

FY 2021-22: DEPARTMENT OF CORRECTIONS

Summary: House Subcommittee Chair's Recommendation

House Bill 4396 (H-1)



Analyst: Robin R. Risko

IDG/IDT	FY 2020-21 YTD as of 2/11/21	FY 2021-22 Executive	FY 2021-22 House	FY 2021-22 Senate	FY 2021-22 Conference	Difference: House From FY 2020-21 YTD	
						Amount	%
	\$0	\$0	\$0			\$0	--
Federal	196,370,900	5,364,100	808,364,100			611,993,200	311.7
Local	9,680,600	9,646,100	9,646,100			(34,500)	(0.4)
Private	0	0	0			0	--
Restricted	45,478,500	45,493,400	45,493,400			14,900	0.0
GF/GP	1,809,258,400	2,018,523,400	1,213,569,400			(595,689,000)	(32.9)
Gross	\$2,060,788,400	\$2,079,027,000	\$2,077,073,000			\$16,284,600	0.8
FTEs	13,702.8	13,500.4	13,495.4			(207.4)	(1.5)

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Michigan Department of Corrections (MDOC) is responsible for operation and maintenance of the state's 28 correctional facilities that house felony offenders sentenced to prison. This includes provision of physical and mental health care, education, food service, transportation, and reintegration programming. The department is also responsible for supervision of all parolees and probationers under the department's jurisdiction and has oversight over community corrections programs and other programs designed to encourage alternatives to prison placement for appropriate offenders. As of April 1, 2021, the department was responsible for 78,573 Michigan offenders: 32,993 prisoners, 33,053 probationers, and 12,527 parolees. From 1 year ago, the total number of offenders decreased by 13,283, or by 14.5%. The number of prisoners decreased by 4,876, or 12.9%, the number of probationers decreased by 8,018, or 19.5%, and the number of parolees decreased by 389, or 3.0%.

Major Budget Changes from FY 2020-21 YTD Appropriations

1. Premium Pay for Front Line Workers – Fund Shift

Executive restores \$191.0 million GF/GP that was reduced from the FY 2020-21 budget and replaced with federal Coronavirus Relief Fund revenue. Federal funding was allocated to support premium pay for front-line workers throughout the department, but primarily at correctional facilities. Federal funding has been exhausted and GF/GP needs to be restored for ongoing departmental payroll costs. House concurs.

	FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 House Change
Gross	\$0	\$0
Federal	191,000,000	(191,000,000)
GF/GP	(\$191,000,000)	\$191,000,000

2. John and Jane Does v Department of Corrections Settlement

Executive includes \$40.0 million GF/GP to support the final 2 payments of the *John and Jane Does v Department of Corrections* settlement agreement. The remaining payments will be made on October 15, 2021 (\$25.0 million) and on October 15, 2022 (\$15.0 million). The case involved approximately 1,300 members that were incarcerated October 2010 through the date of the settlement, March 2020. The lawsuits claimed a variety of injuries including sexual assault and harassment, inappropriate use of segregation, and deprivation of educational and rehabilitative experiences due to the young age of the members. The case settled for \$80.0 million total inclusive of attorney fees and costs. House does not include funding in the FY 2021-22 appropriations bill for the department. Instead, House proposes to include funding in a supplemental appropriations bill.

