

FY 2022-23: DEPARTMENT OF CORRECTIONS
Summary: As Passed by the Senate
Senate Bill 829 (S-1)



Analyst: Robin R. Risko

| IDG/IDT | FY 2021-22 YTD as of 2/9/22 | FY 2022-23 Executive | FY 2022-23 House | FY 2022-23 Senate | FY 2022-23 Conference | Difference: Senate From FY 2021-22 YTD | |
|-------------------|--------------------------------|-------------------------|------------------------|------------------------|--------------------------|---|------------|
| | | | | | | Amount | % |
| | \$0 | \$0 | \$0 | \$0 | | \$0 | -- |
| Federal | 5,364,100 | 5,148,400 | 42,648,400 | 5,148,400 | | (215,700) | (4.0) |
| Local | 9,646,100 | 9,879,500 | 9,879,500 | 9,879,500 | | 233,400 | 2.4 |
| Private | 0 | 0 | 0 | 0 | | 0 | -- |
| Restricted | 45,493,400 | 29,831,800 | 29,831,800 | 29,831,800 | | (15,661,600) | (34.4) |
| GF/GP | 2,005,369,400 | 2,095,108,300 | 2,017,369,400 | 2,056,162,800 | | 50,793,400 | 2.5 |
| Gross | \$2,065,873,000 | \$2,139,968,000 | \$2,099,729,100 | \$2,101,022,500 | | \$35,149,500 | 1.7 |
| FTEs | 13,500.4 | 13,514.4 | 13,504.4 | 10,697.7 | | (2,802.7) | (20.8) |

Notes: (1) FY 2021-22 year-to-date figures include mid-year budget adjustments through February 9, 2022. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Michigan Department of Corrections (MDOC) is responsible for operation and maintenance of the state's 27 correctional facilities that house felony offenders sentenced to prison. This includes provision of physical and mental health care, education, food service, transportation, and reintegration programming. The department is also responsible for supervision of all parolees and probationers under the department's jurisdiction and has oversight over community corrections programs and other programs designed to encourage alternatives to prison placement for appropriate offenders. As of April 1, 2022, the department was responsible for 73,824 offenders: 32,239 prisoners; 31,056 probationers; and 10,529 parolees. From 1 year ago, the total number of offenders decreased by 4,749, or by 6.0%. The number of prisoners decreased by 754, or 2.3%. The number of probationers decreased by 1,997, or 6.0%. The number of parolees decreased by 1,998, or 15.9%.

Major Budget Changes from FY 2021-22 YTD Appropriations

1. Electronic Prisoner/Staff Communications

Executive includes \$30.0 million in one-time GF/GP to convert the current paper "kite" system to an electronic "kite" system. Currently, over 1 million paper "kites" are sent by prisoners to staff each year. Of the \$30.0 million, \$25.0 million would be used to expand secure Wi-Fi networks at each correctional facility and \$5.0 million would be used to provide prisoners with tablets to use to file requests, perform tasks, and receive communications. House includes \$10.0 million. Senate does not include funding.

| | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|--------------|--|--------------------------------|
| Gross | NA | \$0 |
| GF/GP | NA | \$0 |

2. John Does v Department of Corrections Settlement

Executive includes \$15.0 million in one-time GF/GP to make the last payment of the *John Does v Department of Corrections* settlement agreement. The payment will be made on October 15, 2022. The case settled for \$80.0 million total, inclusive of attorney fees and costs, and it was agreed that the settlement would be paid out in 4 installments. House concurs. Senate concurs.

| | | |
|--------------|----|--------------|
| Gross | NA | \$15,000,000 |
| GF/GP | NA | \$15,000,000 |

