

Act No. 88
 Public Acts of 1997
 Approved by the Governor
 July 31, 1997
 Filed with the Secretary of State
 August 1, 1997
 EFFECTIVE DATE: August 1, 1997

STATE OF MICHIGAN
 89TH LEGISLATURE
 REGULAR SESSION OF 1997

Introduced by Reps. Geiger, Jellema, Gilmer, Johnson, Bankes, Godchaux and Bobier

ENROLLED HOUSE BILL No. 4307

AN ACT to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The People of the State of Michigan enact:

Sec. 101. There is appropriated for the department of corrections for the fiscal year ending September 30, 1998, from the following funds:

DEPARTMENT OF CORRECTIONS

APPROPRIATION SUMMARY:

Average population	43,175	
Full-time equated unclassified positions	16.0	
Full-time equated classified positions	17,219.1	
GROSS APPROPRIATION.....		\$ 1,382,439,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		6,600,100
ADJUSTED GROSS APPROPRIATION.....		\$ 1,375,839,100
Federal revenues:		
Total federal revenues		8,619,100
Special revenue funds:		
Total local revenues		434,200
Total private revenues.....		0
Total other state restricted revenues.....		43,836,000
State general fund/general purpose		\$ 1,322,949,800

EXECUTIVE

Full-time equated unclassified positions	16.0	
Full-time equated classified positions.....	75.0	
Unclassified positions—16.0 FTE positions.....		\$ 1,216,800
Executive administration—11.0 FTE positions		1,420,400
Audit and internal affairs—19.0 FTE positions.....		1,293,600

	For Fiscal Year Ending Sept. 30, 1998
Policy and hearings—45.0 FTE positions	\$ 4,052,600
GROSS APPROPRIATION.....	\$ 7,983,400
Appropriated from:	
State general fund/general purpose	\$ 7,983,400
 ADMINISTRATION AND PROGRAMS	
Full-time equated classified positions.....	228.2
Administration and fiscal management—40.5 FTE positions	\$ 2,893,300
Office of labor and personnel relations—24.7 FTE positions	1,580,900
Program services—13.0 FTE positions	1,236,600
Planning, research, and information services—91.5 FTE positions.....	9,412,700
Federal education programs—19.0 FTE positions.....	2,984,200
Rent.....	1,799,100
Training administration—39.5 FTE positions.....	3,651,000
GROSS APPROPRIATION.....	\$ 23,557,800
Appropriated from:	
Federal revenues:	
DED, life skills grant.....	299,900
DED-OVAE, vocational education, basic grants to states	1,566,700
DED-OESE, chapter 1 program for neglected and delinquent children	500,000
DED-OVAE, state administered basic grant program	520,500
DED-OSERS, special education - grants to states	100,000
Special revenue funds:	
Local-county reimbursement.....	115,000
Correctional industries revolving fund.....	93,500
Resident stores	268,800
State general fund/general purpose	\$ 20,093,400
 CENTRAL SUPPORT ACCOUNTS	
Equipment	\$ 341,900
Special maintenance	1,712,100
Workers' compensation.....	13,865,300
Compensatory buyout.....	225,000
Union leave bank.....	50,000
GROSS APPROPRIATION.....	\$ 16,194,300
Appropriated from:	
State general fund/general purpose	\$ 16,194,300
 TRAINING, COMMUNITY SUPPORT AND SUBSTANCE ABUSE PROGRAMS	
Inmate legal services program.....	\$ 314,900
Reimbursement to counties, parole revocation hearings, and court settlements.....	3,421,000
Substance abuse administration and testing	17,240,000
New employee training	5,835,100
Training projects	111,300
Criminal justice training fund	600,900
GROSS APPROPRIATION.....	\$ 27,523,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP, Michigan justice training fund	600,900
Federal revenues:	
DOJ, office of justice programs, corrections programs - grants to states	2,450,000
HHS-SAMHSA	563,000
State general fund/general purpose	\$ 23,909,300
 PRISON INDUSTRIES OPERATIONS	
Full-time equated classified positions.....	169.8
Personnel costs—169.8 FTE positions.....	\$ 12,128,900
GROSS APPROPRIATION.....	\$ 12,128,900

For Fiscal Year
Ending Sept. 30,
1998

Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund.....	\$ 12,128,900
State general fund/general purpose	\$ 0
FIELD OPERATIONS	
Full-time equated classified positions.....	1,661.0
Personnel costs—1,557.0 FTE positions.....	\$ 83,473,500
Operating costs	6,760,700
Community service work program—10.0 FTE positions.....	501,300
Parole board operations—22.0 FTE positions.....	1,386,200
Building occupancy charges-property management.....	554,100
Rent.....	715,100
Loans to parolees.....	204,400
Boot camp-phase III/intensive supervision—72.0 FTE positions	2,444,400
Parole/probation services	1,600,000
GROSS APPROPRIATION.....	\$ 97,639,700
Appropriated from:	
Special revenue funds:	
Oversight fees	3,400,000
Supervision fees	1,600,000
State general fund/general purpose	\$ 92,639,700
COMMUNITY PLACEMENT	
Average population	1,212
Full-time equated classified positions.....	600.3
Community residential program operations—335.1 FTE positions	\$ 26,570,800
Tether operations—168.3 FTE positions	7,500,200
Technical rule violator center—96.9 FTE positions.....	7,376,800
GROSS APPROPRIATION.....	\$ 41,447,800
Appropriated from:	
Special revenue funds:	
Resident contributions revenues	2,550,000
Local-community tether program reimbursement	319,200
Program participant contributions	4,000,000
Public works user fees.....	41,300
State general fund/general purpose	\$ 34,537,300
SPECIAL ALTERNATIVE INCARCERATION PROGRAM	
Full-time equated classified positions.....	135.0
Personnel costs—135.0 FTE positions.....	\$ 7,253,300
Operational costs	1,766,200
GROSS APPROPRIATION.....	\$ 9,019,500
Appropriated from:	
Special revenue funds:	
Public works user fees.....	124,300
State general fund/general purpose	\$ 8,895,200
OFFICE OF COMMUNITY CORRECTIONS	
Full-time equated classified positions.....	18.0
Personnel costs—18.0 FTE positions.....	\$ 1,190,400
Operating costs	220,000
OCC board expenses.....	15,000
Probation residential centers	13,676,900
Community corrections comprehensive plans and services.....	11,480,000
Public education and training.....	50,000
Local facility expansion program.....	4,000,000
County jail reimbursement program	17,984,200
GROSS APPROPRIATION.....	\$ 48,616,500