Gross	NA	\$0
GF/GP	NA	\$0

Major Budget Changes from FY 2020-21 YTD Appropriations		FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 House Change
3. Savings from Closure of the Detroit Reentry Center			
<u>Executive</u> reflects a net reduction of \$10.5 million GF/GP and 202.4 FTE positions resulting from closure of the Detroit Reentry Center on January 9, 2021. The savings amount is the net amount that results from reduced costs for operations and administration at the center, a shift of funding for the prisoner dialysis unit that was transferred to the Woodland Correctional Facility, and a shift of funding for the parole violators who were transferred to the Macomb Correctional Facility. <u>House</u> concurs.	FTE	202.4	(202.4)
	Gross	\$10,523,600	(\$10,523,600)
	GF/GP	\$10,523,600	(\$10,523,600)
4. Training for New Custody Staff			
<u>Executive</u> includes \$7.4 million GF/GP to train additional corrections officers in an effort to reduce the number of vacant positions and meet projected attrition needs. Funding supports salary and payroll costs of new officers while they participate in training, as well as costs for uniforms, training materials, certifications, food, travel, and lodging. In FY 2019-20, an average of 52 custody staff left the department each month. With \$7.4 million added to the FY 2020-21 base of \$13.9 million, and with expenditure of carried forward work project account funding from prior years, the department will be able to train an estimated 800 new officers in FY 2021-22. <u>House</u> concurs.	Gross	\$13,850,100	\$7,373,700
	GF/GP	\$13,850,100	\$7,373,700
5. Employee Wellness Programming			
<u>Executive</u> includes \$809,400 GF/GP to support additional employee wellness resources and support services for department employees. <u>House</u> includes \$930,300 GF/GP and authorization for 1.0 additional FTE position to support expanded employee wellness resources and support services.	FTE	6.0	1.0
	Gross	\$1,190,600	\$930,300
	GF/GP	\$1,190,600	\$930,300
6. Administrative Hearing Caseload Increase			
<u>Executive</u> restores \$204,000 of GF/GP that was reduced from the FY 2020-21 budget as part of statewide budget reductions. Funding would be used to support departmental billings for administrative hearings through the LARA Michigan Office of Administrative Hearings and Rules. The number of hearings increased by over 9% from 2019 to 2020. <u>House</u> does not restore funding.	Gross	\$3,200,300	\$0
	GF/GP	\$3,200,300	\$0
7. Transportation Costs for Prison Industries			
<u>Executive</u> includes an additional \$72,000 in state restricted funding authorization for Prison Industries Operations to cover increased transportation costs resulting from moving more of MSI-made goods sold to correctional facilities. <u>House</u> concurs.	Gross	NA	\$72,000
	Restricted	NA	72,000
	GF/GP	NA	\$0
8. Economic Adjustments			
<u>Executive</u> reflects a net reduction of \$4.7 million Gross (\$4.6 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2021 and 1.0% on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments. <u>House</u> concurs.	Gross	NA	(\$4,696,900)
	Federal	NA	(6,800)
	Local	NA	(34,500)
	Restricted	NA	(57,100)
	GF/GP	NA	(\$4,598,500)
9. Eliminate Current Year One-Time Funding			
<u>Executive</u> reduces the budget by \$15.0 million GF/GP to reflect elimination of one-time funding included in the FY 2020-21 budget. Eliminated funding was for the third payment of the <i>John and Jane Does v Department of Corrections</i> settlement agreement. <u>House</u> concurs.	Gross	\$15,000,000	(\$15,000,000)
	GF/GP	\$15,000,000	(\$15,000,000)
10. Technical Adjustments			
<u>Executive</u> makes internal FTE adjustments, funding adjustments, and transfers throughout the budget, which have no overall Gross or GF/GP impact. Adjustments are made to more accurately reflect employee counts and where expenditures occur. <u>House</u> concurs.	Gross	NA	\$0
	GF/GP	NA	\$0