| Major Budget Changes from FY 2021-22 YTD Appropriations | | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|---|-----------------------|---|---|
| 3. Live Tracking of Prisoner Movement | Gross | NA | \$0 |
| <u>Executive</u> includes \$10.0 million in one-time GF/GP to support live tracking of prisoner movement. Live tracking would consist of embedding radio-frequency identification chips into tamper-resistant wrist bands that would be worn by prisoners, and would enable staff to track prisoner locations in real time. <u>House</u> does not include funding. <u>Senate</u> does not include funding. | GF/GP | NA | \$0 |
| 4. Appropriate GF/GP to Replace Revenue Received from Prisoner Telephone Charges | Gross | \$14,778,900 | \$0 |
| <u>Executive</u> includes \$14.8 million GF/GP to replace revenue that currently is derived from fees paid by prisoners for use of telephone services. Prisoners are charged a base per minute call rate. A portion of the revenue collected pays the contract vendor and a portion of the revenue is deposited into the Program and Special Equipment Fund (roughly \$11.0 million annually). Funding is used, primarily, to support prisoner education and offender success programs administered by the department. <u>House</u> concurs. <u>Senate</u> concurs. | Restricted GF/GP | 14,778,900 \$0 | (14,778,900) \$14,778,900 |
| 5. Temporary Nursing Staff Contract Rate Increases | Gross | NA | \$3,721,100 |
| <u>Executive</u> includes \$3.7 million GF/GP to cover annual contract rate increases for temporary nursing staff. Contract rates for RN's have increased between 66% and 95% and contract rates for LPN's have increased between 67% and 92%. <u>House</u> concurs. <u>Senate</u> concurs. | GF/GP | NA | \$3,721,100 |
| 6. Information Management System Maintenance and Support | FTE | NA | 0.0 |
| <u>Executive</u> includes \$1.2 million GF/GP and authorization for an additional 10.0 FTE positions to support development, implementation, and ongoing maintenance of the new Corrections Offender Management System (COMS) and to support HR legacy system replacement for non-offender human resource systems. <u>House</u> does not include additional funding or FTE position authorization. <u>Senate</u> does not include additional funding or FTE position authorization. | Gross GF/GP | NA NA | \$0 \$0 |
| 7. Cost Increase for Statewide Security Services | Gross | NA | \$244,400 |
| <u>Executive</u> includes \$244,400 GF/GP to cover increased costs of security staff provided through a contract with DK Security. Hourly minimum wage for security staff was increased statewide. The department is responsible for covering increased costs for security staff in parole and probation offices around the state and at the Grandview Plaza headquarters building in downtown Lansing. <u>House</u> concurs. <u>Senate</u> concurs. | GF/GP | NA | \$244,400 |
| 8. City of Jackson Water and Sewer Rate Increases | Gross | NA | \$212,000 |
| <u>Executive</u> includes \$212,000 GF/GP to cover costs of a 12% increase in water rates and a 4% increase in sewer rates effective July 2021. The City of Jackson indicates that much of the cost is attributable to lead service line replacements along with deficiencies found by DEGLE in wastewater treatment plant practices. <u>House</u> concurs. <u>Senate</u> concurs. | GF/GP | NA | \$212,000 |
| 9. Eliminate Public Works | Gross | \$1,000,000 | (\$1,000,000) |
| <u>Executive</u> eliminates authorization to receive \$1.0 million in state restricted Public Works User Fees. Funding authorization has been included in the budget, though user fees have not been collected in many years. <u>House</u> concurs. <u>Senate</u> concurs. | Restricted GF/GP | 1,000,000 \$0 | (1,000,000) \$0 |
| 10. Eliminate Federal RSAT Fund Source | Gross | \$250,200 | (\$250,200) |
| <u>Executive</u> eliminates authorization to receive \$250,200 in federal Residential Substance Abuse Treatment funding. Authorization has been included in the budget, though federal funding has not been awarded in many years. <u>House</u> concurs. <u>Senate</u> concurs. | Federal GF/GP | 250,200 \$0 | (250,200) \$0 |

| | | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|--|--------------|--|--------------------------------|
| <u>Major Budget Changes from FY 2021-22 YTD Appropriations</u> | | | |
| 11. Local Corrections Officer Training Fund | Gross | \$100,000 | (\$100,000) |
| <u>Executive</u> eliminates the \$100,000 appropriation of Local Corrections Officer Training Fund revenue due to implementation of GASB 84 accounting standards and requirements concerning fiduciary fund activity and reporting by state and local governments. The revenue is received from county jails and used to support the Sheriffs' Coordinating and Training Council. Boilerplate authorizes the appropriation and allows the department to continue its' responsibilities under the Local Corrections Officer Training Act, 2003 PA 125. <u>House</u> concurs. <u>Senate</u> concurs. | Restricted | 100,000 | (100,000) |
| | GF/GP | \$0 | \$0 |
| 12. Offender Risk Evaluation Unit | FTE | NA | 4.0 |
| <u>Executive</u> includes authorization for 4.0 FTE positions for creating an Offender Risk Evaluation Unit. Funding to support the unit, \$472,900 GF/GP, would be transferred from the Offender Success Services line item. <u>House</u> concurs. <u>Senate</u> concurs. | Gross | NA | \$0 |
| | GF/GP | NA | \$0 |
| 13. Technical Adjustments | Gross | NA | \$0 |
| <u>Executive</u> makes internal FTE adjustments, funding adjustments, and transfers throughout the budget, which have no overall impact on Gross, GF/GP, or FTE position authorization. Adjustments are made to more accurately reflect employee counts and to align funding authorization with department operations and activities. <u>House</u> concurs. <u>Senate</u> concurs. | GF/GP | NA | \$0 |
| 14. Eliminate Current Year One-Time Funding | Gross | \$27,050,000 | (\$27,050,000) |
| <u>Executive</u> reduces the budget by \$27.1 million GF/GP to reflect elimination of one-time funding included in the FY 2021-22 budget. Eliminated funding includes: \$1.5 million for the Chance for Life program, \$250,000 for Goodwill Flip the Script, \$25.0 million for the third payment of the <i>John Does v Department of Corrections</i> settlement agreement, and \$300,000 for the Prosperity Region 8 Pilot program. <u>House</u> concurs. <u>Senate</u> concurs. | GF/GP | \$27,050,000 | (\$27,050,000) |
| 15. Economic Adjustments | Gross | NA | \$42,122,200 |
| <u>Executive</u> reflects increased costs of \$42.1 million Gross (\$41.6 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2022 and 0.5% to annualize the FY 2021-22 1.0% increase that began on April 1, 2022), overtime, longevity, insurance, actuarially required retirement contributions, worker's compensation, building occupancy charges, food, fuel, and utilities, and other economic adjustments. <u>House</u> concurs. <u>Senate</u> concurs. | Federal | NA | 34,500 |
| | Local | NA | 233,400 |
| | Restricted | NA | 217,300 |
| | GF/GP | NA | \$41,637,000 |
| 16. Chance for Life | Gross | NA | \$1,000,000 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$2.5 million in one-time GF/GP funding for the Chance for Life program, an evidence-based mentoring program that emphasizes job training, life skills, and family reintegration. <u>Senate</u> includes \$1.0 million in one-time GF/GP for the program. | GF/GP | NA | \$1,000,000 |
| 17. Vocational Village Expansion | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$5.0 million in one-time GF/GP for expansion of the Vocational Village program. <u>Senate</u> does not include funding. | GF/GP | NA | \$0 |
| 18. Savings from Reduced Populations | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> reflects a one-time savings of \$57.0 million GF/GP expected to result from the reduction in correctional system populations. <u>Senate</u> does not reflect a savings. | GF/GP | NA | \$0 |

