SPECIAL ALTERNATIVE INCARCERATION ACT

Act 287 of 1988

AN ACT to establish special alternative incarceration units; and to prescribe certain powers and duties of the department of corrections and county sheriffs.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988

The People of the State of Michigan enact:

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798.11 Short title.

Sec. 1.

This act shall be known and may be cited as the "special alternative incarceration act".

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988

798.12 Definitions.

Sec. 2.

As used in this act:

(a) "Department" means the department of corrections.

(b) "Prisoner" means a person serving a term of incarceration under the jurisdiction of the department.

(c) "Probationer" means a person placed on probation pursuant to chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 771.1 to 771.14a of the Michigan Compiled Laws.

(d) "Unit" means a special alternative incarceration unit.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988 ;-- Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992

798.13 Special alternative incarceration units; establishment; purposes; transportation to unit; processing; transfer.

Sec. 3.

(1) The department shall establish special alternative incarceration units for the purpose of housing and training probationers eligible for special alternative incarceration pursuant to section 3b of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 771.3b of the Michigan Compiled Laws. A probationer who is placed in a unit by a court shall be transported by the county sheriff directly to a unit and shall not be processed through the department's reception center for prisoners. The department may transfer a probationer from 1 unit to another unit at the department's discretion, during the probationer's incarceration in a unit.

(2) The department shall establish special alternative incarceration units for the purpose of housing and training prisoners eligible for special alternative incarceration pursuant to section 34a of Act No. 232 of the Public Acts of 1953, being section 791.234a of the Michigan Compiled Laws.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988 ;-- Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992

798.14 Program of physically strenuous work and exercise; term; special alternative incarceration aftercare residential pilot program; purpose; construction of facility.

Sec. 4.

(1) The units shall provide a program of physically strenuous work and exercise, patterned after military basic training, and other programming as determined by the department. The term of any probationer's or prisoner's incarceration in a unit shall not exceed 120 days except that the probationer also shall be required to complete a period of not less than 120 days of probation under intensive supervision, and a prisoner also shall be required to complete a period of not less than 120 days of parole under intensive supervision. A probationer also may be required to complete a period of not more than 120 days in a residential program, if ordered by the sentencing court to do so under section 3b(9) of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 771.3b of the Michigan Compiled Laws, or if required by the department to do so under section 3b(10) of chapter XI of Act No. 175 of the Public Acts of 1927.

(2) The department shall develop and operate a special alternative incarceration aftercare residential pilot program. The program shall be a residential program in which probationers may be required to participate pursuant to section 3b(10) of chapter XI of Act No. 175 of the Public Acts of 1927 and in which prisoners may be required to participate. The construction of the facility used for the purposes of the program shall be governed by a written agreement between the department, the department of management and budget, and the city, village, or township in which the program is operated.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988 ;-- Am. 1989, Act 303, Imd. Eff. Jan. 3, 1990 ;-- Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992

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798.15 Certification of satisfactory completion of course of training.

Sec. 5.

(1) At any time during a probationer's incarceration in a unit, but not less than 5 days before the probationer's expected date of release, the department shall certify to the sentencing court as to whether the probationer has satisfactorily completed the course of training at the unit.

(2) At least 10 days before the prisoner's expected date of release, the department shall certify to the parole board as to whether the prisoner has satisfactorily completed the course of training at the unit.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988 ;-- Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992
Compiler's Notes: For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

798.16 Failure of probationer or prisoner to work diligently and productively or to obey rules; applicability of disciplinary procedures required by MCL 791.251 to 791.255.

Sec. 6.

(1) A probationer who fails to work diligently and productively at the program of the unit, or who fails to obey the rules of behavior established for the unit, may be reported to the

sentencing court for possible revocation of probation and may be housed in a county jail while awaiting a probation revocation determination.

(2) A prisoner who fails to work diligently and productively at the program of the unit, or who fails to obey the rules of behavior established for the unit, shall be returned to a state correctional facility and shall no longer be eligible for placement in the program. A prisoner removed from a unit for this purpose shall be credited for the time served in the unit except that all disciplinary credits accumulated in the unit may be forfeited.

(3) Disciplinary procedures required by sections 51 to 55 of Act No. 232 of the Public Acts of 1953, being sections 791.251 to 791.255 of the Michigan Compiled Laws, are not applicable in determining whether the rules of behavior established for the unit have been violated, except where the removal from the unit and the forfeiture of disciplinary credits are at issue.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988 ;-- Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992

798.17 Effective date.

Sec. 7.

This act shall take effect July 1, 1988.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988

798.18 Conditional effective date.

Sec. 8.

This act shall not take effect unless Senate Bill No. 691 of the 84th Legislature is enacted into law.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988
Compiler's Notes: Senate Bill No. 691, referred to in this section, was filed with the Secretary of State August 1, 1988, and became P.A. 1988, No. 286, Imd. Eff. Aug. 1, 1988.

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