<u>Major Budget Changes from FY 2020-21 YTD Appropriations</u>		<u>FY 2020-21 Year-to-Date (as of 2/11/21)</u>	<u>FY 2021-22 House Change</u>
11. Coronavirus State Fiscal Recovery Funds for Payroll <u>Executive</u> makes no recommendation. <u>House</u> includes \$764.0 million of federal Coronavirus State Fiscal Recovery Funds and reduces GF/GP by a like amount. Funding will be allocated to support payroll costs for frontline workers throughout the department, but primarily at correctional facilities.	Gross	NA	\$0
	Federal	NA	764,000,000
	GF/GP	NA	(\$764,000,000)
12. Coronavirus State Fiscal Recovery Funds for Annual Leave <u>Executive</u> makes no recommendation. <u>House</u> includes \$34.0 million of federal Coronavirus State Fiscal Recovery Funds to support costs of restoring personal sick and annual leave time for corrections officers and other affected field staff, consistent with provisions included in the Family First Coronavirus Response Act, Public Law 116-127, that were implemented for employer-required quarantines.	Gross	NA	\$34,000,000
	Federal	NA	34,000,000
	GF/GP	NA	\$0
13. Coronavirus State Fiscal Recovery Funds for County Jails <u>Executive</u> makes no recommendation. <u>House</u> includes \$5.0 million of federal Coronavirus State Fiscal Recovery Funds to reimburse county jails for housing offenders at county jails who otherwise would have been transferred to correctional facilities if not for Executive Order 2020-170. The order suspended transfers of offenders until all COVID-related risk reduction and testing protocols were met.	Gross	NA	\$5,000,000
	Federal	NA	5,000,000
	GF/GP	NA	\$0
14. Unclassified Positions <u>Executive</u> makes no recommendation. <u>House</u> reflects a savings of \$750,000 GF/GP from reducing the number of authorized unclassified positions by 5.0 positions.	FTE	16.0	(5.0)
	Gross	\$1,971,300	(\$750,000)
	GF/GP	\$1,971,300	(\$750,000)
15. Public Safety Initiative <u>Executive</u> makes no recommendation. <u>House</u> reduces funding for the Public Safety Initiative line item by \$500,000 GF/GP.	Gross	\$4,000,000	(\$500,000)
	GF/GP	\$4,000,000	(\$500,000)
16. Goodwill Flip the Script <u>Executive</u> makes no recommendation. <u>House</u> includes an additional \$250,000 GF/GP for the Goodwill Flip the Script program.	Gross	\$1,250,000	\$250,000
	GF/GP	\$1,250,000	\$250,000
17. Criminal Justice Reinvestment <u>Executive</u> makes no recommendation. <u>House</u> includes an additional \$250,000 for the Criminal Justice Reinvestment line item, as well as boilerplate requiring the \$250,000 to be allocated to the EXIT program administered by the Muskegon County Jail.	Gross	\$3,748,400	\$250,000
	GF/GP	\$3,748,400	\$250,000
18. Budget and Operations Administration <u>Executive</u> makes no recommendation. <u>House</u> reduces funding by \$120,900 and FTE position authorization by 1.0 and transfers the funding and FTE position to the Employee Wellness Programming line item.	FTE	241.0	(1.0)
	Gross	\$34,669,500	(\$120,900)
	GF/GP	\$34,669,500	(\$120,900)

Major Boilerplate Changes from FY 2020-21

GENERAL SECTIONS

Sec. 206. Disciplinary Action Against State Employees and Prisoners – RETAINED

Prohibits MDOC from taking disciplinary action against classified civil service employees or prisoners for communicating with legislators or their staff unless the communication is prohibited by law and MDOC is exercising its authority. Executive deletes. House retains.

Major Boilerplate Changes from FY 2020-21

Sec. 210. Contingency Funding – RETAINED

Appropriates up to \$2.5 million in federal contingency funds; authorizes expenditure of funds after legislative transfer to specific line items. Executive revises to appropriate up to \$10.0 million in federal, up to \$10.0 million in state restricted, up to \$2.0 million in local, and up to \$2.0 million in private contingency funds. House retains current law.

Sec. 216. FTE Positions, Long-Term Vacancies, and Remote Work – RETAINED

Requires MDOC to report on the number of FTE positions in pay status by civil service classification, including an accounting of all vacant positions, all vacant and filled corrections officer positions by facility, all vacant healthcare-related positions, and all vacant positions being held open for temporarily non-active employees; requires a report on the number of full-time positions authorized compared to the actual number employed by line item, number of employees authorized to work remotely and number of employees working remotely, estimated cost savings achieved by remote work, and reduced use of office space associated with remote work. Executive deletes. House retains.

Sec. 217. Coronavirus Relief Fund Appropriations – DELETED

Unappropriates any Coronavirus Relief Fund appropriations for which expenditures have not been incurred as of December 30 and reappropriates them for deposit into the Unemployment Compensation Fund to support costs incurred due to the COVID-19 pandemic. Executive deletes. House deletes.

Sec. 218. State Administrative Board Transfers – RETAINED

Authorizes the legislature, by a concurrent resolution adopted by a majority of members elected to and serving in each house, to inter-transfer funds if the State Administrative Board transfers funds. Executive deletes. House retains.

