

# HOUSE BILL NO. 4036

January 15, 2019, Introduced by Rep. Lightner and referred to the Committee on Judiciary.

A bill to create the criminal justice data collection and management program act; to describe the criminal justice data collection and management program; to provide for certain grants; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

- 1           Sec. 1. This act shall be known and may be cited as the  
2 "criminal justice data collection and management program act".  
3           Sec. 2. As used in this act:  
4           (a) "County jail" means a facility operated by a county for

1 the physical detention and correction of individuals charged with  
2 or convicted of criminal offenses and ordinance violations,  
3 individuals found guilty of civil or criminal contempt, and  
4 juveniles detained by court order.

5 (b) "County operations team" means a group of individuals, or  
6 an individual, selected by the governing body of a county  
7 participating in the criminal justice data collection and  
8 management program to work in coordination with the state project  
9 and state operations teams to implement the criminal justice data  
10 collection and management program.

11 (c) "Criminal justice data collection and management program"  
12 or "program" means the program created under section 3.

13 (d) "Offense type" means the category of a criminal offense as  
14 categorized by the department of corrections.

15 (e) "Rearrest recidivism" means the rearrest of an offender as  
16 measured first after 3 years and again after 5 years from the date  
17 of his or her release from incarceration, placement on probation,  
18 or conviction for a criminal offense, whichever is later, for a new  
19 felony or misdemeanor offense, or for a parole or probation  
20 violation.

21 (f) "Reconviction recidivism" means the reconviction of an  
22 offender as measured first after 3 years and again after 5 years  
23 from the date of his or her release from incarceration, placement  
24 on probation, or conviction for a criminal offense, whichever is  
25 later, for a new felony or misdemeanor offense, or for a parole or  
26 probation violation.

27 (g) "Reincarceration recidivism" means the reincarceration in  
28 jail or prison of an offender as measured first after 3 years and  
29 again after 5 years from the date of his or her release from

1 incarceration, placement on probation, or conviction for a criminal  
2 offense, whichever is later, for a new felony or misdemeanor  
3 offense, or for a parole or probation violation.

4 (h) "Report" means aggregated data and statistics collected  
5 under this act. A report does not include any data that contain  
6 uniquely identifying information that is not already available to  
7 the public or any information that could reasonably lead to the  
8 disclosure of nonpublic information as determined by the state  
9 operations team.

10 (i) "State correctional facility" means any facility that  
11 houses prisoners under the jurisdiction of the department of  
12 corrections.

13 (j) "State operations team" means a group of individuals, or  
14 an individual, employed by the legislative council as an at-will,  
15 nontenured employee, employed by a third party under contract with  
16 the legislative council, or under contract with the legislative  
17 council, to execute state-level data collection processes and  
18 criminal justice data collection processes and to manage the  
19 collection of data from counties participating in the criminal  
20 justice data collection and management program and from state  
21 agencies and departments, including, but not limited to, the state  
22 court administrative office, the department of technology,  
23 management, and budget, and the department of corrections.

24 (k) "State project team" means a group of individuals, or an  
25 individual, employed by the legislative council as an at-will,  
26 nontenured employee, employed by a third party under contract with  
27 the legislative council, or under contract with the legislative  
28 council, to develop and assist in the implementation of processes  
29 and technology improvements that facilitate the collection of

1 criminal justice data from the counties participating in the  
2 criminal justice data collection and management program and from  
3 state agencies and departments, including, but not limited to, the  
4 state court administrative office, the department of technology,  
5 management, and budget, and the department of corrections.

6       Sec. 3. (1) Subject to appropriation, a criminal justice data  
7 collection and management program is created within the legislative  
8 council. The program must be implemented in not fewer than 1  
9 county, selected by the legislative council in consultation with  
10 the county's governing body, and must work in coordination with  
11 state agencies and departments, including, but not limited to, the  
12 state court administrative office, the department of technology,  
13 management, and budget, and the department of corrections.

14       (2) Subject to appropriation, the legislative council shall  
15 assign a state operations team to oversee the work activities of  
16 the state project team and the county operations teams.

17       (3) Subject to appropriation, the state court administrative  
18 office and the department of corrections must be provided any  
19 necessary and available funding to implement technological changes  
20 and additional data collection or new data collection practices to  
21 the state court administrative office and the department of  
22 corrections' data collection systems based upon the recommendation  
23 of the state operations team.

24       (4) Subject to appropriation, the counties participating in  
25 the criminal justice data collection and management program must be  
26 provided any necessary and available funding to implement  
27 technological changes to county data collection systems based upon  
28 the recommendation of the state operations team.

29       (5) Subject to appropriation, the counties participating in

1 the criminal justice data collection and management program must be  
2 provided any necessary and available funding to implement  
3 additional data collection and new data collection practices based  
4 upon the recommendation of the state operations team.

5 (6) The department of technology, management, and budget shall  
6 distribute the funds, based upon the recommendations of the state  
7 operations team, that are appropriated for the state court  
8 administrative office, the department of corrections, and the  
9 counties participating in the criminal justice data collection and  
10 management program under subsections (3), (4), and (5).

11 (7) The counties participating in the criminal justice data  
12 collection and management program shall, through their county  
13 operations teams, collect and provide data to the state operations  
14 team that support the determination of all of the following:

- 15 (a) County jail capacity.
- 16 (b) Rearrest recidivism.
- 17 (c) Reconviction recidivism.
- 18 (d) Reincarceration recidivism.
- 19 (e) The application of sentencing guidelines.

20 (8) The state court administrative office and department of  
21 corrections shall collect and provide data to the state operations  
22 team that support the determination of all of the following:

- 23 (a) State correctional facility capacity.
- 24 (b) Rearrest recidivism.
- 25 (c) Reconviction recidivism.
- 26 (d) Reincarceration recidivism.
- 27 (e) The application of sentencing guidelines.

28 (9) The state operations team shall collect the data under  
29 subsections (7) and (8) and provide that data to the department of

1 technology, management, and budget.

2 (10) The department of technology, management, and budget  
3 shall house and maintain the data collected under subsections (7),  
4 (8), and (9).

5 (11) Subject to appropriation, the department of technology,  
6 management, and budget shall charge the legislative council for a  
7 service provided by the department of technology, management, and  
8 budget to the legislative council under this act. The rate charged  
9 under this subsection must reflect the actual cost for the service  
10 provided and the department of technology, management, and budget  
11 shall provide the legislative council with an invoice detailing  
12 actual costs of the service provided upon a request for payment.

13 Sec. 4. (1) Except as otherwise provided in this section, the  
14 data collected under this act is confidential and is not subject to  
15 disclosure under the freedom of information act, 1976 PA 442, MCL  
16 15.231 to 15.246.

17 (2) The department of technology, management, and budget shall  
18 only allow access to the data collected under this act by members  
19 of the department of technology, management, and budget and the  
20 state operations team and shall provide the state operations team  
21 access to the data collected under this act.

22 (3) The legislative council may request the state operations  
23 team to generate a report from the data collected under this act. A  
24 member of the legislature may request the legislative council to  
25 make a request for a report under this subsection.

26 (4) A report created by the state operations team under  
27 subsection (3) is subject to the freedom of information act, 1976  
28 PA 442, MCL 15.231 to 15.246.

29 Enacting section 1. This act takes effect 90 days after the

1 date it is enacted into law.