For Fiscal Year
Ending Sept. 30,
1998

Appropriated from:	
Special revenue funds:	
Telephone fees and commissions.....	\$ 15,855,800
State general fund/general purpose	\$ 32,760,700
 CONSENT DECREES	
Average population	400
Full-time equated classified positions.....	578.4
Hadix consent decree—158.0 FTE positions.....	\$ 10,086,200
DOJ consent decree—166.5 FTE positions.....	10,230,700
Huron Valley psychiatric hospital - department of community health	49,344,200
Average population	400
Residential and outpatient treatment program - department of community health	15,079,300
Average population	665
Department of community health bureau staff.....	670,300
Mental health custody staff - department of corrections security—253.9 FTE positions	14,197,000
Prisoner rehabilitation and education program	1,020,100
GROSS APPROPRIATION.....	\$ 100,627,800
Appropriated from:	
State general fund/general purpose	\$ 100,627,800
 OFFICE OF HEALTH CARE	
Full-time equated classified positions.....	21.0
Health care administration—21.0 FTE positions	\$ 1,923,600
Hospital and specialty care services	40,371,300
Vaccination program.....	717,800
GROSS APPROPRIATION.....	\$ 43,012,700
Appropriated from:	
State general fund/general purpose	\$ 43,012,700
 CLINICAL OPERATIONS	
Full-time equated classified positions.....	801.1
Adrian clinical complex—31.2 FTE positions.....	\$ 2,582,600
Baraga clinical complex—5.0 FTE positions	929,800
Coldwater clinical complex—35.8 FTE positions.....	3,244,500
Corrections camps clinical—19.5 FTE positions.....	1,005,800
Detroit clinical complex—16.2 FTE positions	2,391,600
Ionia clinical complex—124.9 FTE positions	9,829,900
Jackson clinical complex—219.7 FTE positions	19,701,500
Kincheloe clinical complex—66.0 FTE positions.....	5,896,400
Lapeer clinical complex—15.7 FTE positions	777,800
Macomb clinical complex—17.0 FTE positions	1,209,500
Marquette clinical complex—47.0 FTE positions	3,778,600
Mid-Michigan clinical complex—16.1 FTE positions.....	1,209,800
Muskegon clinical complex—56.5 FTE positions.....	3,574,600
Newberry clinical complex—4.0 FTE positions.....	789,300
Oaks clinical complex—5.0 FTE positions	1,193,600
Plymouth clinical complex—52.0 FTE positions.....	3,955,800
Saginaw clinical complex—17.0 FTE positions.....	1,191,000
Standish clinical complex—17.0 FTE positions.....	1,417,800
Ypsilanti clinical complex—35.5 FTE positions	2,559,400
GROSS APPROPRIATION.....	\$ 67,239,300
Appropriated from:	
State general fund/general purpose	\$ 67,239,300
 CORRECTIONAL FACILITIES - ADMINISTRATION	
Full-time equated classified positions.....	128.0
Conveying convicts to penal institutions.....	\$ 248,300

	For Fiscal Year Ending Sept. 30, 1998
Federal school lunch program.....	\$ 405,000
Correctional facilities administration—10.0 FTE positions.....	781,400
Extradition services.....	120,000
Housing inmates in federal institutions.....	394,000
Central region office—109.0 FTE positions.....	12,946,300
Northern region office—2.0 FTE positions.....	182,200
Southeastern region office—2.0 FTE positions.....	182,200
Southwestern region office—2.0 FTE positions.....	182,200
Food service operations.....	5,000,000
Surplus food program—3.0 FTE positions.....	315,000
GROSS APPROPRIATION.....	\$ 20,756,600
Appropriated from:	
Intradepartmental grant revenues:	
IDT, surplus food user fees.....	239,900
IDT, food factory user fees.....	5,000,000
Federal revenues:	
BOP, federal prisoner reimbursement.....	314,000
DAG-FNS, national school lunch.....	405,000
State general fund/general purpose.....	\$ 14,797,700
ALGER MAXIMUM CORRECTIONAL FACILITY	
Average population.....	524
Full-time equated classified positions.....	308.2
Personnel costs—304.2 FTE positions.....	\$ 17,595,200
Operational costs.....	2,127,800
Academic/vocational programs—4.0 FTE positions.....	275,000
GROSS APPROPRIATION.....	\$ 19,998,000
Appropriated from:	
Special revenue funds:	
Resident stores.....	9,500
State general fund/general purpose.....	\$ 19,988,500
BARAGA MAXIMUM CORRECTIONAL FACILITY	
Average population.....	604
Full-time equated classified positions.....	363.4
Personnel costs—355.4 FTE positions.....	\$ 20,001,300
Operational costs.....	2,290,300
Academic/vocational programs—8.0 FTE positions.....	438,100
GROSS APPROPRIATION.....	\$ 22,729,700
Appropriated from:	
Special revenue funds:	
Resident stores.....	13,500
State general fund/general purpose.....	\$ 22,716,200
BROOKS CORRECTIONAL FACILITY - MUSKEGON	
Average population.....	2,184
Full-time equated classified positions.....	543.7
Personnel costs—522.7 FTE positions.....	\$ 30,435,800
Operational costs.....	6,188,600
Academic/vocational programs—21.0 FTE positions.....	1,326,000
GROSS APPROPRIATION.....	\$ 37,950,400
Appropriated from:	
Special revenue funds:	
Resident stores.....	141,900
Public works user fees.....	65,400
State general fund/general purpose.....	\$ 37,743,100

CARSON CITY CORRECTIONAL FACILITY

Average population	2,184	
Full-time equated classified positions.....	550.2	
Personnel costs—531.2 FTE positions.....		\$ 31,087,300
Operational costs		6,269,600
Academic/vocational programs—19.0 FTE positions.....		1,190,200
GROSS APPROPRIATION.....		\$ 38,547,100
Appropriated from:		
Special revenue funds:		
Resident stores		94,600
State general fund/general purpose		\$ 38,452,500

CHIPPEWA CORRECTIONAL FACILITY - KINCHELOE

Average population	2,078	
Full-time equated classified positions.....	505.3	
Personnel costs—489.3 FTE positions.....		\$ 29,111,000
Operational costs		5,751,000
Academic/vocational programs—16.0 FTE positions.....		1,149,200
GROSS APPROPRIATION.....		\$ 36,011,200
Appropriated from:		
Special revenue funds:		
Resident stores		149,600
State general fund/general purpose		\$ 35,861,600

COOPER STREET CORRECTIONAL FACILITY - JACKSON

Average population	822	
Full-time equated classified positions.....	207.4	
Personnel costs—203.4 FTE positions.....		\$ 11,948,200
Operational costs		2,205,400
Academic/vocational programs—4.0 FTE positions.....		289,300
GROSS APPROPRIATION.....		\$ 14,442,900
Appropriated from:		
Special revenue funds:		
Resident stores		10,000
Public works user fees.....		30,000
State general fund/general purpose		\$ 14,402,900

COTTON CORRECTIONAL FACILITY - JACKSON

Average population	1,544	
Full-time equated classified positions.....	417.0	
Personnel costs—406.0 FTE positions.....		\$ 23,864,900
Operational costs		4,152,800
Academic/vocational programs—11.0 FTE positions.....		881,300
GROSS APPROPRIATION.....		\$ 28,899,000
Appropriated from:		
Special revenue funds:		
Resident stores		112,600
State general fund/general purpose		\$ 28,786,400