Sec. 219. Prison Telephone Contract and Program and Special Equipment Fund – REVISED

Requires prisoner telephone service contract to contain a condition that prisoner telephone fees be the same as those applying outside of institutions, except for surcharges needed to meet program and special equipment costs; requires revenue from surcharges to be used for prisoner programming, special equipment, and security projects; authorizes carry forward of unexpended revenue; requires a report on revenues and expenditures. Executive retains. House revises to require not less than 75% of surcharge revenue to be used for prisoner programming.

Sec. 221. Receipt and Retention of Reports – RETAINED

Requires MDOC to follow federal and state guidelines for short-term and long-term retention of records; authorizes MDOC to electronically retain copies of reports unless otherwise required by federal and state guidelines. Executive deletes. House retains.

Sec. 222. Report on Policy Changes Made to Implement Public Acts – DELETED

Requires MDOC to report on each specific policy change made by the department to implement a public act affecting the department. Executive deletes. House deletes.

Sec. 223. Severance Pay for Department Officials – NEW

Requires MDOC to report on any amounts of severance pay agreed to for a department director, deputy director, or other high-ranking department official; requires report to include name of the official and amount of severance pay; requires MDOC to maintain an internet site that posts any severance pay in excess of 6 weeks of wages for any former department employee receiving severance pay; requires report on total amount of severance pay remitted and total number of former employees that were remitted severance pay during the prior fiscal year; defines severance pay. Executive does not include new language. House includes new language.

Sec. 224. COVID-19 Vaccine Protocol – NEW

Prohibits any department, agency, board, commission, subdivision, or other executive branch entity or official of the state that receives funding from the bill from doing the following: requiring that an individual provide proof of receiving a COVID-19 vaccine as a condition of accessing state services or facilities; produce, develop, and issue a COVID-19 vaccine passport for the purposes of certifying that an individual has received a vaccine; provide information of an individual's vaccine status for inclusion in a vaccine passport. Executive does not include new language. House includes new language.

Sec. 225. Expending Available Work Project Authorization – RETAINED

Prohibits appropriations that have unexpended work project authorization associated with them, to the extent possible, from being expended until all existing work project authorization for the same purpose is exhausted. Executive deletes. House retains.

Sec. 239. Management-to-Staff Ratio – RETAINED

Expresses legislative intent that MDOC maintain a management-to-staff ratio of 1 supervisor to 8 employees at the central office in Lansing and at the northern and southern region administration offices. Executive deletes. House retains.

Major Boilerplate Changes from FY 2020-21

Sec. 247. Compilation of Data for Swift and Sure Sanctions Program – DELETED

Requires MDOC to provide the State Court Administrative Office with data sufficient to administer the Swift and Sure Sanctions program. Executive retains. House deletes.

Sec. 248. Consensus Revenue Estimating Conference (CREC) – DELETED

Requires the Senate and House Fiscal Agencies and the State Budget Director, or the State Treasurer, to establish a projected prisoner population, and a projected number of available beds based on prisoner population, at the May 2021 CREC. Executive deletes. House deletes.

DEPARTMENTAL ADMINISTRATION AND SUPPORT

Sec. 302. Staff Retention Strategies – RETAINED

Requires MDOC to report on staff retention strategies, including how to improve employee engagement, how to improve employee wellness, how to offer additional training and professional development, metrics used by MDOC to measure success of employee wellness programming, mechanisms by which to receive employee feedback, how MDOC considers suggestions made by employees, and steps taken and future plans for retention and improving employee wellness; requires MDOC to establish a Staff Recruitment and Retention Advisory Board to assist the department with shaping and enhancing effectiveness of staff recruiting and retention strategies; requires a status report on establishing the Staff Recruitment and Retention Advisory Board and on the board's initial plans. Executive revises to delete the listing of information that is to be included in the report and to delete the requirement to establish an advisory board. House retains current law.

Sec. 304. Staff Suggestions – DELETED

Requires MDOC to maintain a staff savings initiative program for employees to submit suggestions for efficiencies for the department; requires MDOC to consider suggestions in a timely manner; requires a report on process improvements made based on suggestions. Executive deletes. House deletes.

