
14 based demonstration projects that change offenders' behaviors,
15 values, beliefs, and attitudes toward victims and the community.

16 Sec. 918. Following receipt of an auditor general performance
17 audit on offender transportation, the department, in conjunction
18 with the department of management and budget, shall issue a request
19 for information on the possible bidding of all offender
20 transportation services. State employees shall be given the
21 opportunity to respond to a request for information on offender
22 transportation services. Any response to the request for
23 information shall include an explanation of how savings of at least
24 5% over existing costs of offender transportation would be
25 realized.

26 Sec. 919. (1) As a condition of expending funds appropriated
27 in part 1 for prison food service, the department shall comply with

1 the provision of section 207, including, but not limited to, all of
2 the following criteria:

3 (a) Providing a complete project plan at least 90 days prior
4 to issuing a request for proposals or an invitation to bid for all
5 or a substantial portion of food service, including a contract for
6 food procurement.

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

9 (c) Providing a copy of the cost-benefit analysis to the
10 senate and house appropriations subcommittees on corrections, the
11 senate and house fiscal agencies, and the state budget director
12 before the earliest of the following:

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

14 (ii) Filing a contract change request with the state
15 administrative board.

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

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

21 (a) How savings equivalent to the savings specified in civil
22 service rules for personal services outside the civil service would
23 be realized.

24 (b) How the department will comply with the requirements of
25 section 209.

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

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

4 Sec. 920. The department shall make every effort to operate a
5 garden or horticultural operation at each correctional facility,
6 where practical, in order to provide food for correctional
7 facilities and not-for-profit organizations.

8 Sec. 921. (1) By April 30, 2012, the department shall report
9 to the chairs of the senate and house appropriations committees,
10 the senate and house appropriations subcommittees on corrections,
11 the senate and house fiscal agencies, and the state budget director
12 on the following:

13 (a) The actual savings realized between January 1, 2009 and
14 April 1, 2011 as a result of closing correctional facilities and
15 correctional camps between January 1, 2009 and January 1, 2012,
16 itemized by correctional facility or correctional camp.

17 (b) The projected fiscal year 2011-2012 savings by closing
18 correctional facilities and correctional camps between January 1,
19 2009 and January 1, 2012, itemized by correctional facility or
20 correctional camp.

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

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

25 (b) Any cost of field supervision, field operations programs,
26 or prisoner reintegration programs related to the closure of
27 correctional facilities and correctional camps between January 1,

1 2009 and January 1, 2012.

2 Sec. 922. It is the intent of the legislature that all
3 prisoners work 40 hours per week in the correctional facility, as
4 part of a public works crew or in private enterprise, or
5 participate in vocational or training programs. Prisoners may be
6 enrolled in GED or education programs in combination with
7 employment. Prisoners not employed shall be enrolled in GED or
8 other educational programs for not less than 20 hours per week.
9 This section does not apply to prisoners classified in level V or
10 administrative segregation.

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

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

22 Sec. 924. The department shall evaluate all prisoners at
23 intake for substance abuse disorders, developmental disorders,
24 serious mental illness, and other mental health disorders.
25 Prisoners with serious mental illness shall not be confined in
26 administrative segregation due to serious mental illness. Under the
27 supervision of a mental health professional, a prisoner with

1 serious mental illness may be secluded in a therapeutic environment
2 for the safety of the prisoner or others. A prisoner in therapeutic
3 seclusion shall be evaluated by a mental health professional at a
4 frequency provided for in the mental health code, 1974 PA 258, MCL
5 330.1001 to 330.2106, to remain in therapeutic seclusion.

6 Sec. 925. By March 1, 2012, 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 annual number of prisoners in administrative segregation
10 between October 1, 2003 and September 30, 2011, and the annual
11 number of prisoners in administrative segregation between October
12 1, 2003 and September 30, 2011 who at any time during the current
13 or prior prison term were diagnosed with serious mental illness or
14 have a developmental disorder and the number of days each of the
15 prisoners with serious mental illness or a developmental disorder
16 have been confined to administrative segregation.

17 Sec. 927. The department of corrections and the department of
18 human services shall enter into an intergovernmental agreement to
19 place offenders less than 19 years of age who are committed to the
20 department of corrections in underutilized units of the
21 Maxey/Woodland center correctional facility. The facilities shall
22 be used to house offenders less than 19 years of age who are
23 currently committed to the department of corrections.

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

26 (a) Ensure that any inmate care and control staff in contact
27 with prisoners less than 19 years of age are adequately trained

1 with regard to the developmental and mental health needs of
2 prisoners less than 19 years of age. By April 1, 2012, the
3 department shall report to the senate and house appropriations
4 subcommittees on corrections, the senate and house fiscal agencies,
5 and the state budget director on the training curriculum used and
6 the number and types of staff receiving training under such
7 curriculum since October 2009.

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

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

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

27 Sec. 932. From the funds appropriated in part 1 for

1 psychiatric services, \$100,000.00 is appropriated to permit the
2 department to contract with a board-certified child and adolescent
3 psychiatrist to provide psychiatric services to individuals who are
4 less than 19 years of age and are incarcerated in a department
5 facility.

6 Sec. 933. From the funds appropriated in part 1, \$50,000.00
7 shall be utilized to create 2 pilot programs for a secure, scalable
8 inmate learning management tool that enables inmates to improve job
9 skill training and work toward achieving their GED, with the goal
10 of reducing recidivism in concert with the council of state
11 governments report. The pilots shall be designed to manage, track,
12 and quantify all of the training, continuing education,
13 development, and certification among other learning opportunities.
14 The program shall include a wide variety of course work, including
15 job search preparation and specialized programs to help inmates
16 identify their current skills in relation to the job market. The
17 pilots are to be housed on a single secure server, which cannot
18 access the Internet, and are to be for use in 1 state prison and 1
19 county jail.

20 Sec. 935. The department shall contract with third-party
21 providers to complete an assessment of energy utilization at each
22 state correctional facility. In particular, the department shall
23 endeavor to identify and implement energy-saving initiatives in the
24 various correctional facilities. By April 1, the department shall
25 provide the members of the senate and house appropriations
26 subcommittees on corrections, the senate and house fiscal agencies,
27 the state budget director, and the legislative corrections

1 ombudsman with a report on these efforts.

2 Sec. 936. By January 1, the department shall release a request
3 for proposal seeking competitive bids for the privatization of the
4 special alternative incarceration facility.

5 Sec. 937. For the purpose of procuring drug testing services
6 at correctional facilities, the department shall enter into a
7 contract with a Michigan-based company that provides laboratory
8 oral fluid drug testing.

9 PART 2A

10 PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

11 FOR FISCAL YEAR 2012-2013

12 GENERAL SECTIONS

13 Sec. 1201. It is the intent of the legislature to provide
14 appropriations for the fiscal year ending on September 30, 2013 for
15 the line items listed in part 1. The fiscal year 2012-2013
16 appropriations are anticipated to be the same as those for fiscal
17 year 2011-2012, except that the line items will be adjusted for
18 changes in caseload and related costs, federal fund match rates,
19 economic factors, and available revenue. These adjustments will be
20 determined after the January 2012 consensus revenue estimating
21 conference. The January 2012 consensus revenue estimating
22 conference shall include estimates for fiscal year 2011-2012,
23 fiscal year 2012-2013, and fiscal year 2013-2014 for the following:

24 (a) State revenue.

25 (b) Prison population and correction expenditures.

1 (c) Annual percentage growth in the school aid basic
2 foundation allowance.

3 (d) Medicaid expenditures.

4 (e) Human service caseloads and expenditures.