FLORENCE CRANE CORRECTIONAL FACILITY - COLDWATER

Average population	460	
Full-time equated classified positions.....	205.6	
Personnel costs—193.6 FTE positions.....		\$ 11,900,900
Operational costs		1,638,700
Academic/vocational programs—12.0 FTE positions.....		906,000
GROSS APPROPRIATION.....		\$ 14,445,600

Appropriated from:		
Special revenue funds:		
Resident stores	\$	47,300
State general fund/general purpose	\$	14,398,300
EGELER CORRECTIONAL FACILITY - JACKSON		
Average population		1,006
Full-time equated classified positions.....		304.4
Personnel costs—296.4 FTE positions.....	\$	15,994,900
Operational costs		2,052,100
Academic/vocational programs—8.0 FTE positions.....		675,500
GROSS APPROPRIATION.....	\$	<u>18,722,500</u>
Appropriated from:		
Special revenue funds:		
Resident stores		94,600
State general fund/general purpose	\$	18,627,900
HANDLON MICHIGAN TRAINING UNIT - IONIA		
Average population		1,315
Full-time equated classified positions.....		297.0
Personnel costs—269.0 FTE positions.....	\$	15,423,000
Operational costs		3,214,900
Academic/vocational programs—28.0 FTE positions.....		1,688,200
GROSS APPROPRIATION.....	\$	<u>20,326,100</u>
Appropriated from:		
Special revenue funds:		
Resident stores		75,000
State general fund/general purpose	\$	20,251,100
HARRISON CORRECTIONAL FACILITY		
Average population		2,184
Full-time equated classified positions.....		555.6
Personnel costs—537.6 FTE positions.....	\$	29,711,300
Operational costs		6,109,300
Academic/vocational programs—18.0 FTE positions.....		1,204,700
GROSS APPROPRIATION.....	\$	<u>37,025,300</u>
Appropriated from:		
Special revenue funds:		
Resident stores		189,200
State general fund/general purpose	\$	36,836,100
HURON VALLEY CORRECTIONAL FACILITY - YPSILANTI		
Average population		482
Full-time equated classified positions.....		294.8
Personnel costs—289.8 FTE positions.....	\$	16,676,800
Operational costs		2,882,100
Academic/vocational programs—5.0 FTE positions.....		427,900
GROSS APPROPRIATION.....	\$	<u>19,986,800</u>
Appropriated from:		
Special revenue funds:		
Resident stores		47,300
State general fund/general purpose	\$	19,939,500
IONIA MAXIMUM CORRECTIONAL FACILITY		
Average population		636
Full-time equated classified positions.....		348.6
Personnel costs—341.6 FTE positions.....	\$	20,147,600
Operational costs		2,125,000

	For Fiscal Year Ending Sept. 30, 1998
Academic/vocational programs—7.0 FTE positions.....	\$ 538,800
GROSS APPROPRIATION.....	\$ 22,811,400
Appropriated from:	
Special revenue funds:	
Resident stores	9,300
State general fund/general purpose	\$ 22,802,100
 IONIA TEMPORARY FACILITY	
Average population	960
Full-time equated classified positions.....	221.4
Personnel costs—205.9 FTE positions.....	\$ 11,957,300
Operational costs	2,797,600
Print shop operations.....	375,000
Academic/vocational programs—15.5 FTE positions.....	1,096,300
GROSS APPROPRIATION.....	\$ 16,226,200
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, print shop user fees.....	375,000
Special revenue funds:	
Resident stores	47,300
Public works user fees.....	11,800
State general fund/general purpose	\$ 15,792,100
 JACKSON MAXIMUM CORRECTIONAL FACILITY - JACKSON	
Average population	1,068
Full-time equated classified positions.....	446.1
Personnel costs—438.1 FTE positions.....	\$ 24,878,300
Operational costs	3,124,700
Academic/vocational programs—8.0 FTE positions.....	449,000
GROSS APPROPRIATION.....	\$ 28,452,000
Appropriated from:	
Federal revenues:	
Federal revenues and reimbursements.....	1,900,000
Special revenue funds:	
Resident stores	81,800
State general fund/general purpose	\$ 26,470,200
 KINROSS CORRECTIONAL FACILITY - KINCHELOE	
Average population	2,165
Full-time equated classified positions.....	544.5
Personnel costs—515.5 FTE positions.....	\$ 30,075,800
Operational costs	7,055,200
Academic/vocational programs—29.0 FTE positions.....	1,630,700
GROSS APPROPRIATION.....	\$ 38,761,700
Appropriated from:	
Special revenue funds:	
Resident stores	141,900
State general fund/general purpose	\$ 38,619,800
 LAKELAND CORRECTIONAL FACILITY - COLDWATER	
Average population	1,200
Full-time equated classified positions.....	257.1
Personnel costs—247.1 FTE positions.....	\$ 15,752,500
Operational costs	3,554,100
Academic/vocational programs—10.0 FTE positions.....	877,200
GROSS APPROPRIATION.....	\$ 20,183,800

For Fiscal Year
Ending Sept. 30,
1998

Appropriated from:	
Special revenue funds:	
Resident stores	\$ 47,300
State general fund/general purpose	\$ 20,136,500
 MACOMB CORRECTIONAL FACILITY	
Average population	1,212
Full-time equated classified positions	347.3
Personnel costs—339.3 FTE positions.....	\$ 17,664,900
Operational costs	3,364,600
Academic/vocational programs—8.0 FTE positions.....	546,800
GROSS APPROPRIATION.....	\$ 21,576,300
Appropriated from:	
Special revenue funds:	
Resident stores	94,600
Public works user fees.....	11,000
State general fund/general purpose	\$ 21,470,700
 MARQUETTE BRANCH PRISON	
Average population	825
Full-time equated classified positions	391.8
Personnel costs—381.8 FTE positions.....	\$ 23,277,800
Operational costs	3,577,900
Academic/vocational programs—10.0 FTE positions.....	898,300
GROSS APPROPRIATION.....	\$ 27,754,000
Appropriated from:	
Special revenue funds:	
Resident stores	141,900
State general fund/general purpose	\$ 27,612,100
 MICHIGAN REFORMATORY - IONIA	
Average population	1,258
Full-time equated classified positions	378.4
Personnel costs—362.4 FTE positions.....	\$ 22,265,900
Operational costs	5,421,800
Academic/vocational programs—16.0 FTE positions.....	1,333,400
GROSS APPROPRIATION.....	\$ 29,021,100
Appropriated from:	
Special revenue funds:	
Resident stores	141,900
State general fund/general purpose	\$ 28,879,200
 MID-MICHIGAN TEMPORARY FACILITY - ST. LOUIS	
Average population	960
Full-time equated classified positions	228.4
Personnel costs—219.4 FTE positions.....	\$ 12,796,400
Operational costs	2,795,600
Academic/vocational programs—9.0 FTE positions.....	627,700
GROSS APPROPRIATION.....	\$ 16,219,700
Appropriated from:	
Special revenue funds:	
Resident stores	47,300
Public works user fees.....	11,000
State general fund/general purpose	\$ 16,161,400
 MOUND CORRECTIONAL FACILITY	
Average population	1,044
Full-time equated classified positions	363.4