Sec. 309. Maintenance and Utility Costs at Facilities – REVISED

Requires MDOC to report on maintenance and utility costs and plans for capital improvement costs for each correctional facility; for facilities closed prior to November 1, 2018, requires a list of costs associated with maintenance and upkeep of closed facilities, by facility, and estimated costs of demolition of closed facilities. Executive deletes. House revises to delete requirement of a list of costs associated with maintenance and upkeep of closed facilities, by facility, and estimated costs of demolition of closed facilities for facilities closed prior to November 1, 2018.

Sec. 310. Strategic Plan Reporting – DELETED

Requires MDOC to report on progress made in achieving the strategic plan of the department, updates on strategic plan objectives, key stats and information about the department's efforts to decrease the recidivism rate and to promote offender success. Executive retains. House deletes.

Sec. 312. PTSD Outreach and Employee Wellness – REVISED

Requires appropriation to be used for PTSD outreach, treating mental health issues, and providing mental health programming for all department staff; requires \$50,000 to be used for conducting a comprehensive follow-up study to the initial study conducted in FY 2018-19; requires MDOC to report on results of the study and on programs established, level of employee involvement, and expenditures made for employee wellness programming. Executive deletes. House revises to delete the requirement that \$50,000 be used for conducting a follow-up study and to delete reporting on results of the follow-up study.

Sec. 312. Employee Wellness – NOT INCLUDED

Requires MDOC to maintain employee wellness programming, including programming focused on post-traumatic stress disorder outreach. Executive includes new language. House does not include new language.

Sec. 314. Staff Overtime Hours – RETAINED

Requires MDOC to report on the number of overtime hours worked by all custody staff, by facility, including the number of mandatory overtime hours worked, number of voluntary overtime hours worked, reasons for overtime hours worked, and average number of overtime hours worked by active employees. Executive deletes. House retains.

Sec. 315. 12-Hour Shifts for Corrections Officers – DELETED

Requires MDOC to conduct a survey of corrections officers at all facilities on whether officers want to have 12-hour shifts implemented; requires MDOC to report on results of the survey. Executive deletes. House deletes.

Major Boilerplate Changes from FY 2020-21

Sec. 317. New Corrections Officer Training Academy – DELETED

Requires MDOC to report on the status of the new training academy, including a listing of all structures and amenities on-site and expenditure data associated with structures and amenities on-site; lists all amenities the legislature intends for the new academy to have; requires a report on the projected cost of amenities that are listed but not included on-site; requires MDOC to name the facility and to solicit site name ideas from staff. Executive deletes. House deletes.

Sec. 318. Professional Development and Training for Staff – RETAINED

Requires MDOC to report on programs that offer professional development and training opportunities for all levels of custody supervisors and first line managers, including an overview of existing programs, and a review of similar programs available in other organizations and in other states. Executive deletes. House retains.

OFFENDER SUCCESS ADMINISTRATION

Sec. 402. Offender Success Expenditures – REVISED

Requires MDOC to report on actual prior-year and planned current-year offender success expenditures and allocations. Executive revises to delete requirement to report on planned expenditures. House concurs with Executive revision.

Sec. 405. Substance Abuse Testing and Treatment – DELETED

Requires MDOC to report on expenditures for substance abuse testing and treatment services, program objectives, outcome measures, and results, including the impact on offender and programmatic success. Executive deletes. House deletes.

Sec. 406. Wastewater Operator Certification Program – NEW

Requires MDOC to conduct a study, in consultation with the Department of Environment, Great Lakes, and Energy (DEGLE), to determine the feasibility of including prisoners nearing their earliest release dates in the Wastewater Operator Certification program administered by DEGLE; requires a report on the feasibility of training and certifying prisoners to become water, drinking water, wastewater, and stormwater operators; if determined to not be feasible, requires a report on the reasons for infeasibility. Executive does not include new language. House includes new language.

Sec. 408. Recidivism Measurement – REVISED

Requires MDOC to measure recidivism rates of offenders. Executive revises to require MDOC to measure the reincarceration recidivism rates of offenders based on available data. House concurs with Executive revision.