| | | FY 2021-22 Year-to-Date (as of 2/9/22) | FY 2022-23 Senate Change |
|---|--------------|--|--------------------------------|
| <u>Major Budget Changes from FY 2021-22 YTD Appropriations</u> | | | |
| 19. Corrections Officer College | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$5.0 million in one-time federal Coronavirus State Fiscal Recovery Funds to pay for up to 15 college credit hours for current corrections officers and new hires that have not completed college coursework that is required for employment with the department. <u>Senate</u> does not include funding. | Federal | NA | 0 |
| | GF/GP | NA | \$0 |
| 20. Corrections Officer Signing Bonuses | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$2.5 million in one-time federal Coronavirus State Fiscal Recovery Funds to grant signing bonuses of up to \$5,000 for new corrections officers. <u>Senate</u> does not include funding. | Federal | NA | 0 |
| | GF/GP | NA | \$0 |
| 21. Absconder Tracking | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$1.0 million in one-time GF/GP to create a fund to be used by the department for expenses incurred investigating, locating, and arresting prisoner escapees and parole and probation violators. <u>Senate</u> does not include funding. | GF/GP | NA | \$0 |
| 22. Corrections Officer Retention Bonuses | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$30.0 million in one-time federal Coronavirus State Fiscal Recovery Funds to grant retention bonuses of up to \$5,000 for current corrections officers. <u>Senate</u> does not include funding. | Federal | NA | 0 |
| | GF/GP | NA | \$0 |
| 23. Specialized Electronic Monitoring Pilot Program | Gross | NA | \$0 |
| <u>Executive</u> makes no recommendation. <u>House</u> includes \$2.0 million in one-time GF/GP to pilot a new electronic monitoring program in Oakland County. <u>Senate</u> does not include funding. | GF/GP | NA | \$0 |
| 24. Goodwill Flip the Script | Gross | NA | \$750,000 |
| <u>Executive</u> makes no recommendation. <u>House</u> makes no recommendation. <u>Senate</u> includes one-time funding for the program, | GF/GP | NA | \$750,000 |
| 25. Prosperity Region 8 Pilot Program | Gross | NA | \$500,000 |
| <u>Executive</u> makes no recommendation. <u>House</u> makes no recommendation. <u>Senate</u> includes one-time funding for the program, | GF/GP | NA | \$500,000 |
| 26. Reduce FTE Position Authorization | FTE | NA | (2,806.7) |
| <u>Executive</u> makes no recommendation. <u>House</u> makes no recommendation. <u>Senate</u> reduces FTE position authorization by a total of 2,806.7 positions. Of those, 6.0 positions are unclassified and 2,800.7 are classified. | Gross | NA | \$0 |
| | GF/GP | NA | \$0 |

Major Boilerplate Changes from FY 2021-22

GENERAL SECTIONS

Sec. 207. Prohibition of Taking Disciplinary Action Against State Employees and Prisoners – RETAINED

Prohibits MDOC from taking disciplinary action against classified civil service employees or prisoners for communicating with legislators or their staff unless the communication is prohibited by law and MDOC is exercising its authority. Executive deletes. House retains. Senate retains.

Sec. 208. Use of Funding for Legal Services – REVISED

Prohibits using appropriations to hire a person to provide legal services that are the responsibility of the attorney general; prohibition does not apply to legal services for bonding activities or to services authorized by attorney general. Executive retains. House retains. Senate revises to authorize use of appropriations for hiring a person to provide legal services that the attorney general is responsible for providing and authorizes the department to request reimbursement from the attorney general for costs of hiring outside counsel.

Major Boilerplate Changes from FY 2021-22

Sec. 211. Contingency Authorization – DELETED

Authorizes up to \$2.5 million in federal contingency funds to be appropriated; authorizes expenditure of funds after legislative transfer to specific line items. Executive revises to authorize up to \$10.0 million in federal, up to \$10.0 million in state restricted, up to \$2.0 million in local, and up to \$2.0 million in private contingency funds. House retains current year language. Senate deletes the language.

Sec. 216. FTE Positions, Long-Term Vacancies, and Remote Work – RETAINED

Requires MDOC to report on number of FTE positions in pay status by civil service classification, including an accounting of all vacant positions, all vacant and filled corrections officer positions by facility, all vacant healthcare-related positions, and all vacant positions being held open for temporarily non-active employees; requires report on number of full-time positions authorized compared to actual number employed by line item, number of employees authorized to work remotely and number of employees working remotely, estimated cost savings achieved by remote work, and reduced use of office space associated with remote work. Executive deletes. House retains. Senate retains.

Sec. 218. In-Person Work Requirement – NOT INCLUDED

Prohibits MDOC from permitting state employees who were not working remotely prior to the COVID-19 pandemic to work remotely in FY 2022-23. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 218. State Administrative Board Transfers – RETAINED

Authorizes the legislature, by a concurrent resolution adopted by a majority of members elected to and serving in each house, to inter-transfer funds if State Administrative Board transfers funds. Executive deletes. House retains. Senate retains.

Sec. 219. Prison Telephone Contract and Program and Special Equipment Fund – DELETED

Requires prisoner telephone service contract to contain a condition that prisoner telephone fees be the same as those applying outside of institutions, except for surcharges needed to meet program and special equipment costs; requires not less than 75% of revenue from fees charged to prisoners to be used for prisoner programming, special equipment, and security projects; authorizes carry forward of unexpended revenue; requires report on revenues and expenditures. Executive deletes. House deletes. Senate deletes.