	For Fiscal Year Ending Sept. 30, 1998
Personnel costs—353.4 FTE positions.....	\$ 18,101,200
Operational costs	2,645,900
Academic/vocational programs—10.0 FTE positions.....	543,900
GROSS APPROPRIATION.....	<u>\$ 21,291,000</u>
Appropriated from:	
Special revenue funds:	
Resident stores	94,600
State general fund/general purpose	<u>\$ 21,196,400</u>
MUSKEGON CORRECTIONAL FACILITY	
Average population	1,310
Full-time equated classified positions.....	294.4
Personnel costs—277.4 FTE positions.....	\$ 16,799,900
Operational costs	3,862,500
Academic/vocational programs—17.0 FTE positions.....	1,177,700
GROSS APPROPRIATION.....	<u>\$ 21,840,100</u>
Appropriated from:	
Special revenue funds:	
Resident stores	70,900
State general fund/general purpose	<u>\$ 21,769,200</u>
NEWBERRY CORRECTIONAL FACILITY	
Average population	800
Full-time equated classified positions.....	297.0
Personnel costs—285.0 FTE positions.....	\$ 15,669,100
Operational costs	2,486,400
Academic/vocational programs—12.0 FTE positions.....	804,200
GROSS APPROPRIATION.....	<u>\$ 18,959,700</u>
Appropriated from:	
Special revenue funds:	
Resident stores	47,300
State general fund/general purpose	<u>\$ 18,912,400</u>
OAKS MAXIMUM CORRECTIONAL FACILITY	
Average population	744
Full-time equated classified positions.....	365.8
Personnel costs—360.8 FTE positions.....	\$ 20,984,500
Operational costs	3,004,300
Academic/vocational programs—5.0 FTE positions.....	364,000
GROSS APPROPRIATION.....	<u>\$ 24,352,800</u>
Appropriated from:	
Special revenue funds:	
Resident stores	11,500
State general fund/general purpose	<u>\$ 24,341,300</u>
PARNELL CORRECTIONAL FACILITY - JACKSON	
Average population	1,448
Full-time equated classified positions.....	308.0
Personnel costs—295.0 FTE positions.....	\$ 17,243,500
Operational costs	2,697,900
Academic/vocational programs—13.0 FTE positions.....	904,400
GROSS APPROPRIATION.....	<u>\$ 20,845,800</u>
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund.....	77,500
Resident stores	107,400
State general fund/general purpose	<u>\$ 20,660,900</u>

RIVERSIDE CORRECTIONAL FACILITY - IONIA

Average population	1,034	
Full-time equated classified positions.....	347.0	
Personnel costs—341.0 FTE positions.....		\$ 20,061,300
Operational costs		4,298,300
Academic/vocational programs—6.0 FTE positions.....		384,100
GROSS APPROPRIATION.....		\$ 24,743,700
Appropriated from:		
Special revenue funds:		
Resident stores		47,300
State general fund/general purpose		\$ 24,696,400

RYAN CORRECTIONAL FACILITY

Average population	1,044	
Full-time equated classified positions.....	356.3	
Personnel costs—346.3 FTE positions.....		\$ 19,376,300
Operational costs		3,174,100
Academic/vocational programs—10.0 FTE positions.....		641,400
GROSS APPROPRIATION.....		\$ 23,191,800
Appropriated from:		
Special revenue funds:		
Resident stores		94,600
State general fund/general purpose		\$ 23,097,200

SAGINAW CORRECTIONAL FACILITY

Average population	1,212	
Full-time equated classified positions.....	353.9	
Personnel costs—339.4 FTE positions.....		\$ 20,491,300
Operational costs		2,973,300
Academic/vocational programs—14.5 FTE positions.....		500,200
GROSS APPROPRIATION.....		\$ 23,964,800
Appropriated from:		
Special revenue funds:		
Resident stores		94,600
State general fund/general purpose		\$ 23,870,200

SCOTT CORRECTIONAL FACILITY - PLYMOUTH

Average population847	
Full-time equated classified positions.....	355.7	
Personnel costs—338.7 FTE positions.....		\$ 19,561,900
Operational costs		2,520,100
Academic/vocational programs—17.0 FTE positions.....		1,238,200
GROSS APPROPRIATION.....		\$ 23,320,200
Appropriated from:		
Special revenue funds:		
Resident stores		94,600
State general fund/general purpose		\$ 23,225,600

STANDISH MAXIMUM CORRECTIONAL FACILITY

Average population524	
Full-time equated classified positions.....	320.8	
Personnel costs—314.8 FTE positions.....		\$ 18,195,400
Operational costs		2,121,000
Academic/vocational programs—6.0 FTE positions.....		311,300
GROSS APPROPRIATION.....		\$ 20,627,700

For Fiscal Year
Ending Sept. 30,
1998

Appropriated from:	
Special revenue funds:	
Resident stores	\$ 9,500
State general fund/general purpose	\$ 20,618,200
SOUTHERN MICHIGAN CORRECTIONAL FACILITY - JACKSON	
Average population	616
Full-time equated classified positions.....	339.2
Personnel costs—330.2 FTE positions.....	\$ 20,717,600
Operational costs	1,306,600
Academic/vocational programs—9.0 FTE positions.....	583,800
Print shop operations.....	282,000
GROSS APPROPRIATION.....	\$ 22,890,000
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, print shop user fees	282,000
Special revenue funds:	
Resident stores	94,600
State general fund/general purpose	\$ 22,513,400
THUMB CORRECTIONAL FACILITY - LAPEER	
Average population	954
Full-time equated classified positions.....	283.7
Personnel costs—272.7 FTE positions.....	\$ 15,968,600
Operational costs	2,900,500
Academic/vocational programs—11.0 FTE positions.....	580,900
GROSS APPROPRIATION.....	\$ 19,450,000
Appropriated from:	
Special revenue funds:	
Resident stores	47,300
State general fund/general purpose	\$ 19,402,700
WESTERN WAYNE CORRECTIONAL FACILITY - PLYMOUTH	
Average population	775
Full-time equated classified positions.....	288.6
Personnel costs—285.1 FTE positions.....	\$ 16,489,800
Operational costs	2,795,900
Academic/vocational programs—3.5 FTE positions.....	288,000
GROSS APPROPRIATION.....	\$ 19,573,700
Appropriated from:	
Special revenue funds:	
Resident stores	94,600
State general fund/general purpose	\$ 19,479,100
CORRECTION CAMPS PROGRAM	
Average population	3,540
Full-time equated classified positions.....	813.3
Personnel costs—797.3 FTE positions.....	\$ 42,202,700
Operational costs	11,952,500
Dental lab operations.....	102,300
Academic/vocational programs—16.0 FTE positions.....	1,017,600
GROSS APPROPRIATION.....	\$ 55,275,100
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, dental lab user fees.....	102,300
Special revenue funds:	
Resident stores	103,500
Public works user fees.....	816,000
State general fund/general purpose	\$ 54,253,300