Sec. 409. Workforce Development Program – DELETED

Requires MDOC to work with the Department of Labor and Economic Opportunity and local entities to design services and offender success vocational education programs for prisoners in an effort to encourage employment of prisoners upon release from prison; requires a report on the results of the workforce development program. Executive revises to require MDOC to ensure that the program provides relevant professional development opportunities to prisoners that are high quality, demand driven, locally receptive, and responsive to the needs of the communities where prisoners are expected to reside upon release from prison; and to delete the reporting requirement. House deletes entire section.

Sec. 410. Community Corrections Comprehensive Plans and Services – REVISED

Specifies purpose of and requirements for community corrections comprehensive plans (e.g., reduce admissions to prisons, improve utilization of jail facilities, contribute to offender success); lists award criteria for community corrections planning and residential services funds (e.g., trends in prison commitment rates, jail utilization, community corrections program capacity and utilization; impact and outcome of policies and procedures of programs on offender success); limits residential services per diem reimbursement rate to \$55.50; lists allowable uses of program funding for Drunk Driver Jail Reduction and Community Treatment Program (e.g., reimbursing counties for transportation, treatment costs, housing felony drunk drivers during period of assessment for treatment and case planning); provides for reimbursement for housing at a rate of \$43.50 per day per offender for up to five days. Executive revises to delete purpose of and requirements for community corrections comprehensive plans and listing of award criteria for community corrections planning and residential services funds. House concurs with Executive revisions.

Sec. 411. Comprehensive Corrections Plans – DELETED

Establishes further requirements for comprehensive corrections plans, such as information on sanctions and services available and utilized, local communities' plans to respond to sentencing guidelines, and strategies to collaborate with state and local alcohol and drug treatment agencies. Executive deletes. House deletes.

Sec. 412. Community Corrections Biannual Report – DELETED

Specifies details to be included in biannual report required by Community Corrections Act, 1988 PA 511 (e.g., levels of funding, program utilization levels, profile information of offenders, data on residential services, offender disposition data). Executive retains. House deletes.

Major Boilerplate Changes from FY 2020-21

Sec. 413. Public Safety Initiative – REVISED

Requires law enforcement agencies receiving funding to report on expenditures made from the appropriation; requires a report that includes the purpose for which expenditures were made, amounts of expenditures by purpose, specific services provided, and number of individuals served; authorizes Senate and House Subcommittees on Corrections to request law enforcement agencies to appear before subcommittees to discuss the report. Executive revises reporting requirement from annually to quarterly. House concurs with Executive revision.

Sec. 414(7). County Jail Cooperation with Federal Officials on Immigration Status of Individuals – DELETED

Prohibits eligibility for reimbursement from the state for housing offenders who otherwise would be sentenced to prison if a county enacts or enforces laws, ordinances, policies, or rules that limit or prohibit communication and cooperation with federal officials concerning the immigration status of individuals in the state. Executive deletes. House deletes.

Sec. 417. Reports on Community Programs – REVISED

Requires MDOC to report on program objectives and outcome measures, the number of offenders completing programs, number of offenders successfully remaining in the community 3 years following completion, expenditures, impact on jail utilization, impact on prison admission, and other relevant information on the Drunk Driver Jail Reduction and Community Treatment Program and on any new initiatives aimed at controlling prison population growth. Executive deletes. House revises to delete specific reference to the Drunk Driver Jail Reduction and Community Treatment Program.

Sec. 419. Offender Data Reports – REVISED

Requires MDOC to provide weekly electronic mail reports on prisoner populations by security level by facility, prison facility capacities, and parolee and probationer populations; requires MDOC to provide monthly electronic mail reports on end-of-the-month prisoner, probationer, and parolee populations, operating capacities at facilities, number of in currently closed housing units by facility, populations in county jails, prisoner intakes, returns, and exits, prisoners classified as past their earliest release dates, and parole board activity. Executive revises to delete the requirement for weekly reports. House revises to change weekly reporting to monthly reporting.

Sec. 423. Collaboration with Michigan Restaurant Association – RETAINED

Requires MDOC to collaborate with the Michigan Restaurant Association on job placement for individuals on probation and parole. Executive deletes. House retains.

