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**BILL ANALYSIS**

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House Bill 4515 (Substitute H-1 as passed by the House)
House Bill 4516 (as passed by the House)
House Bill 4517 (Substitute H-1 as passed by the House)
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

Date Completed: 6-17-03

CONTENT

The bills would do all of the following:

- Create the "Local Corrections Officers Training Act" to 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.**
- Amend the Correctional Officers' Training Act to delete references to local correctional officers, agencies, and facilities, and reduce the size of the Correctional Officer's Training Council.**
- Amend Chapter 171 of the Revised Statutes of 1846 to 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, 2005. They are discussed in more detail below.

House Bill 4515 (H-1)

Overview

The bill would create the Local Corrections Officers Training Act to do all of the following:

- Establish the Sheriffs Coordinating and Training Office and the Sheriffs Coordinating and Training Council within the Michigan Department of Corrections (MDOC).
- Require that local corrections officers be certified beginning January 1, 2005.
- Provide for the approval of standards for the recruitment, training, and certification of officers.
- Establish the Local Corrections Officers Training Fund to defray the costs of training, certification, and continuing education of officers.

Sheriffs Coordinating and Training Office

The bill would create the Sheriffs Coordinating and Training Office as an autonomous entity within the MDOC. The bill specifies that the MDOC would not be fiscally or programmatically responsible or liable for any of the responsibilities or duties of the Office.

Sheriffs Coordinating and Training Council

The Sheriffs Coordinating and Training Council would be the head of the Office. The chief executive officer of the Office would be the executive secretary, who would be appointed by the

Council and would hold office at the pleasure of the Council. The executive secretary would have to perform the functions and duties as assigned by the Council. The Council could employ other people as it considered necessary.

The Council would consist of seven members, as follows: the president of the Michigan Sheriffs' Association; one member appointed for a one-year term, elected by the Michigan Sheriffs' Association, who is a sheriff of a county with a population of over 400,000; one member appointed for a one-year term, elected by the Michigan Sheriffs' Association, who is a sheriff of a county with a population of 100,000 to 400,000; one member appointed for a one-year term, elected by the Michigan Sheriffs' Association, who is a sheriff of a county with a population of less than 100,000; two members appointed for terms of one year each, elected by the Deputy Sheriff's Association of Michigan; and one member appointed for a one-year term, elected by the Jail Administrators Committee of the Michigan Sheriffs' Association.

A member would have to vacate his or her appointment upon termination of his or her official position as a sheriff or a deputy sheriff. A vacancy would have to be filled in the same manner as the original appointment. Any member could be reappointed for additional terms. The terms of the members first appointed would begin January 1 following the bill's effective date.

The Council would have to designate from among its members a chairperson and a vice-chairperson, who would serve for one-year terms and could be reelected. The Council would have to meet at least four times each year, and hold special meetings when called by the chairperson, or, in the chairperson's absence, the vice-chairperson; or when called by the chairperson upon the written request of three Council members. The Council would be subject to the Open Meetings Act.

The Council members would serve without compensation but would be entitled to their actual expenses in attending meetings and performing their duties. Administrative support services for the Council and executive secretary would have to be provided by the Council as provided by separate appropriation for the Council.

The bill specifies that 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, and would not have to forfeit that public office or employment by reason of his or her Council appointment.

Within one year of the bill's effective date 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 local corrections 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; and the decertification process.

The Council could enter into agreements with, cooperate with, and assist other public or private agencies or organizations; and make recommendations to the Legislature on matters pertaining to its responsibilities.

Local Corrections Officers Advisory Board

The bill would create the Local Corrections Officers Advisory Board within the Council. The Board would consist of nine members appointed by the Council as follows: three members of the Deputy Sheriff's Association of Michigan; three members of the Michigan Sheriffs' Association; one member of the Police Officers Association of Michigan; one member of the Fraternal Order of Police; and one member of the Michigan Association of Counties. Board members would hold office for three-year terms, except that of the member first appointed,

three would serve for terms of one year each, three for two-year terms, and three for three-year terms. Successors would have to be appointed in the same manner as the original appointment.