For Fiscal Year
Ending Sept. 30,
1998

EARLY RETIREMENT SAVINGS

Early retirement savings	\$	(3,725,500)
GROSS APPROPRIATION.....	\$	(3,725,500)
Appropriated from:		
State general fund/general purpose	\$	(3,725,500)

GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1997-98 is estimated at \$1,366,785,800.00 in this bill and state spending from state sources paid to local units of government for fiscal year 1997-98 is estimated at \$65,193,800.00. The itemized statement below identifies appropriations from which spending to units of local governments will occur:

Department of Corrections

Planning, research, and information services—ADP - assumption of county probation.....	\$	440,400
Field operations - assumption of county probation staff.....		20,056,600
Reimbursement to counties, parole revocation hearings, and court settlements.....		3,421,000
Public service work projects		11,567,600
Community service work program.....		501,300
Community corrections comprehensive plans and services.....		11,480,000
Community corrections probation residential centers.....		13,676,900
Community corrections public education and training.....		50,000
Local facility expansion program.....		4,000,000
Total	\$	65,193,800

(2) When it appears to the director of the department that state spending to local units of government will be less than the amount that was projected to be expended for any quarter, the director of the department shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 202. The expenditures and funding sources authorized under this bill are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "BOP" means the federal bureau of prisons.
- (b) "DAG" means the United States department of agriculture.
- (c) "DAG-FNS" means the DAG food and nutrition service.
- (d) "DED" means the United States department of education.
- (e) "DED-OESE" means the DED office of elementary and secondary education.
- (f) "DED-OSERS" means the DED office of special education and rehabilitative services.
- (g) "DED-OVAE" means the DED office of vocational and adult education.
- (h) "Department" or "MDOC" means the Michigan department of corrections.
- (i) "DOJ" means the United States department of justice.
- (j) "HHS" means the United States department of health and human services.
- (k) "HHS-SAMHSA" means the HHS substance abuse and mental health services administration.
- (l) "IDG" means interdepartmental grant.
- (m) "IDT" means intradepartmental transfer.
- (n) "MDCH" means the Michigan department of community health.
- (o) "MDSP" means the Michigan department of state police.
- (p) "OCC" means the office of community corrections.
- (q) "OP-BFS" means the operating procedure, bureau of field services.
- (r) "PREP" means the prisoner rehabilitation and education program.

Sec. 204. The department shall annually compile the number and percent by county of prisoners for which the state felony sentencing guidelines upper limit for the recommended minimum sentence is 12 months or less. The compilation shall include for each county the number and percent of such offenders who were sentenced to prison, the number and percent who received jail sentences, the number and percent who received probation, and the number and percent who received split jail/probation sentences. The department shall report these data to the senate and house fiscal agencies and the department of management and budget for the previous calendar year by April 1 of each year.

Sec. 205. (1) Pursuant to the provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test. The test shall be administered by the department.

(2) Individuals seeking employment with the department who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment.

Sec. 206. The department of civil service shall bill departments or agencies at the end of the first fiscal quarter for the 1% charges authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 207. The department may charge fees and collect revenues in excess of appropriations in section 101 not to exceed the cost of employee meals, academic/vocational services, custody escorts, compassionate visits, union steward activities, and public work programs. The revenues and fees collected shall be appropriated for all expenses associated with these services and activities.

Sec. 208. Of the general fund/general purpose revenue appropriated in section 101, \$303,474,000.00 represents a state spending increase over the amount provided to the department for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the federal violent crime control and law enforcement act of 1994, or successor grant programs, so that any additional federal funds received shall supplement funding provided to the department in section 101.

Sec. 209. (1) Beginning October 1, 1997, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or to positions that are funded with 80% or more federal or restricted funds.

(2) The director of the department of management and budget shall grant exceptions to this hiring freeze when the director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The director of the department of management and budget shall report by the fifteenth of each month to the chairpersons of the senate and house of representatives committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the reasons to justify the exceptions.

Sec. 210. (1) The director of the department shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies or both for the department.

(2) The director of the department shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies or both.

Sec. 211. Money appropriated in section 101 shall not be used for the purchase of foreign goods or services when competitively priced and of comparable quality American goods or services are available. By May 1, 1998, the department shall submit a report to the department of management and budget, the speaker and minority leader of the house of representatives, the majority and minority leaders of the senate, the chairpersons of the house and senate appropriations committees on corrections, and the senate and house fiscal agencies on efforts to comply with this section.

Sec. 211a. Notwithstanding any existing contracts for belts used by corrections officers, if facilities and equipment are available, belts issued for use by corrections officers shall be manufactured by Michigan state industries or another prison industry operation.

Sec. 212. The negative appropriation in section 101 for early retirement compensation savings represents savings from the state's 1997 early retirement program. Not later than October 15, 1997, the department and the state budget director shall request legislative transfers under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, to apply the retirement costs and salary and fringe benefits savings to the appropriated line items affected by the early retirement of state employees.

Sec. 214. (1) The department shall submit to the department of management and budget, the house and senate appropriations committees, the house and senate standing committees having jurisdiction over technology issues, and the house and senate fiscal agencies periodic reports on the efforts to change the department's computer software and hardware as necessary to perform properly in the year 2000 and beyond. These reports shall identify actual progress in comparison to the department's approved work plan for this effort.

(2) The department may present progress billings to the department of management and budget for the costs incurred in changing computer software and hardware as necessary to perform properly in the year 2000 and beyond. When progress billings are presented for reimbursement, the department shall identify and forward as appropriate the funding sources that should support the work performed.

Sec. 215. It is the intent of the legislature that the department reduce middle management positions department-wide.

Sec. 218. A prisoner who wins money in a lottery shall pay from those winnings the amount necessary to reimburse the state for the accrued cost of incarcerating that prisoner.

Sec. 220. The department shall not allow the use of gym facilities or weight lifting equipment by an inmate if the inmate has not obtained, or is not satisfactorily working towards the completion of, a high school diploma or its equivalent, unless the inmate has been exempted by the department because of health, enrollment in a special education program, or lack of availability of programs. The department shall utilize athletic directors to monitor prison use of gym facilities and weight lifting equipment as prescribed by this section. This section does not apply at a facility when, because of absenteeism, the department lacks sufficient staff resources at the facility to enforce the restrictions.

Sec. 221. (1) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$500,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$500,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 222. (1) The department shall screen and assess each prisoner for substance abuse treatment needs. The assessment process shall be designed to identify prisoners based on program need and benefit of program intervention.