Sec. 424. Enhanced Food Technology Program – NEW

Requires MDOC to maintain the Enhanced Food Technology program that provides on-the-job training in prison kitchens that will lead to food service training credentials recognized by the restaurant industry. Executive includes new language. House includes new language as Sec. 901.

FIELD OPERATIONS ADMINISTRATION

Sec. 602. Electronic Monitoring Contracts – DELETED

Expresses intent of the legislature that MDOC not extend any contracts for electronic monitoring devices, and that a complete review of all providers and technology be conducted to determine efficacy. Executive deletes. House deletes.

Sec. 603. Curfew Monitoring Program Costs – REVISED

Requires MDOC to administer curfew monitoring program intended to reduce prison admissions and improve jail utilization; requires MDOC to provide counties with curfew monitoring equipment and administrative oversight for a fee; prohibits access to program for counties with outstanding charges over 60 days. Executive revises language to coincide with recently enacted legislation. House concurs with Executive revisions.

Sec. 604. Criminal Justice Reinvestment – REVISED

Requires funding for criminal justice reinvestment to be used for data collection and evidence-based programs designed to reduce recidivism among probationers and parolees; allocates \$600,000 to an organization that provides programming and job training services to county jail inmates to prepare them for employment upon release from jail. Executive revises to delete the specific \$600,000 allocation. House retains but revises allocation to \$850,000.

Sec. 605. Chance for Life Program – RETAINED

Requires MDOC to allocate \$250,000 to issue a request for proposal for a vendor to provide evidence-based mentoring, employment soft skills training, and job placement assistance for offenders released from prison. Executive deletes. House retains.

Sec. 611. Annual Program Reports – RETAINED

Specifies content to be included in reports by MDOC on residential reentry, electronic monitoring, and special alternative incarceration programs (e.g., successful and unsuccessful terminations, end of month populations, length of placements, returns to prison, cost effectiveness of programs). Executive deletes. House retains.

Major Boilerplate Changes from FY 2020-21

Sec. 612. Violators of Parole and Probation – RETAINED

Requires MDOC to review and revise proposals for alternatives to prison for technical violators of parole and probation; requires a report on the number of probationers and parolees returned to or sent to prison for new crimes, number of probationers and parolees returned to or sent to prison for technical violations, educational history of offenders, number of offenders who participated in reentry programs, and number of offenders who participated in substance abuse treatment programs, mental health programs, or both. Executive deletes. House retains.

Sec. 613. Placement of Parolees with Chronic Technical Violations – DELETED

Requires MDOC to give priority to placing parolees with chronic technical violations in intensive detention programs that offer specific programming to address behavioral needs and to work on a plan to help assure success of parolees upon release. Executive deletes. House deletes.

Sec. 615. Inmates Sentenced to Life with Possibility of Parole – REVISED

Requires MDOC to report on the number of prisoners who have received life sentences with the possibility of parole and who are currently eligible for parole; lists specific information to be included in the report. Executive retains. House revises to delete list of specific information to be included in the report.

Sec. 617. Residential Alternative to Prison Program – RETAINED

Requires MDOC to provide vocational, educational, and cognitive programming in a secure environment to enhance existing alternative sentencing options, increase employment readiness and successful placement rates, and reduce new criminal behavior for the West Michigan probation violator population; lists goals and metrics the department is required to meet. Executive revises to delete list of goals and metrics. House retains list of goals and metrics.

HEALTH CARE

Sec. 802. Health Care Timeliness and Expenditures – RETAINED

Requires MDOC to report on expenditures, allocations, status of payments, and projected expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment; requires a report on pharmaceutical prescribing practices, including a detailed accounting of expenditures on antipsychotic medications and any changes made to prescription drug formularies. Executive deletes. House retains.

Sec. 812. Medicaid Utilization by Prisoners – DELETED

Requires MDOC and DHHS to exchange information regarding newly committed prisoners who may be Medicaid-eligible; requires MDOC to assist outgoing prisoners with Medicaid enrollment; requires report on utilization of Medicaid benefits for prisoners. Executive deletes. House deletes.

CORRECTIONAL FACILITIES ADMINISTRATION

Sec. 901. Enhanced Food Technology Program – DELETED

Requires MDOC to expand the enhanced food technology education program to at least 700 inmates annually; requires inmates participating in the program to complete 408 hours of on-the-job training in a prison kitchen. Executive deletes. House deletes.