Sec. 221. Receipt and Retention of Reports – RETAINED

Requires MDOC to follow federal and state guidelines for short- and long-term retention of records; authorizes MDOC to electronically retain copies of reports unless otherwise required by federal and state guidelines. Executive deletes. House retains. Senate retains.

Sec. 222. Report on Policy Changes Made to Implement Public Acts – RETAINED

Requires MDOC to report on each specific policy change made by the department to implement a public act affecting the department. Executive deletes. House retains. Senate retains.

Sec. 223. Severance Pay for Department Officials – RETAINED

Requires MDOC to report on any amounts of severance pay agreed to for a department director, deputy director, or other high-ranking department official; requires report to include name of official and amount of severance pay; requires MDOC to maintain an internet site that posts any severance pay in excess of 6 weeks of wages for any former department employee receiving severance pay; requires report on total amount of severance pay remitted and total number of former employees that were remitted severance pay during prior fiscal year; defines "severance pay" to mean compensation that is both payable or paid upon termination of employment and in addition to either wages or benefits earned during the course of employment or generally applicable retirement benefits. Executive deletes. House retains. Senate retains.

Sec. 224. COVID-19 Vaccine Protocol – DELETED

Prohibits any department, agency, board, commission, or public officer that receives funding from doing the following: requiring an individual to provide proof of receiving a COVID-19 vaccine as a condition of accessing state services or facilities, except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding; producing, developing, or issuing a COVID-19 vaccine passport; developing a database or making any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity; requiring as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine; subjecting any individual to negative employment consequences, retaliation, or retribution because of their vaccine status. Transmitting proof of vaccine status is not prohibited if the individual provides affirmative consent. Requires exemptions to be provided to the following individuals if a vaccine policy is required due to federal mandate: individual for whom a physician certifies that a vaccine is or may be detrimental to the individual's health and individual who provides a written statement to the effect that the requirements of the vaccine policy cannot be met because of religious convictions or other consistently held objections to immunization. Executive deletes. House retains. Senate deletes.

Major Boilerplate Changes from FY 2021-22

Sec. 225. *Expending Available Work Project Authorization* – RETAINED

Prohibits appropriations that have unexpended work project authorization associated with them, to the extent possible, from being expended until all existing work project authorization for the same purpose is exhausted. Executive deletes. House retains. Senate retains.

Sec. 239. *Management-to-Staff Ratio* – RETAINED

Expresses legislative intent that MDOC maintain a management-to-staff ratio of not more than 1 supervisor for each 8 employees at central office in Lansing and at northern and southern region administration offices. Executive deletes. House retains. Senate retains.

Sec. 248. *Standard List of Report Recipients* – NEW

Requires all reports required in boilerplate to be submitted to the Senate and House Appropriations Subcommittees on Corrections, the Senate and House Fiscal Agencies, the Legislative Corrections Ombudsman, and the State Budget Office, unless otherwise noted. Executive includes new language. House includes new language. Senate includes new language.

DEPARTMENTAL ADMINISTRATION AND SUPPORT

Sec. 302. *Staff Retention Strategies* – RETAINED

Requires MDOC to report on staff retention strategies, including how to improve employee engagement, how to improve employee wellness, how to offer additional training and professional development, metrics used by MDOC to measure success of employee wellness programming, mechanisms by which to receive employee feedback, how MDOC considers suggestions made by employees, and steps taken and future plans MDOC has for staff retention and improving employee wellness. Executive revises by deleting all reporting details (retains only the requirement to report on staff retention strategies). House retains current year language. Senate retains current year language.

Sec. 304. *Staff Suggestions* – RETAINED

Requires MDOC to maintain a staff savings initiative program for employees to submit suggestions for efficiencies for the department; requires MDOC to consider suggestions in a timely manner; requires report on process improvements made based on suggestions received; requires MDOC to give noncompensatory recognition to employees whose suggestions are implemented. Executive deletes. House retains. Senate retains.

Sec. 306. *Sheriffs' Coordinating and Training Office* – REVISED

Lists allowable uses of funding appropriated for Sheriffs' Coordinating and Training Office (e.g., defray costs of continuing education, certification, recertification, decertification, training of local corrections officers, personnel and administrative costs, local corrections officers advisory board). Executive revises to require MDOC to provide fiduciary oversight of funds received under the Local Corrections Officer Training Act. House concurs with executive revisions. Senate concurs with executive revisions.