(2) Subject to the availability of funding resources, the department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and can best benefit from program intervention based on the screening and assessment provided under subsection (1).

EXECUTIVE

Sec. 301. All reports required by this act shall include a brief executive summary of the report.

Sec. 302. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget by April 1, 1998 on the ratio of correctional officers to prisoners for all correctional institutions, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for all correctional institutions.

Sec. 303. The department shall submit 3-year and 5-year prison population projection updates by December 1, 1997 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget.

Sec. 304. (1) The department shall annually prepare and submit individual reports for the technical rule violator program, the community residential program, the electronic tether program, and the special alternative to incarceration program. The reports shall include the following:

- (a) Monthly new participants.
- (b) Monthly participant unsuccessful terminations, including cause.
- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of program location(s), capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- (i) Comparison with prior year statistics.
- (j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

(2) Annual reports shall be prepared and submitted by April 1, 1998 to the corrections subcommittees of the house and senate appropriations committees, the house and senate fiscal agencies, and the department of management and budget.

Sec. 305. From the funds appropriated in section 101 for audit and internal affairs, and as a condition of receiving those funds, the department shall continue to maintain county jail services staff sufficient to enable the department to continue to fulfill its functions of providing technical support, inspections of county jails, and implementation of the jail reimbursement program.

Sec. 306. (1) Of the funds appropriated in section 101 for substance abuse administration and testing, \$547,488.00 represents an increase over the prior fiscal year for residential substance abuse treatment services. The department shall use for residential substance abuse treatment services at least the sum of this amount plus the amount allocated in the prior fiscal year for residential substance abuse treatment services.

(2) Of the \$547,488.00 increase over the prior fiscal year for residential substance abuse treatment services, \$448,900.00 is for residential substance abuse treatment of probationers who because of sentencing guidelines scores do not meet the eligibility criteria for probation residential services funded under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. The funds allocated under this subsection shall supplement, not supplant, funding allocated under the prior fiscal year for residential substance abuse treatment of probationers.

(3) In expending residential substance abuse treatment services funds appropriated by this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(4) By April 1, 1998, the department shall report to the house and senate appropriations subcommittees on corrections and the house and senate fiscal agencies on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse administration and testing line item.

Sec. 309. (1) The department shall develop policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among this offender population, the department shall explore other policy options to allow for program alternatives, including department or OCC funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in section 101 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall report to the senate and house appropriations subcommittees on corrections, senate and house fiscal agencies, and the department of management and budget by March 1, 1998 on the effect any recommended policy changes for this offender population would have on admission to prison and jail and the impact on other program alternatives.

Sec. 310. The department shall receive and retain copies of all reports funded from section 101 appropriations.

CENTRAL SUPPORT ACCOUNTS

Sec. 401. The department shall report on the disability management project by April 1, 1998 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget.

Sec. 402. (1) An inmate housing fund account shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically budgeted for elsewhere in this bill. Expenditures from the inmate housing fund account shall be made by administrative transfer to existing accounts or to separate accounts created to separately identify costs for specific purposes.

(2) Quarterly reports on all expenditures from the inmate housing fund account shall be submitted by the department to the department of management and budget, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

FIELD OPERATIONS

Sec. 501. The department shall develop sentencing recommendation guidelines for all probation personnel who are responsible for making sentencing recommendations for convicted felons. The purposes of the guidelines are to establish consistency in the recommendations by probation personnel to the judiciary for nonprison sanctions, provide for logical and fair nonprison sanction recommendations that are effective yet utilize the least restrictive and least expensive options while assuring public safety, and ensure proportionality among sentences and dispositional options. The state established guidelines shall allow for the use of all sanctions and services available to the offender population. For a sentence recommendation in a presentence investigation report under section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4, the guidelines shall require probation staff to recommend a sentence other than prison for felons where the maximum sentencing guideline score is 18 months or less consistent with section 33(3) of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.33, and should recommend prison sentences only when required by law or when no alternative community sentence will provide public protection, pursuant to OP-BFS 71.01. Sentencing recommendation guidelines shall require probation staff to review all alternatives to prison and recommend nonprison sentences for all nonviolent offenders, excluding sentences for which there is a mandatory prison sentence. If the probation staff deviates from these guidelines, reasons for the deviation shall be attached to the recommended prison sentence and included with the presentence investigation report. The department shall ensure that these data are collected as part of the department's overall information systems upgrade project and that it is compiled in an annual report submitted to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget by April 1, 1998.

Sec. 502. A parole board member or a person on a parole board member's direct staff shall not provide legal representation before the parole board or provide legal assistance to a prisoner or parolee until the expiration of 1 year after he or she is no longer a parole board member or on a parole board member's direct staff.

Sec. 503. It is the intent of the legislature that the funding appropriated in section 101 for parole and probation agents will provide sufficient parole and probation agents to maintain a ratio of 90 workload units per agent.

Sec. 504. (1) The \$501,300.00 appropriated in section 101 for the community service work program shall be used for salaries and wages and fringe benefit costs of community service coordinators employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

(2) The community service work program shall provide adult offenders with community service work of tangible benefit to a community while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, "community service work" means work performed by an offender in an unpaid position with a nonprofit or tax supported or government agency for a specified number of hours of work or service within a given time period.

Sec. 506. It is the intent of the legislature that no funds be used to support the mail-in supervision program for parolees on minimum supervision/mail reporting status for a parolee serving a sentence for a crime listed in section 34(5) of 1893 PA 118, MCL 800.34.

OFFICE OF RESIDENTIAL AND ELECTRONIC PROGRAMS (OREP)

Sec. 601. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for the equipment costs and telephone charges associated with their participation in the program. The

department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the cost of the equipment.

(2) Program participant contributions and local-community-tether program reimbursement for the electronic tether program appropriated in section 101 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in section 101 is adequate funding to implement the community-tether program to be administered by the department. The community-tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. The counties shall reimburse the department according to the following reimbursement schedule:

(a) For the rate of \$5.30 per diem, the department will provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service and apprehension of program violators.

(b) For the rate of \$7.50 per diem, the department will provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of program violators, and periodic reports regarding county program participants. In addition, the department will provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(4) Any county with tether charges outstanding over 60 days shall be considered in violation of the community-tether program agreement and lose access to the program.

Sec. 602. Community-placement prisoners shall reimburse the department for the operational costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Sec. 603. It is the legislature's intent that the department avoid locating a new community corrections center in a residential neighborhood unless the location of the proposed community corrections center has the support of the local unit of government in whose jurisdiction the community corrections center is proposed to be located. If the local unit of government does not give its support for that location, the local unit of government within 60 days shall provide an alternative site for the proposed community corrections center within the local governmental unit's jurisdiction that is acceptable to the department.

SPECIAL ALTERNATIVE INCARCERATION PROGRAM

Sec. 701. The department shall establish a uniform rate to be paid by agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

OFFICE OF COMMUNITY CORRECTIONS

Sec. 801. The office of community corrections shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this act:

(a) "Alternative to incarceration in a state facility or jail" means a program that involves offenders who receive a sentencing disposition which appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or which amounts to a reduction in the length of sentence in a jail.

