COMMUNITY CORRECTIONS ACT

Act 511 of 1988

AN ACT to provide for the funding of community-based corrections programs through local governmental subdivisions or certain nonprofit agencies; to prescribe the powers and duties of certain state officers and agencies; to provide for community corrections advisory boards and prescribe their powers and duties; to create an office of community alternatives and a state community corrections board within the department of corrections and prescribe their powers and duties; and to provide for the promulgation of rules.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988

The People of the State of Michigan enact:

CAUTION! This document is from an archive and may contain outdated information.

791.401 Short title.

Sec. 1.

This act shall be known and may be cited as the "community corrections act".

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

791.402 Definitions.

Sec. 2.

As used in this act:

(a) "City advisory board" means a community corrections advisory board created by a city under sections 6 and 7.

(b) "City-county advisory board" means a community corrections advisory board created by a county and the largest city by population within that county under sections 6 and 7.

(c) "Community corrections program" means a program that is operated by or contracted for by a city, county, or group of counties, or is operated by a nonprofit service agency, and that offers programs, services, or both, instead of incarceration in prison, and that are locally operated and provide a continuum of programming options from pretrial through post-adjudication.

(d) "County advisory board" means a community corrections advisory board created by a county under sections 6 and 7.

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

(f) "Evidence-based practices" means a progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective correctional services.

(g) "Key performance indicator" means a measure that captures the performance of a critical variable to expand and improve community-based corrections programs to promote offender success, ensure accountability, enhance public safety, and reduce recidivism.

(h) "Moderate to high risk" means that the individual assessed has scored in the moderate to high range of risk using an actuarial, objective, validated risk and need assessment instrument.

(i) "Nonprofit service agency" means a nonprofit organization that provides treatment, guidance, training, or other rehabilitative services to individuals, families, or groups in such

areas as health, education, vocational training, special education, social services, psychological counseling, alcohol and drug treatment, community service work, victim restitution, and employment.

(j) "Office" means the office of community corrections created in section 3.

(k) "Plan" means a comprehensive corrections plan submitted by a county, city, or regional advisory board under section 8.

(l) "Recidivism" means any rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation of an individual as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later.

(m) "Regional advisory board" means a community corrections advisory board created by a group of 2 or more counties under sections 6 and 7.

(n) "State board" means the state community corrections advisory board created in section 3.

(o) "Technical parole violation" means a violation of the terms of a parolee's parole order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

(p) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015 ;-- Am. 2017, Act 3, Eff. June 29, 2017
Popular Name: Act 511

CAUTION! This document is from an archive and may contain outdated information.

791.403 Office of community corrections; creation; office as autonomous entity; composition; appointment of administrator; state community corrections advisory board; creation; appointment, representation, and terms of members; vacancy; expenses; chairperson.

Sec. 3.

(1) An office of community corrections is created within the department. Except as otherwise provided in this subsection, the office shall exercise its powers and duties including budgeting and management as an autonomous entity, independent of the director of the department. The office consists of an administrator and staff as the director of the department may appoint to carry out the duties of the office. The director of the department or his or her designee may appoint the administrator of the office or may administer the assigned functions in other ways to promote efficient administration.

(2) A state community corrections advisory board is created in the office of community corrections. The state community corrections advisory board may conduct activities it considers necessary to advise the director of the department in matters related to community corrections.

(3) The governor shall appoint, and the senate shall confirm, the 13 members of the state board as follows:

(a) One member who is a county sheriff.

(b) One member who is a chief of a city police department.

(c) One member who is a judge of the circuit court.

(d) One member who is a judge of the district court.

(e) One member who is a county commissioner.

(f) One member who is a member of city government.

(g) One member who represents an existing community alternatives program.

(h) One member who is the director of the department of corrections or his or her designee.

(i) One member who is a county prosecutor.

(j) One member who is a criminal defense attorney.

(k) Three members who are representatives of the general public.

(4) The governor shall ensure fair geographic representation of the state board membership and that minority persons and women are fairly represented.

(5) Members of the state board shall serve for terms of 4 years each, except that of the members first appointed, 5 shall serve for terms of 4 years each, 4 shall serve for terms of 3 years each, and 4 shall serve for terms of 2 years each.

(6) A vacancy on the state board is filled in the same manner as the original appointment.

(7) Members of the state board shall serve without compensation, but the department shall reimburse the members for actual and necessary expenses incurred in attending meetings.

(8) The governor shall annually appoint a chairperson from among the members of the board. The chairperson shall not serve more than 2 consecutive terms.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015
Popular Name: Act 511

CAUTION! This document is from an archive and may contain outdated information.

791.404 Duties of state board; recidivism rates, collection and maintenance of data; manner.

Sec. 4.

(1) The state board shall do all of the following:

(a) Adopt a variety of key performance indicators that promote offender success, ensure the effective monitoring of offenders, and evaluate community corrections programs. Performance indicators must be relevant to this act and must be reviewed on an annual basis. Not less than 1 of the key performance measures must be the recidivism rate of offenders supervised under this act. There may be multiple recidivism measures to account for accessibility to state and national databases, local ability to collect data, and the resources needed to collect this data. Nothing in this subdivision requires a community corrections program operated under this act to collect, measure, maintain, or track data for offenders who are not supervised by the community corrections program.