Sec. 308. *Prisoner Phone Service Contract* – NOT INCLUDED

Prohibits MDOC from exercising its option to extend the current contract for prisoner telephone services past the contract's current expiration date; requires an RFP to be issued for a new contract that meets security needs of the department and offers the lowest per minute rate to prisoners. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 309. *Maintenance and Utility Costs at Facilities* – RETAINED

Requires MDOC to report on maintenance and utility costs, plans for capital improvement and associated costs, status of capital outlay project accounts, and expected future useful life for each correctional facility. Executive deletes. House retains. Senate retains,

Sec. 311. *Michigan State Industries Program* – REVISED

Requires MDOC to report on Michigan State Industries program, including location of programs, number of participants, description of job duties, prisoner schedules, products produced, and how programs provide marketable skills that lead to employable outcomes once prisoners are released. Executive retains. House retains. Senate revises to include a requirement that the report include an evaluation as to whether dental and optical services can be extended to a Medicaid population.

Major Boilerplate Changes from FY 2021-22

Sec. 313. *New Employee Schools* – REVISED

Requires MDOC to report on new employee schools, including number of schools that took place and location of each, number of recruits that started, number of recruits that graduated, number of recruits that continued employment with the department, and MDOC strategies to achieve a 5% or lower target corrections officer vacancy rate. Executive revises to delete reporting on strategies to achieve a 5% or lower target corrections officer vacancy rate and to require MDOC to work to hire and train new corrections officers to address attrition and to decrease overtime costs. House revises to require MDOC to work to hire and train new corrections officers to address attrition and to decrease overtime costs and to require MDOC to report reasons for not meeting the 5% or lower target corrections officer vacancy rate, and to explain challenges the department faces when trying to meet the target vacancy rate. Senate revises to require MDOC to work to hire and train new corrections officers to address attrition and to decrease overtime costs.

Sec. 314. *Staff Overtime Hours* – RETAINED

Requires MDOC to report on number of overtime hours worked by all custody staff, by facility, including number of mandatory overtime hours worked, number of voluntary overtime hours worked, reasons for overtime hours worked, and average number of overtime hours worked by active employees. Executive deletes. House retains. Senate retains.

Sec. 316. *New Custody Staff Training* – RETAINED

Requires MDOC to target new custody staff training at hiring a minimum of 800 corrections officers to address higher than normal attrition and to decrease overtime costs. Executive deletes. House deletes. Senate retains.

Sec. 318. *Professional Development and Training for Staff* – RETAINED

Requires MDOC to report on programs that offer professional development and training opportunities for all levels of custody supervisors and first line managers, including an overview of existing programs, and a review of similar programs available in other organizations and in other states. Executive deletes. House retains. Senate retains.

Sec. 323. *Reimburse Counties for Housing Felons Because of COVID-19 Protocols* – NOT INCLUDED

Requires MDOC to reimburse counties for housing in jails felons who otherwise would have been transported to state correctional facilities if not for COVID-19 protocols; requires MDOC to reimburse counties at a rate of \$81.25 per offender per day. Executive does not include new language. House includes new language. Senate does not include new language.

OFFENDER SUCCESS ADMINISTRATION

Sec. 402. *Offender Success Expenditures and Allocations* – REVISED

Requires MDOC to report on actual prior-year and planned current-year offender success expenditures and allocations; authorizes MDOC to collect cash or in-kind donations to supplement funds for prison education training, supplies, and materials necessary to complete academic- and job skills-related programs. Executive revises to delete reporting on planned current-year offender success expenditures and allocations; appropriates funds received; authorizes expenditure of funds received. House revises to delete reporting on planned current-year offender success expenditures and allocations. Senate revises to appropriate and authorize expenditure of funds received.

Sec. 406. *Wastewater Operator Certification Program* – DELETED

Requires MDOC to conduct a study, in consultation with DEGLE, to determine feasibility of including prisoners nearing earliest release dates in the Wastewater Operator Certification program administered by DEGLE; requires report on feasibility of training and certifying prisoners to become water, drinking water, wastewater, and stormwater operators; if determined to not be feasible, requires report on reasons for infeasibility. Executive deletes. House deletes. Senate deletes.

