



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**FUND TO TRAIN/CERTIFY COUNTY
CORRECTIONS OFFICERS**

House Bill 4515

Sponsor: Rep. Randy Richardville

House Bill 4516

Sponsor: Rep. Fran Amos

House Bill 4517

Sponsor: Rep. Lisa Wojno

Committee: Criminal Justice

Complete to 4-28-03

A SUMMARY OF HOUSE BILLS 4515-4517 AS INTRODUCED 4-2-03

House Bill 4515 would create the Local Corrections Officers' Training Act, which would 1) require that local corrections officers be certified beginning January 1, 2005; 2) provide for the approval of standards for the recruitment, training, and certification of officers; and 3) establish the Local Corrections Officers Training Fund to defray the costs of training, certification, and continuing education of officers.

House Bill 4517 would add a new section to the act that regulates county jails to impose a \$12 fee on each inmate when first admitted into a county jail as a source of revenue for the training fund. This would apply beginning January 1, 2005. House Bill 4516 would, among other things, delete references to local corrections officers from the existing Correctional Officers' Training Act.

House Bills 4515 and 4517 are tie-barred to each other and to House Bill 4516. House Bill 4516 is not tie-barred to either of the other two bills. A more detailed description of the bills follows.

House Bill 4515. The bill would create the Local Corrections Officers' Training Act to provide for the certification of local corrections officers, as well as standards and requirements for such officers, and to establish a local corrections advisory board, a sheriffs coordinating and training council, and a sheriffs coordinating and training office. A "local corrections officer" is defined as a person employed by a county sheriff in a local correctional facility as a corrections officer or that person's supervisor or administrator. A "local correctional facility" is defined as county jail, work camp, or any other facility maintained by a county that houses adult prisoners.

Sheriffs Coordinating and Training Office. The office would be created as an autonomous entity within the Department of Corrections (DOC). The DOC would not be fiscally or programmatically responsible or liable for any of the responsibilities or duties of the office, council, or board created under the bill. The Sheriffs Coordinating and Training Council would be the head of the office. An executive secretary would be appointed by the council to

House Bills 4515-4517 (4-28-03)

serve as the chief executive officer of the office and would hold office at the pleasure of the council. The council would assign functions and duties to the position of executive secretary. The council could also employ other persons as considered necessary to implement the bill's provisions.

Sheriffs Coordinating and Training Council. The council would be charged with approving minimum standards and requirements for the recruitment, training, and certification of local corrections officers. The bill would allow the council to enter into agreements with other public or private agencies or organizations to implement the bill's intent; cooperate with and assist other public or private agencies or organizations to implement the bill's intent; or make recommendations to the legislature on matters pertaining to its responsibilities under the bill.

The seven-member council would consist of the president of the Michigan Sheriffs Association (MSA); and six other members each appointed for a one-year term as follows:

- one sheriff, elected by the MSA, from a county with a population over 400,000;
- one sheriff, elected by the MSA, from a county with a population between 100,000 and 400,000;
- one sheriff, elected by the MSA, from a county with a population under 100,000;
- two members elected by the Deputy Sheriff's Association of Michigan; and,
- one member elected by the jail administrators committee of the MSA.

An appointment would be vacated when the member terminated his or her official position as a sheriff or a deputy sheriff. Vacancies would be filled in the same manner as the original appointment. An appointee filling a vacancy created by a member who left before his or her term expired would fill out the remaining term. Members could be reappointed for additional terms. The first terms would begin January 1 following the bill's effective date.

The bill would specify that the council chairperson and vice-chairperson, designated from members, would serve for one-year terms and could be reelected. The council would have to meet at least four times annually and could hold special meetings. Council business would be subject to the provisions of the Open Meetings Act (MCL 15.261 et al.). Council members would serve without compensation but would be entitled to actual expenses in attending meetings and performing duties.

A council member could not be disqualified from holding any public office or employment by reason of his or her appointment or membership on the council, nor would any such office or employment have to be forfeited, notwithstanding the provisions of any local or special act, or local law, ordinance, or charter. Administrative support services for the council and the executive secretary would be provided by the council by separate appropriation.

Local Corrections Officers Advisory Board. The board would be created within the council and consist of nine members appointed by the council as follows: three members from the Deputy Sheriffs Association; three members from the Michigan Sheriffs' Association; one member from the Police Officers Association of Michigan; one member from the Fraternal Order

of Police; and one member from the Michigan Association of Counties. Under the bill, board members would serve three-year terms, except that, of those first appointed, three would serve a one-year term; four would serve two-year terms; and three would serve three-year terms. Among other provisions, any member could be reappointed for additional terms. Further, board members would serve without compensation but would be entitled to actual expenses in attending meetings and performing duties.

Not later than six months after the bill's effective date (and as often as necessary after that), the board would have to develop and recommend standards and requirements for local corrections officers and submit the standards and requirements to the council for approval. In addition, the board would recommend facilities to the council that had been approved for providing training to local corrections officers. Further, the board would have to make an annual report to the council that included pertinent data regarding the standards and requirements established, and an evaluation on, the effectiveness of local corrections officer training programs.

Minimum standards and requirements. The bill would require that, not later than one year after the bill's effective date, and as often as necessary after that, the council would have to develop minimum standards and requirements for local corrections officers with respect to the following:

- Recruitment, selection, and certification of new local corrections officers based upon at least, but not limited to, work experience, educational achievement, and physical and mental fitness.
- New employee and continuing training programs.
- Recertification process.
- Course content of the vocational certificate program, the central training academy, and continuing training programs.
- Decertification process.