(b) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) "Offender eligibility criteria" means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) "Offender who would likely be sentenced to imprisonment" means either of the following:

(i) A felon or misdemeanant who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanant who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Sec. 802. (1) The funds included in section 101 for comprehensive corrections plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs which serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of comprehensive corrections plans funds must be based on criteria which shall include, but not be limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Beginning January 1, 1998, funds awarded for probation residential centers in section 101 shall provide for a per diem reimbursement of not more than \$40.00.

Sec. 803. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services which are available and utilized within the local jurisdiction and an explanation of how jail beds, probation residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plan and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines pursuant to section 33 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.33, the development of probation sentencing recommendation guidelines pursuant to section 501 of this act, and the use of the county jail reimbursement program pursuant to section 808 of this act.

Sec. 804. (1) As part of the March biannual report specified under section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, which requires an analysis of the impact of that act on prison admissions and jail utilization, the OCC shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on probation residential centers, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to prior 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Sec. 805. (1) The OCC shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state required jail data. The department shall provide the OCC with access to data and information required to assess the impact of community corrections programs.

(2) The OCC shall be responsible for the collection, analysis, and reporting of state required jail data.

(3) As a prerequisite to participation in the programs and services offered through the OCC, counties shall provide basic jail data to the OCC.

Sec. 806. From the funds appropriated in section 101 for community corrections comprehensive plans and services and probation residential services, no funds shall be awarded to local jurisdictions that have not had their comprehensive corrections plans, budget requests, and substantial modifications approved by the local community corrections advisory board and the local governing authority, officially reviewed by the state community corrections board, and approved by the director of the department.

Sec. 807. (1) The funds appropriated in section 101 for the local facility expansion program are provided to allow local units of government to directly or indirectly expand local capacities to house felons who otherwise likely would be prison bound based on historical local sentencing practices, or who currently are incarcerated in prison, including but not limited to any of the following:

(a) An increase in local capacity to house felons who are considered prison bound based on historical local sentencing practices.

(b) An increase in local bed space for felony and nonfelony offenders combined, providing this increase alleviates jail crowding and expands sentencing options for felons who otherwise would be prison bound based on past local sentencing practices.

(c) An increase in local bed space capacity that allows a local unit of government to better utilize existing jail beds so that the most appropriate level of confinement is available for felony and nonfelony offenders, providing that the increase in local capacity improves local ability to appropriately house felons who otherwise would be prison bound based on past local sentencing practices or who are currently incarcerated in prison.

(d) An increase in local beds available and appropriate for the incarceration of felons committed to the department, as approved by the department.

(2) Based upon approved applications received from local units of government as recommended by local community corrections advisory boards, the funding may be allocated by the office of community corrections for construction or renovation projects serving single counties or multicounty regions. An application approved by the local unit of government as recommended by the local community corrections advisory board shall be included as part of the local comprehensive corrections plan. Applications shall clearly identify target populations and clearly document how and when the expansion in local bed space would either reduce prison commitment rates of targeted felony offenders or maintain prison commitment rates if those rates are below the state average for the targeted offender group. An application shall detail the data that will be reported to the department to establish the reduction in prison commitments of targeted felony offenders. Applications shall provide information on operating costs, which may be funded as provided in subsection (5). The OCC shall evaluate project proposals for programmatic design and cost effectiveness. In allocating funds, the office of community corrections shall give priority for funding to multicounty projects that would have the greatest effect on the prison population, whether by minimizing commitments to prison, reducing prison bed space needs, or a combination of minimizing commitments and reducing prison bed space needs.

(3) Local facility expansion program funds included as part of approved comprehensive corrections plans shall be awarded pursuant to guidelines and priorities, which shall be developed by the department consistent with this section by December 1, 1997. Funds shall be awarded to eligible program applicants pursuant to the guidelines and priorities developed by the department consistent with this section.

(4) Approved projects may receive up to \$8,000.00 per bed in actual construction or renovation costs.

(5) Approved projects may receive funding for actual operational costs, including but not limited to the following sources of funding:

(a) Funding from funds appropriated in section 101 for probation residential centers, pursuant to policies of the office of community corrections.

(b) Funding from funds appropriated in section 101 for the jail reimbursement program, providing such funding meets the criteria set forth in section 808.

(c) Funding from payments for housing state prisoners according to agreements developed with the department, as appropriate.

(d) Funding from any other federal, state, local, or private source.

(6) Funds appropriated in section 101 for the local facility expansion program that remain unexpended at the end of the fiscal year shall not revert to the general fund, but shall be retained for expenditure in subsequent years as provided by this section. If federal funds under the violent offender incarceration and truth-in-sentencing formula grant program created under subtitle A of title II of the violent crime control and law enforcement act of 1994, Public Law 103-322, are made available pursuant to procedures established by the state for expenditure for construction or renovation projects eligible for funding under this section, those funds are appropriated to the local facility expansion line item. To the extent that those federal funds are appropriated to the local facility expansion line item, general fund appropriations are transferred from the local facility expansion line item to the field operations personnel line item. The amount transferred shall be equal to the amount of federal funding appropriated for local facility expansion, not to exceed \$3,000,000.00.

(7) By April 1, 1998, and each 6 months after that, the department shall report to the house and senate appropriations committees, the house and senate appropriations subcommittees on corrections, and the house and senate fiscal agencies on the disbursement of funds under this section. Reports shall include, at a minimum, descriptions of projects funded under this section, the amounts received and expended by each recipient, and data reported or to be reported to the department to establish the reduction in prison commitments of targeted felony offenders.

(8) As used in this section, "nonfelony offenders" includes persons being detained prior to disposition, persons being detained for parole or probation violations, and misdemeanants.

Sec. 808. (1) The department shall administer a county jail reimbursement program from the funds appropriated in section 101 for the purpose of reimbursing counties for housing in jails felons who historically have been sent to prison. These include felons who are generally considered prison bound based on past sentencing practices within the jurisdiction and offender characteristics, including but not limited to sentencing guideline scores indicative of prison risk, felony type, probation or parole status, or number of prior convictions.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons who would otherwise have been sentenced to a state prison term with a minimum minimum state felony sentencing guidelines recommendation of 12 months or more, were convicted of a violation of section 625(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that is punishable under section 625(7)(d) of that act, or were sentenced under section 11 or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

(3) The county jail reimbursement program shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement to institutional status and for prisoners who volunteer for placement in a county jail.

(4) Except as provided in subsection (5), state reimbursement under this section for prisoner housing and custody offenses per diverted offender for the first 90 days of the offender's incarceration shall be \$45.00 per diem for a county with a population of more than 100,000 and \$40.00 per diem for a county with a population of 100,000 or less. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$38.00 per diem for the remainder of the incarceration up to 1 year total.