Sec. 413. *Public Safety Initiative* – REVISED

Requires Genesee County law enforcement agency to report on expenditures made from appropriation; requires report to include purpose for which expenditures were made, amounts of expenditures by purpose, specific services provided, and number of individuals served; authorizes Senate and House Subcommittees on Corrections to request Genesee County law enforcement agency to appear before subcommittees to discuss report. Executive revises to delete authorization for subcommittees to request Genesee County to appear before subcommittees to discuss report. House revises to prohibit allocating funding to Genesee County law enforcement agency if Genesee County law enforcement agency does not comply with reporting requirements. Senate revises report recipient list.

Sec. 417. *Report on New Initiatives to Control Prison Population Growth* – RETAINED

Requires MDOC to report on any new initiatives aimed at controlling prison population growth and for each new initiative program objectives and outcome measures, number of offenders completing program, number of offenders successfully remaining in community 3 years following completion, expenditures, impact on jail utilization, impact on prison admissions, and other information relevant to evaluation of programs. Executive deletes. House deletes. Senate retains.

Major Boilerplate Changes from FY 2021-22

Sec. 418. State Identification/Birth Certificates/Military Documents for Returning Prisoners – RETAINED

Requires MDOC to collaborate with other state entities to develop processes to assist prisoners with obtaining state identification, birth certificates, and military documents if applicable. Executive revises to require MDOC to establish and maintain policies and procedures that allow prisoners to obtain documents prior to parole or discharge. House retains current year language. Senate revises to require MDOC to establish and maintain policies and procedures that allow prisoners to obtain documents prior to parole or discharge.

Sec. 423. Michigan Restaurant Association - Job Placement – DELETED

Requires MDOC to collaborate with Michigan Restaurant Association on job placement for individuals on probation and parole. Executive deletes. House retains. Senate deletes.

Sec. 424. Enhanced Food Technology Program – REVISED

Requires MDOC to maintain the Enhanced Food Technology program that provides on-the-job training in prison kitchens that will lead to food service training credentials recognized by the restaurant industry. Executive revises to require MDOC to collaborate with restaurant industry stakeholders to provide job placement assistance to individuals on probation and parole. House retains current year language. Senate revises to require MDOC to collaborate with restaurant industry stakeholders to provide job placement assistance to individuals on probation and parole.

FIELD OPERATIONS ADMINISTRATION

Sec. 603. Curfew Monitoring Program Costs – DELETED

Requires MDOC to administer curfew monitoring program intended to reduce prison admissions and improve jail utilization; requires MDOC to provide counties with curfew monitoring equipment and administrative oversight for a fee; prohibits access to program for counties with outstanding charges over 60 days. Executive deletes. House retains. Senate deletes.

Sec. 611. Annual Program Reports – RETAINED

Specifies content to be included in reports by MDOC on residential reentry, electronic monitoring, and special alternative incarceration programs (e.g., successful and unsuccessful terminations, end of month populations, length of placements, returns to prison, descriptions of programs, comparison with prior year statistics, impact on prison admissions and jail utilization, cost effectiveness of programs). Executive deletes. House retains. Senate retains.

Sec. 612. Violators of Parole and Probation – RETAINED

Requires MDOC to review and revise proposals for alternatives to prison for technical violators of parole and probation; requires report on number of probationers and parolees returned to or sent to prison for new crimes, number of probationers and parolees returned to or sent to prison for technical violations, educational history of offenders, number of offenders that participated in reentry programs, and number of offenders that participated in substance abuse treatment programs, mental health programs, or both. Executive deletes. House retains. Senate retains.

Sec. 617. Residential Alternative to Prison Program – RETAINED

Requires MDOC to provide vocational, educational, and cognitive programming in a secure environment to enhance existing alternative sentencing options, increase employment readiness and successful placement rates, and reduce new criminal behavior for West Michigan probation violator population; lists specific metric goals. Executive revises to delete list of specific metric goals. House retains current year language. Senate retains current year language.