(b) Adopt minimum program standards, policies, and rules for community corrections programs. The program standards must include evidence-based practices. Program eligibility must include moderate to high risk offenders regardless of crime class or adjudication status.

(c) Adopt an application process and procedures for funding community corrections programs, including the format for comprehensive corrections plans.

(d) Review, at least once every 3 years, the actuarial, objective, validated risk and need assessment instruments to ensure that they continue to meet the needs and requirements of community corrections.

(e) Recommend funding for community corrections to the director of the department based on program performance, utilization, targeting of appropriate offenders, and adherence to evidence-based practices.

(f) Research, review, and make recommendations regarding the use of performance-based contracts within community corrections.

(2) Any data collected and maintained under this act regarding recidivism rates must be collected and maintained in a manner that separates the data regarding technical probation

violations and technical parole violations from data on new felony and misdemeanor convictions.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015 ;-- Am. 2017, Act 3, Eff. June 29, 2017
Popular Name: Act 511

791.405 Duties of office.

Sec. 5.

The office shall do all of the following:

(a) Provide technical assistance and training to cities, counties, regions, or nonprofit service agencies in developing, implementing, evaluating, and operating community corrections programs.

(b) On behalf of the department, process agreements between the department and city, county, city-county, or regional advisory boards or nonprofit service agencies for the operation of community corrections programs by those boards or agencies, and monitor compliance with those agreements.

(c) Act as an information clearinghouse regarding community corrections programs for cities, counties, regions, or nonprofit service agencies that receive funding under this act.

(d) Provide community corrections advisory boards annually with information required to develop comprehensive plans and programming, including, but not limited to, all of the following for a city or county, as applicable:

(i) The total number of felony dispositions.

(ii) The total number of probation violators.

(iii) The sentencing results of all felony dispositions and probation violators.

(iv) For each sentenced felon and sentenced probation violator, demographic information, including, but not limited to, age, race, and sex.

(v) For each sentenced felon and probation violator, the result of the risk and needs assessment that details the felon's or probation violator's risk and needs levels.

(e) Review and approve local plans and proposals under sections 8 and 10.

(f) Audit programs to assure that they meet minimum program standards, including offender eligibility and compliance with evidence-based practices.

(g) In instances of substantial noncompliance, halt funding to cities, counties, regions, or agencies, except that before halting funding, the office shall do both of the following:

(i) Notify the city, county, region, or agency of the allegations and allow 30 days for a response.

(ii) If an agreement is reached concerning a remedy, allow 30 days following that agreement for the remedy to be implemented.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015
Popular Name: Act 511

791.406 Application for funding and other assistance; county advisory board; regional advisory board; city-county advisory board; city advisory board.

Sec. 6.

(1) A county may elect to apply for funding and other assistance under this act by a vote of the county board of commissioners approving the decision to apply, and by appointing a

CAUTION! This document is from an archive and may contain outdated information.

county advisory board. Two or more counties, by vote of the county board of commissioners of each county, may agree to create a regional advisory board instead of a county advisory board. A regional advisory board shall perform the same functions as a county advisory board for each county that participates in establishing the regional board.

(2) A county and the largest city by population within that county may elect to jointly apply for funding and other assistance under this act. An application for funding requires a vote of the board of commissioners approving the decision to apply and a majority resolution of the city council, and the appointment of a city-county advisory board.

(3) A city may elect to apply for funding and other assistance under this act by a majority resolution of the city council, and by appointing a city advisory board.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

791.407 Membership and appointment of boards.

Sec. 7.

(1) A county advisory board, regional advisory board, city-county advisory board, or city advisory board consists of the following:

(a) One member who is a county sheriff, or his or her designee.

(b) One member who is a chief of a city police department, or his or her designee.

(c) One member who is a judge of the circuit court or his or her designee.

(d) One member who is a judge of the district court or his or her designee.

(e) One member who is a judge of the probate court or his or her designee.

(f) One member who is a county commissioner or city councilperson. For a regional advisory board or a city-county advisory board, 1 county commissioner or councilperson from each participating city and county shall serve as a member.

(g) At least 1 and not more than 3 members selected from the following service areas: mental health, public health, substance abuse, employment and training, or community alternative programs.

(h) One member who is a county prosecuting attorney or his or her designee.

(i) One member who is a criminal defense attorney and who may be a local public defender.

(j) One member who is from the business community.

(k) One member who is from the communications media.

(l) One member who is either a circuit court probation agent or a district court probation officer.

(m) One member who is affiliated with the applicable workforce investment board.

(2) For a county or regional advisory board, the county board or boards of commissioners shall appoint the members. For a city advisory board, the city council shall appoint the members. For the city-county advisory board, the county board of commissioners and the city council shall appoint the members. In appointing the members of an advisory board, the county and city shall ensure that minority individuals and women are fairly represented.