Any member could be appointed for additional terms. Board members would serve without compensation, but would be entitled to their actual expenses in attending meetings and in performing their duties.

Within six months of the bill's effective date and as often as necessary after that, the Board would have to develop and recommend minimum standards and requirements for local corrections officers and would have to submit those standards and requirements to the Council for its approval. The Board would have to recommend to the Council all facilities that the Board approved for providing training. The Board also would have to give the Council an annual report that included pertinent data regarding the standards and requirements established and an evaluation of the effectiveness of local corrections officer training programs.

Local Corrections Officer Certification

The bill would require the Council to certify and recertify on an annual basis people who satisfied the criteria established under the bill. 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. Effective January 1, 2005, a person who was employed as a local corrections officer before that date, upon providing satisfactory evidence of his or her employment, 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. A person who was not employed as a local corrections officer until on or after January 1, 2005, could not be certified or recertified unless he or she:

- Was a United States citizen at least 18 years old.
- Had obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.
- Within 12 months of becoming employed as a local corrections officer, fulfilled other standards and requirements developed by the Board and approved by the Council for certification.
- Fulfilled standards and requirements developed by the Council upon the recommendation of the Board for recertification.

The bill specifies 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 specifies that nothing in the proposed Act would prohibit a county sheriff from temporarily transferring or assigning an uncertified employee to a position normally requiring certification or from using an uncertified employee to function as a corrections officer during a period of emergency.

Local Corrections Officers Training Fund

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 it only to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs for 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, and funds collected from any other source as provided by law, would have to be deposited into

the Fund. (Section 4b would be added by House Bill 4617 (H-1) and would require inmates to pay a \$12 fee to the county sheriff upon admittance to a county jail, as discussed below.)

Only counties that forwarded to the Fund 100% of the fees collected under Section 4b would be eligible to receive grants from the Fund. A county that received money from the Council could use the funds only for costs relating to the continuing education, certification, recertification, and training of local corrections officers in that county and could not use the funds to supplant current spending by the county for those purposes, including State grants and training funds.

Upon written request, the Council would have to reimburse the full amount of any fee paid under Section 4b 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. The Council would have to create and make available to all local correctional facilities in the State a written form explaining these provisions, and include the address to which a reimbursement request should be sent.

Any money remaining in the Fund at the end of the fiscal year would not revert to the General Fund. The Council could accept funds, grants, and gifts from any public or private source for use in defraying the costs of implementing the proposed Act.

House Bill 4516

The bill 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 require the written request of four members, rather than five, for the chairperson to call a special meeting. The Act also makes references to members representing the Michigan Commission of Corrections and the Office of Criminal Justice. The bill instead would refer to representatives of the MDOC and the Department of Management and Budget.

House Bill 4517 (H-1)

Beginning January 1, 2005, the bill 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. The county sheriff could collect the fee by withdrawing the amount from any inmate account maintained by the sheriff for that inmate. The sheriff would have to forward the fees quarterly to the Local Corrections Officers Training Fund proposed by House Bill 4515 (H-1). The fee revenue would have to be directed to a county for which the Sheriffs Coordinating and Training Council had certified that the county's standards and requirements for training local corrections officers met or exceeded the standards and requirements approved by the Council. If a county met the criteria, 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 Local Corrections Officers Training 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. Revenue from the fees could not be used to supplant current spending by the county for continuing education, certification, recertification, and training.

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. An appearance ticket could be

issued by the sheriff or deputy sheriff. The county prosecutor would be responsible for enforcing the civil infraction. The civil fine would have to be paid as provided under Section 8831 of the Revised Judicature Act of 1961 (which specifies that a civil fine ordered for violation of a State statute must 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. Each person required to pay a fee would have to be given a written form, as provided for under House Bill 4515 (H-1), explaining the circumstances under which a refund could be requested.

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.

House Bill 4515 (H-1) would create the Sheriffs Coordinating and Training Office as an autonomous entity within the Department of Corrections. According to the bill, the DOC would not be fiscally responsible for the 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 represents 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. The bills would allow counties that already met certain requirements to 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 and 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.

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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.