



SENATE BILL No. 1217

September 13, 1994, Introduced by Senator WELBORN and referred to the Committee on Family Law, Mental Health and Corrections

A bill to amend Act No 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction to provide for the siting of correctional facilities to create a state department of corrections, and to prescribe its powers and duties to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act to prescribe the powers and duties of certain other state departments and agencies to provide for the creation of a local lockup advisory board to prescribe penalties for the violation of the provisions of this act to make certain appropriations to repeal certain parts of this act on specific dates and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended, being sections 791 201 to 791 283 of the Michigan Compiled Laws, by adding section 26

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 232 of the Public Acts of 1953, as
2 amended, being sections 791 201 to 791 283 of the Michigan
3 Compiled Laws, is amended by adding section 26 to read as
4 follows

5 SEC 26 (1) A PROBATION RESIDENTIAL PROGRAM IS ESTABLISHED
6 WITHIN THE DEPARTMENT THE PROBATION RESIDENTIAL PROGRAM SHALL
7 BE OPERATED ACCORDING TO THIS SECTION

8 (2) THE DEPARTMENT SHALL ESTABLISH ALTERNATIVE CORRECTIONS
9 CENTERS IN MUNICIPALITIES WITHIN THIS STATE AN ALTERNATIVE COR-
10 RECTIONS CENTER EITHER SHALL BE OPERATED BY THE DEPARTMENT OR
11 SHALL BE OPERATED BY A LOCAL GOVERNMENTAL ENTITY OR A PRIVATE
12 ENTITY PURSUANT TO A CONTRACT THAT ENSURES THAT ALL THE PROVI-
13 SIONS OF THIS SECTION ARE CARRIED OUT BY THE LOCAL GOVERNMENTAL
14 OR PRIVATE ENTITY THE FACILITY USED FOR AN ALTERNATIVE CORREC-
15 TIONS CENTER SHALL BE SUITABLE FOR CONFINING PROBATIONERS AS PRO-
16 VIDED IN SUBSECTION (4) WHENEVER POSSIBLE, THE DEPARTMENT SHALL
17 CONVERT EXISTING BUILDINGS INTO ALTERNATIVE CORRECTIONS FACILI-
18 TIES, RATHER THAN BUILD NEW FACILITIES IN CONVERTING AN EXIST-
19 ING FACILITY, THE DEPARTMENT SHALL REDUCE THE CAPITAL OUTLAY COST
20 OF THE CONVERSION BY USING THE LABOR OF PARTICIPATING PROBATION-
21 ERS TO THE GREATEST EXTENT POSSIBLE

22 (3) A PERSON SENTENCED TO PARTICIPATION IN A PROBATION RESI-
23 DENTIAL PROGRAM AS A CONDITION OF PROBATION SHALL SERVE THAT POR-
24 TION OF HIS OR HER TERM OF PROBATION IN AN ALTERNATIVE CORREC-
25 TIONS CENTER A PROBATIONER HOUSED IN AN ALTERNATIVE CORRECTIONS
26 CENTER SHALL DO ALL OF THE FOLLOWING

1 (A) REIMBURSE THE STATE FOR THE COST OF THE PROBATIONER'S
2 ROOM AND BOARD AT THE CENTER

3 (B) PROVIDE HIS OR HER HEALTH CARE INSURANCE WHILE HOUSED AT
4 THE CENTER, OR REIMBURSE THE STATE FOR PROVIDING THE ACTUAL COST
5 OF THE PROBATIONER'S HEALTH CARE WHILE HOUSED AT THE CENTER

6 (C) PERFORM NOT LESS THAN 10 HOURS PER WEEK OF SUPERVISED
7 COMMUNITY SERVICE OR VOLUNTEER WORK

8 (D) PAY RESTITUTION TO THE VICTIM OF THE PROBATIONER'S CRIME
9 OR THE VICTIM'S ESTATE IF THE PROBATIONER WAS ORDERED TO MAKE
10 RESTITUTION PURSUANT TO THE CRIME VICTIM'S RIGHTS ACT, ACT NO 87
11 OF THE PUBLIC ACTS OF 1985, BEING SECTIONS 780 751 TO 780 834 OF
12 THE MICHIGAN COMPILED LAWS, OR THE CODE OF CRIMINAL PROCEDURE,
13 ACT NO 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 760 1 TO
14 776 21 OF THE MICHIGAN COMPILED LAWS

15 (E) PAY ANY ASSESSMENT THE PROBATIONER WAS ORDERED TO PAY
16 PURSUANT TO SECTION 5 OF ACT NO 196 OF THE PUBLIC ACTS OF 1989,
17 BEING SECTION 780 905 OF THE MICHIGAN COMPILED LAWS

18 (F) PAY THE COST OF ANY FAMILY SUPPORT ORDER APPLICABLE TO
19 THE PROBATIONER

20 (G) PARTICIPATE IN INTENSIVE SUBSTANCE ABUSE COUNSELING AND
21 TREATMENT, IF DETERMINED TO BE APPROPRIATE BY THE DEPARTMENT, AND
22 PAY THE COST OF THAT COUNSELING AND TREATMENT

23 (H) IF THE PROBATIONER WAS CONVICTED OF VIOLATING SECTION
24 520B, 520C, 520D, OR 520E OF THE MICHIGAN PENAL CODE, ACT NO 328
25 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 750 520B, 750 520C,
26 750 520D, AND 750 520E OF THE MICHIGAN COMPILED LAWS, INVOLVING

1 CRIMINAL SEXUAL CONDUCT, PARTICIPATE IN INTENSIVE COUNSELING AND
2 TREATMENT FOR THAT BEHAVIOR, AND PAY THE COST OF THAT TREATMENT

3 (1) PARTICIPATE IN EMPLOYMENT, AS DETERMINED TO BE APPROPRI-
4 ATE BY THE DEPARTMENT, AND PAY THE COST OF TRANSPORTATION TO AND
5 FROM THE PLACE OF EMPLOYMENT

6 (4) A PROBATIONER RESIDING IN AN ALTERNATIVE CORRECTIONS
7 CENTER SHALL BE CONFINED IN THE CENTER UNDER STRICT SUPERVISION
8 AT ALL TIMES OTHER THAN PERIODS DURING WHICH THE PROBATIONER IS
9 PARTICIPATING IN AN ACTIVITY DESCRIBED SUBSECTION (3) THAT TAKES
10 PLACE AWAY FROM THE CENTER

11 (5) THE DEPARTMENT SHALL ESTABLISH RULES FOR THE BEHAVIOR
12 AND CONDUCT OF PROBATIONERS AT ALTERNATIVE CORRECTIONS CENTERS
13 A PROBATIONER WHO COMMITS A SUBSTANTIAL VIOLATION OF ANY OF THOSE
14 RULES SHALL BE CONSIDERED IN VIOLATION OF HIS OR HER PROBATION,
15 AND SHALL BE REMOVED FROM THE CENTER AND RETURNED TO COURT FOR
16 SENTENCING