Training certification. The bill would require that the council certify and recertify on an annual basis those persons who satisfied the criteria established under the bill. Further, beginning six months after the bill's effective date, a person could not be a local corrections officer unless he or she had been certified or recertified by the council, as provided under the bill. Effective January 1, 2005, a person employed as a local corrections officer before January 1, 2005, upon furnishing the council satisfactory evidence of his or her employment as a local corrections officer, would have to be certified and recertified by the council if he or she applied to the council for certification within six months after the bill's effective date.

The bill would specify that a person who becomes employed as a local corrections officer on or after January 1, 2005 could not be certified or recertified unless he or she:

- Was a citizen of the U.S. and was 18 years of age or older.
- Had obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

- Had fulfilled other certification standards and requirements developed by the board and approved by the council within the first 12 months of employment.

- Had fulfilled the standards and requirements developed by the board and approved by the council for recertification.

Local Corrections Officer Training Fund. The fund would be created in the state treasury but be administered by the council. Under the bill, all revenue which, under the provisions of House Bill 4517, would be collected from fees and civil fines from the inmates of county jails would be credited to the fund. The council could use the fund only to defray the costs of continuing education, certification, recertification, decertification, and the training of local corrections officers; the personnel and administrative costs of the office, board, and council; and other expenditures related to the provisions of the bill. Unexpended funds remaining at the end of the fiscal year would remain in the fund and not revert to the general fund. The council could accept funds, grants, and gifts from any public or private source, which would be used to defray the expenses incident to implementing the council's responsibilities.

Only those counties that forward to the fund 100 percent of the funds collected under House Bill 4517 would be eligible to receive grants from the fund. Money received from the fund could only be used by a county for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county. The funds could not be used to supplant current spending by the county for those purposes, including state grants and training funds.

If a person paid the fee required by House Bill 4517, but was later found not guilty or the prosecution against that person was terminated for any reason, the fee would have to be refunded to the person by the council upon a written request for a reimbursement. The council would have to create a written form for that purpose as specified by the bill and make the forms available to all local correctional facilities in the state.

House Bill 4516. The bill would amend the Correctional Officers' Training Act (MCL 791.502 et al) to revise the definition of "correctional facility", delete references to local correctional officers, and revise the membership composition of the Correctional Officer's Training Council.

"Correctional facility" currently refers either to a facility or institution which houses an inmate population under the jurisdiction of the Department of Corrections (DOC) or a municipal or county jail, work camp, lockup, holding center, halfway house, community corrections center, or any other facility maintained by a municipality or county which houses adult prisoners. The bill would eliminate the reference to municipal or county jails, etc. The definition of "local correctional officer" also would be deleted. In addition, the title of the act would be amended to remove references to local correctional officers.

The bill would also decrease the membership of the Correctional Officer's Training Council from 10 to 8 by eliminating the positions currently held by a member representing local correctional officers and by a member representing local agencies which maintain jails, corrections, or temporary holding facilities. The bill would also change the reference to the

Michigan Commission of Corrections to “the department” and the reference to the Office of Criminal Justice to the “Department of Management and Budget”.

It would take four, instead of five members, to make a written request to the chair of the council to convene a special meeting. Further, the bill would repeal a provision requiring that the council develop minimum standards and requirements for the certification, recertification, and decertification of local correctional officers.

House Bill 4517. The bill would add a new section to Revised Statutes 171 of 1846, which regulates county jails (MCL 801.4b), to require that, beginning January 1, 2005, each person incarcerated in a county jail would pay a \$12 fee, which would be payable to the county sheriff when the person was admitted into the jail. The fee could be collected by a withdrawal from any inmate account maintained by the sheriff for that inmate. Except as provided by the bill, once each calendar quarter, the sheriff would have to forward all fees for deposit in the Local Corrections Officers Training Fund established under the provisions of House Bill 4515.

An exception to the above provision would be created for counties meeting certain criteria. A county for which the Sheriffs Coordinating and Training Council had certified that the county’s standards and requirements for the training of local corrections officers equaled or exceeded the standards and requirements approved by the council under the provisions of House Bill 4515 would have to comply with the following:

- Once each calendar quarter, the sheriff would have to forward \$2 of the fee to the state treasurer for deposit in the Local Corrections Officers Training Fund.
- The remaining \$10 of each fee would have to be retained in that county, to be used only for costs relating to the continuing education, certification, recertification, and training of local corrections officers and inmate programs including substance abuse and mental health programs in that county. However, revenue from the fees could not be used to supplant current spending by the county for the above-stated purposes.

An inmate who failed to pay a fee before being discharged from the jail would be liable for a civil fine of \$100. A sheriff or deputy sheriff could issue an appearance ticket to an inmate who failed to pay a fee. The county prosecutor for the county in which the jail was located would be responsible for enforcing the civil violation. A civil fine collected under these provisions would be paid to the county treasurer, and the county treasurer would have to forward all civil fines once each calendar quarter for deposit in the Local Corrections Officers Training Fund.

The bill would specify that a person incarcerated in a jail pending trial or arraignment would be entitled to a full refund of the fee if the prosecution against him or her were terminated for any reason or if he or she were found not guilty of the charges. Each person paying the fee would have to be given a written form explaining the circumstances under which a refund could be requested.

Analyst: S. Stutzky

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.