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BILL ANALYSIS

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House Bill 4515 (Substitute S-1 as reported)
House Bill 4516 (as reported without amendment)
House Bill 4517 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Randy Richardville (H.B. 4515)
Representative Fran Amos (H.B. 4516)
Representative Lisa Wojno (H.B. 4517)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bills would create the "Local Corrections Officers Training Act" and amend other acts to do all of the following:

- Provide for the certification of local corrections officers, and establish the "Local Corrections Officers Training Fund" to defray the costs of training, certification, and continuing education of officers.
- Provide for the approval of standards for the recruitment, training, and certification of officers.
- Reduce the size of the Correctional Officer's Training Council.
- Require inmates to pay a \$12 fee upon admittance to a county jail to support the proposed Fund.

The bills are tie-barred to each other and would take effect on October 1, 2003.

House Bill 4515 (S-1) would create the Local Corrections Officers Training Act to establish the Sheriffs Coordinating and Training Office and the Sheriffs Coordinating and Training Council within the Michigan Department of Corrections (DOC). The Office would be an autonomous entity within the DOC, which would not be fiscally or programmatically responsible or liable for any of the responsibilities or duties of the Office. The Sheriffs Coordinating and Training Council would be the head of the Office. The Council would consist of seven members representing the Deputy Sheriff's Association of Michigan and the Jail Administrators Committee of the Michigan Sheriffs' Association.

By October 1, 2004, and as often as necessary after that, the Council would have to approve minimum standards and requirements for local corrections officers with respect to the following: recruitment, selection, and certification of new officers based upon, at least, work experience, educational achievement, and physical and mental fitness; new employee and continuing training programs; the recertification process; course content of the vocational certificate program, the central training academy, and continuing training programs, including education and training on how to identify and manage prisoners with mental illness; and the decertification process.

The bill also would create the Local Corrections Officers Advisory Board within the Council. The Board would consist of nine members appointed by the Council from the Deputy Sheriff's Association of Michigan, the Michigan Sheriffs' Association, the Police Officers Association of Michigan, the Fraternal Order of Police, and the Michigan Association of Counties.

By April 1, 2004, and as often as necessary after that, the Board would have to develop and recommend minimum standards and requirements for local corrections officers, and submit those standards and requirements to the Council for its approval. The Board would have to

recommend to the Council all Board-approved training facilities, and give the Council an annual report that evaluated the effectiveness of local corrections officer training programs.

The bill would require the Council to certify and recertify on an annual basis people who satisfied the bill's criteria. Beginning April 1, 2004, a person could not be a local corrections officer unless he or she had been certified or recertified. A person who was employed as a local corrections officer before January 1, 2005, would have to be certified and recertified by the Council if he or she applied for certification by April 1, 2004.

The bill states that nothing in the proposed Act would supersede a right granted under a collective bargaining agreement. If a person exercised a right pursuant to a collective bargaining agreement and as a result, had to obtain certification, the person would have to be allowed at least two years to obtain the certification at the employer's expense.

The bill would create the Local Corrections Officers Training Fund within the State Treasury. The Council would have to administer the Fund, and could spend money in it only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the Office, Board, and Council; and other expenditures related to the proposed Act's requirements. All revenue received from fees and civil fines collected under Section 4b of Chapter 171 of the Revised Statutes of 1846 (which House Bill 4617 (S-1) would add), and funds collected from any other source as provided by law, would have to be deposited into the Fund.

Only counties that forwarded to the Fund 100% of the fees collected would be eligible to receive grants from the Fund. A county could use the funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county, and not to supplant current spending by the county for those purposes.

Upon written request, the Council would have to reimburse the fee paid by a person who was incarcerated pending trial and was found not guilty, or if the prosecution against the person were terminated for any reason.

House Bill 4516 would amend the Correctional Officers' Training Act to delete references to local correctional officers and local correctional facilities. The bill also would reduce the number of members on the Correctional Officer's Training Council from 10 to eight, by eliminating the members representing local corrections officers and local agencies that maintain jails, corrections, or temporary holding facilities; and would require the written request of four members, rather than five, for the chairperson to call a special meeting. Also, the Act refers to members representing the Michigan Commission of Corrections and the Office of Criminal Justice. The bill, instead, would refer to representatives of the DOC and the Department of Management and Budget.

House Bill 4517 (S-1) would require each person who was incarcerated in a county jail to pay a \$12 fee to the county sheriff upon being admitted into the jail, beginning August 1, 2003. Except for fees collected by counties that met approved training standards, the sheriff would have to forward the fees quarterly to the Fund proposed by House Bill 4515 (S-1). If the Sheriffs Coordinating and Training Council had certified that a county's standards and requirements for training local corrections officers met or exceeded the standards and requirements approved by the Council, the following would apply:

- Once each calendar quarter, the sheriff would have to forward \$2 of each fee collected to the State Treasurer for deposit in the Fund.
- The remaining \$10 would have to be retained in that county, to be used 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.

If an inmate failed to pay the fee before being discharged from the jail, he or she would be responsible for a State civil infraction and could be fined \$100, which would have to be applied to the support of public libraries and county law libraries.

A person who was incarcerated 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.

MCL 791.502 et al. (H.B. 4516)
Proposed 801.4b (H.B. 4517)

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

According to House Bill 4515 (S-1), the DOC would not be fiscally responsible for the Sheriffs Coordinating and Training Office. Costs would include expense reimbursement for the seven-member Council, administrative support services and an executive secretary for the Council, and grants to counties to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers. The Council would be funded by revenues generated from the collection of a \$12 fee assessed to each person incarcerated in a county jail. County sheriffs would be responsible for collecting the fees and sending the quarterly revenue to the Department of Treasury, which would maintain the Local Corrections Officers Training Fund.

According to 2001 jail data reported by counties to the DOC, which represent approximately 90% of jail beds statewide, there were 287,380 admissions to jail. If one assumes a 100% collection rate for those admissions, and that the resulting revenue would represent 90% of statewide revenue, then the bills could generate up to \$3.8 million. Thus, a 50% collection rate would generate approximately \$1.9 million. Counties that already met certain requirements could retain \$10 of each fee for additional education, certification, training, etc. Those counties would be required to send only the remaining \$2 per prisoner to the Local Corrections Officers Training Fund. There are no data to indicate how many counties this would apply to or how this would affect the potential statewide revenue. Only counties that sent 100% of the collected fees would be eligible to apply for grants from the Fund.

Although the bills would require the Council to establish minimum requirements for certification as a local corrections officer, a 160-hour training course has been developed for local corrections officers under the Correctional Officers' Training Act. In 2002, this course was offered at Kirtland Community College at a cost of \$12,500 for a class capacity of 25. Assuming similar costs, the required training would cost approximately \$500 per officer. This figure, however, is based on an assumption of free classroom space, and it does not include the costs of lodging, meals, salaries, or benefits for officers while in training, or overtime or other costs that local agencies could incur while officers were in training.

Date Completed: 6-25-03

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.