(3) Before an appointment is made under this section, the appointing authority shall publish advance notice of the appointments and shall request that the names of individuals interested in being considered for appointment be submitted to the appointing authority.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015
Popular Name: Act 511

CAUTION! This document is from an archive and may contain outdated information.

791.408 Comprehensive corrections plan.

Sec. 8.

(1) A county, city, city-county, or regional advisory board, on behalf of the city, county, or counties it represents, may apply for funding and other assistance under this act by submitting to the office a comprehensive corrections plan that meets the requirements of this section, and the criteria, standards, rules, and policies developed by the state board under section 4.

(2) A county, city, city-county, or regional advisory board shall develop a plan that includes all of the following for the county, city, or counties represented by the advisory board:

(a) A system for the development, implementation, and operation of community corrections programs and an explanation of how the state prison commitment rate for the city, county, or counties will be reduced, and how the public safety will be enhanced, as a result of implementation of the comprehensive corrections plan. Continued funding in subsequent years is contingent upon substantial compliance with this subdivision.

(b) A data analysis of the local criminal justice system that indicates the specification of offender targeting and the services needed for the target population.

(c) Program descriptions that detail the use of an objective, standardized assessment tool or tools to determine applicable programming through the use of targeted interventions that address the risk and needs of the target population.

(d) The identity of any designated subgrant recipient.

(e) For a regional or city-county plan, provisions for the appointment of 1 fiscal agent to coordinate the financial activities pertaining to the grant award.

(3) The county board or boards of commissioners of the county or counties represented by a county, city-county, or regional advisory board, or the city council of the city represented by a city or city-county advisory board, shall approve the proposed comprehensive corrections plan prepared by their advisory board.

(4) A community corrections program must do all of the following:

(a) Provide appropriate sanctions and services as sentencing options for imposition at the discretion of the court, including community supervision and programming services for eligible offenders.

(b) Provide improved local services for individuals involved in the criminal justice system with the goal of reducing the occurrence of repeat criminal offenses that result in a term of incarceration or detention in jail or prison.

(c) Ensure the use of evidence-based practices to protect public safety and rehabilitate the offender.

(d) Promote local control and management of community corrections programs.

(e) Enhance, increase, and support the state and county partnership in the management of offenders.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015
Popular Name: Act 511

791.409 Jurisdiction of sentencing court.

Sec. 9.

A sentencing court that places a person in a community corrections program shall retain jurisdiction over the person as a probationer under 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.

CAUTION! This document is from an archive and may contain outdated information.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

791.410 Nonprofit service agency; application for direct state funding; notice; appointment or creation of advisory board; contract with nonprofit service agency; limitation on direct funding.

Sec. 10.

(1) In any jurisdiction that has not elected to apply for funding under this act and has not appointed an advisory board or participated in the creation of an advisory board, a nonprofit service agency that operates in that jurisdiction may apply for and receive direct state funding in that jurisdiction.

(2) The office promptly shall notify the county board of commissioners of a county described in subsection (1) of the fact that the nonprofit service agency has submitted an application for funding. The county shall have 30 days after receiving notice to apply for funding under this act, and to take steps to appoint a county advisory board or participate in the creation of a regional advisory board, in which case the application of the nonprofit service agency shall be denied.

(3) An advisory board may contract with a nonprofit service agency for the provision of services as described in the comprehensive corrections plan.

(4) A nonprofit service agency that receives direct funding under subsection (1) shall not receive the direct funding for a period of more than 24 consecutive months.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

CAUTION! This document is from an archive and may contain outdated information.

791.411 Authorized payments for community corrections programs; funding for administration; current spending not to be supplanted.

Sec. 11.

(1) The office shall authorize payments from money appropriated to the office for community corrections programs to cities, counties, regions, or agencies for the community corrections programs described in the plan submitted under section 8 if the plan or proposal is approved by the office.

(2) Of the total funding recommended for the implementation of the comprehensive corrections plan, not more than 30% may be used by the city, county, or counties for administration.

(3) The money provided to a city, county, or counties under this section must not supplant current spending by the city, county, or counties for community corrections programs.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988 ;-- Am. 2014, Act 466, Imd. Eff. Jan. 12, 2015
Popular Name: Act 511

791.412 Repealed. 2018, Act 302, Eff. Sept. 27, 2018.

Compiler's Notes: The repealed section pertained to an annual report and a biannual report.
Popular Name: Act 511

791.413 Transfer of records, property, personnel, and unexpended balances of appropriations and other resources.

Sec. 13.

Not later than 180 days after the effective date of this act, any records, property, personnel, and unexpended balances of appropriations and other resources necessary to the operation of the office shall be transferred to the office by the department of corrections.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

791.414 Rules.

Sec. 14.

The office, with the approval of the state board, shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, necessary to implement this act.

History: 1988, Act 511, Imd. Eff. Dec. 29, 1988
Popular Name: Act 511

CAUTION! This document is from an archive and may contain outdated information.