(5) For the first 90 days for diverted offenders housed in beds developed under multicounty projects approved and funded under section 807, state reimbursement shall be \$45.00 per diem. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$38.00 per diem for the remainder of the incarceration up to 1 year total.

Sec. 809. (1) From the funds appropriated in section 101 for probation residential centers, funds are allocated for the operation of a probation detention program in a county that has adopted a charter pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation detention program shall have a capacity of 100 beds. The department shall provide the program administrator monthly with 90-day projections of the numbers of beds expected to be needed for probationers and parolees in Phase II residential placement under section 4(2) of the special alternative incarceration act, 1988 PA 287, MCL 798.14, and the program administrator shall make beds available as necessary to house probationers and parolees entering Phase II residential placement.

(2) Payments under this section for operation of the probation detention program shall be made at the same rates applicable to disbursement of other funds awarded under the probation residential centers line item, not to exceed a total expenditure of \$1,442,000.00.

(3) The purpose of the probation detention program is to reduce the admission to prison of probation violators by providing a community punishment program within a secure environment with 24-hour supervision and programming with an emphasis on structured daily activities. Programming shall include, but need not be limited to, the following components that may be provided directly or by referral:

- (a) Orientation and assessment.
- (b) Substance abuse counseling.
- (c) Life skills counseling.
- (d) Education.
- (e) Employment preparation.
- (f) Vocational training.
- (g) Employment.
- (h) Community service.
- (i) Physical training.
- (j) Cognitive skill training.

(4) The probation detention program shall reduce the admission to prison of probation violators directly or indirectly by providing a program for direct sentencing of felony probation violators who likely would be prison-bound based on historical local sentencing practices or by removing probation violators from jail with a resulting increase in the number of jail beds available and used for felons who otherwise would be likely to be sentenced to prison based on historical local sentencing practices.

(5) The operation of the probation detention program shall be included in an approved comprehensive corrections plan for the county described in subsection (1) pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with sections 801, 802, 803, and 806.

(6) The comprehensive plan shall specify the programs, eligibility criteria, referral, and enrollment process, the assessment and client-specific planning case management process, a program design that includes a variable length of stay based on assessed need, and the evaluation methodology to show the impact of the program on prison admissions and recidivism.

(7) The length of stay for a probationer or parolee in Phase II residential placement shall be at the department's discretion based on the offender assessment and client-specific planning case management process and the offender's progress at meeting the case management objectives, but shall not exceed 120 days.

(8) The department shall require the program administrator to report quarterly to the department, the senate and house fiscal agencies, and the senate and house appropriations subcommittees on corrections on the performance indicators listed in section 804. The department shall require the program administrator to report annually to the department, the senate and house fiscal agencies, and the senate and house appropriations subcommittees on corrections concerning the program's impact on prison admissions and recidivism including, but not limited to, the numbers of offenders released from the probation detention program who are arrested for a felony offense within 1 year of their termination from the program.

CONSENT DECREES

Sec. 901. Expenditures from the funds appropriated in section 101 for the federal court consent decree and the Hadix court consent decree shall be made by administrative transfer to separate accounts created for the purpose of separately identifying costs associated with each consent decree.

Sec. 902. The funds appropriated in section 101 for the psychiatric hospital or for residential and outpatient treatment program beds may only be expended if specifically required in the DOJ consent decree.

HEALTH CARE

Sec. 1001. (1) The department shall contract for utilization review of all major medical procedures including, but not limited to, application of guidelines for outside medical referrals and controls that verify the necessity of recommended medical tests, treatments, and procedures.

(2) The department shall report by June 1, 1998 to the house and senate fiscal agencies and to the department of management and budget the results of the telemedicine pilot program, the restructuring of clinical operations, and the implementation of managed care contracts for hospital services.

Sec. 1002. The department shall not expend funds appropriated under this act for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by a physician.

Sec. 1003. The department may require prisoners to pay a co-payment of not less than \$3.00 for nonemergency medical care.

INSTITUTIONAL OPERATIONS

Sec. 1101. (1) The maximum reimbursement to colleges participating in the prisoner rehabilitation and education program (PREP) shall be limited to \$4.00 per student contact hour not to exceed 19.5 contact hours per semester credit hour.

(2) The department shall report annually by April 1, 1998 on the PREP program. Information shall include types of programs offered and the number of students awarded a degree or certificate.

Sec. 1102. (1) It is the intent of the legislature that no appropriations in this act be used to pay any costs associated with college or university programming for prison inmates, unless such payments are required by existing court orders or consent decrees.

(2) It is the intent of the legislature that the department petition the federal court to modify the out-of-cell activity plan previously adopted as part of the Hadix v Johnson consent decree. The modification proposed by the department shall eliminate state funded college and university programming for prison inmates and replace such programming with general education development, adult basic education, and vocational education programming.

(3) If the department is successful in modifying the consent decree to eliminate required college and university programming, it is the intent of the legislature that all funding for the prisoner rehabilitation and education program be transferred to vocational/education line items in the budget to eliminate waiting lists for general education development, adult basic education, and vocational education programming. Transfers for this purpose shall be made through the legislative transfer process pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 1103. It is the intent of the legislature that if funds appropriated under section 101 for the prisoner rehabilitation and education program are expended to pay for higher education expenses of a prisoner, the prisoner, as a condition of receiving those funds, shall contractually agree with the department to repay those funds. It is the intent of the legislature that this requirement will not be implemented if a federal judge determines that implementation would violate a federal consent decree or court order.

Sec. 1104. The department shall report annually by April 1, 1998 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the department of management and budget on the number of prisoners who enroll in but do not complete course work through the academic/vocational program.

Sec. 1106. The appropriation in section 101 for central region food service operations shall be operated through a revolving fund established by the department of management and budget in accordance with the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1108. Funds appropriated under section 101 shall not be expended to purchase a color television for prisoner use.

Sec. 1109. As a condition of expenditure of the funds appropriated in section 101, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility. At a minimum, all outdoor areas within each facility's perimeter shall be designated for smoking, except that smoking may be forbidden within 25 feet of any building designated as nonsmoking or smoke-free.

Sec. 1110. From the funds appropriated in section 101, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children.

Sec. 1111. It is the intent of the legislature that possession and use of personal property by prisoners be considered a privilege and not a right.

Sec. 1113. As a condition of expenditure of funds appropriated in section 101, the department shall prohibit prisoners from using interdepartmental mail except to correspond with the department.

Sec. 1116. Funds appropriated under section 101 shall not be expended to provide prisoners with access to or use of the Internet or any similar system.

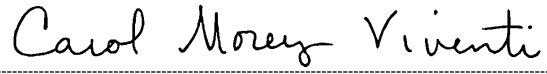
Sec. 1117. As a condition on the expenditure of funds appropriated in section 101, the department shall notify the victims of a prisoner's crime each time the prisoner is transferred from a higher security level to security level II or lower or is transferred from security level II to level I.

Sec. 1118. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.