Sec. 908. Online High School Diploma and Career Certificate Program – DELETED

Authorizes MDOC to establish a pilot online high school diploma and career certificate program to serve up to 400 inmates through a provider that offers career-based online high school diplomas designed to prepare adult inmates for transition into the workplace. Executive deletes. House deletes.

Sec. 911. Critical Incidents in Prisons – REVISED

Requires MDOC to report annually on the number of critical incidents occurring each month by type, number, and severity of assaults, escape attempts, suicides, and attempted suicides at each prison facility. Executive retains. House revises to include requirement for 48 hour notice of incidents and expands definition of "critical incidents" to also include disturbances of any type involving multiple prisoners, substance use including overdoses and deaths, and prisoner deaths not caused by natural means.

Sec. 912. Institutional Staffing – REVISED

Requires MDOC to report quarterly on ratios of corrections officers to prisoners, shift command staff to line custody staff, and noncustody institutional staff to prisoners for each correctional institution. Executive revises to annual reporting. House retains quarterly reporting and revises to include reporting by shift.

Major Boilerplate Changes from FY 2020-21

Sec. 913. Enrollment in and Completion of Various Programming – REVISED

Expresses legislative intent that prisoners who are required to complete sex offender, assaultive offender, violent offender, and Thinking for Change programming as a condition of parole be transferred to facilities where programming is available; requires MDOC to report on enrollment and completion of sex offender, assaultive offender, violent offender, and Thinking for Change programming, and on plans to address waiting lists for these programs. Executive retains. House retains current law and adds requirement that MDOC, to the greatest extent possible, provide programming for prisoners at or near the beginning of prisoners' terms of incarceration, particularly programs that could impact prisoners' behavior while incarcerated.

Sec. 940. Use of State-Owned Facilities – RETAINED

Requires for-profit entities using state-owned facilities to pay fair market value for use of facilities and to make payments in lieu of taxes to local jurisdictions equivalent to what local units would receive if facilities were privately owned. Executive deletes. House retains.

Sec. 942. Auditor General and Corrections Ombudsman Access to Contracted Facilities – RETAINED

Requires any contract with a public or private party to operate a facility to house Michigan prisoners to include a provision allowing access to the facility and appropriate records by the Auditor General and the Legislative Corrections Ombudsman. Executive deletes. House retains.

Sec. 943. Savings from Prison Closures – RETAINED

Requires MDOC to report on actual and projected savings achieved by closing correctional facilities, starting with closure of the Pugsley Correctional Facility, which closed in September 2016. Executive deletes. House retains.

Sec. 944. Economic Impact of Prison Closures – RETAINED

Requires MDOC, when planning to close a correctional facility, to consider the potential economic impact of the prison closure on the community where the facility is located. Executive deletes. House retains.

Sec. 946. Investment in Communities After Facility Closure – REVISED

Expresses intent of the legislature that MDOC consult with the legislature and other appropriate state agencies to develop a framework to provide investment in communities that have formerly operational state correctional facilities that have been closed; requires framework to include plans to ensure that vacant state correctional facilities do not become a nuisance or danger to the community. Executive revises to delete "intent of the legislature" and require consultation. House concurs with Executive revisions.

MISCELLANEOUS

Sec. 1011. Religious Cable Programming – RETAINED

Authorizes MDOC to accept in-kind services and equipment donations to facilitate the addition of a cable network that provides religious programming for prisoners; prohibits the addition of channels from costing the state. Executive deletes. House retains.

Sec. 1013. Faith-Based Reentry Programs – RETAINED

Authorizes priority to be given to funding reentry or rehabilitation programs that have been demonstrated to reduce prison violence and recidivism, including faith-based initiatives. Executive deletes. House retains.

ONE-TIME APPROPRIATIONS

Sec. 1101. John and Jane Does v MDOC Settlement Work Project Designation – NOT INCLUDED

Designates unexpended funds as a work project appropriation; authorizes funds to carry forward and to be available for the same purpose in the following fiscal year. Executive includes new language. House does not include new language.