HEALTH CARE

Sec. 607. Gender Reassignment – NOT INCLUDED

Prohibits MDOC from funding gender reassignment surgeries for any prisoners of this state. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 802. Health Care Timeliness and Expenditures – REVISED

Requires MDOC to report on expenditures, allocations, status of payments, and projected expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment; requires report on pharmaceutical prescribing practices, including detailed accounting of expenditures on antipsychotic medications and any changes made to prescription drug formularies. Executive revises quarterly reporting to annual reporting. House retains. Senate revises quarterly reporting to annual reporting and requires report to include a listing of measurable outcomes used to determine the benefits of treatment between the physical and mental health care provided to prisoners.

Major Boilerplate Changes from FY 2021-22

Sec. 807. Hepatitis C – REVISED

Requires funding for Hepatitis C to be used for purchase of specialty medication for treatment of Hepatitis C; requires report on amount spent on specialty medication, number of prisoners treated, amount of any rebates received, and outstanding rebates expected to be received; requires report to include number of offenders requiring retreatment broken down by number that have been retreated while incarcerated and number that have been treated, released, and retreated upon reincarceration. Executive revises quarterly reporting to annual reporting. House retains. Senate revises quarterly reporting to annual reporting and requires report to include Hepatitis C status of all incoming prisoners and the number of prisoners who are reinfected while incarcerated requiring repeated treatment.

Sec. 812. Medicaid Utilization by Prisoners – REVISED

Requires MDOC and DHHS to exchange information regarding newly committed prisoners who may be Medicaid-eligible; requires MDOC to assist outgoing prisoners with Medicaid enrollment; requires report on utilization of Medicaid benefits for prisoners. Executive replaces current law with language that requires MDOC to report annually on the utilization of Medicaid benefits for prisoners during the prior fiscal year. House retains. Senate revises language to require MDOC to provide updates on utilization of Medicaid benefits for prisoners over the most recent 10-year period that details utilization of Medicaid benefits upon release.

Sec. 814. Medication Assisted Therapies - REVISED

Requires MDOC to report on number of prisoners that received medication assisted therapies, length of time on therapies, and number of prisoners who discontinued treatment while incarcerated. Executive retains. House retains. Senate revises to add that report is intended to show the department is meeting its goal of weaning prisoners from their addictions.

CORRECTIONAL FACILITIES ADMINISTRATION

Sec. 902. Notification of Elimination of Prisoner Programming – RETAINED

Requires MDOC to provide notice of plans to eliminate programming for prisoners at least 30 days prior to program elimination and defines "programming for prisoners" to mean a department core program or career and technical education program. Executive deletes. House retains. Senate retains.

Sec. 911. Reporting Critical Incidents in Prisons – RETAINED

Requires MDOC to report within 72 hours of occurrence, any critical incident occurring at a correctional facility; requires MDOC to report annually on number of critical incidents occurring each month by type and severity; defines "critical incidents" to mean prisoner assaults on staff that result in serious physical injury to staff, escapes and attempted escapes, prisoner disturbances that cause facility operation concerns, and unexpected deaths of prisoners. Executive revises to delete requirement that department report critical incidents within 72 hours of occurrence; deletes definition of "critical incidents". House retains current year language. Senate retains current year language.

Sec. 913. Enrollment in and Completion of Various Programming – RETAINED

Requires MDOC to focus on providing required programming to prisoners who are past their earliest release date because of not having received the required programming; programming includes violence prevention, assaultive offender, sexual offender, substance abuse treatment, thinking for a change, and any other programming that is required as a condition of parole; expresses legislative intent that prisoners who are required to complete programming be transferred to facilities where programming is available; requires MDOC, to the extent feasible, to consistently provide prisoner programming with the goal of having prisoners complete recommended cognitive programming as early as possible during their sentence; requires MDOC to report on prisoner enrollment and completion of programming, and on plans to address waiting lists for programming. Executive revises to delete expression of legislative intent that prisoners who are required to complete programming be transferred to facilities where programming is available; deletes requirement that MDOC, to the extent feasible, consistently provide prisoner programming with the goal of having prisoners complete recommended cognitive programming as early as possible during their sentence. House retains current year language. Senate retains current year language.

Sec. 920. Female Prisoner Labor and Delivery – RETAINED

Requires MDOC to allow female prisoners to have one visitor present during labor and delivery; requires visitors to be immediate family members, legal guardians, spouses, or domestic partners; authorizes MDOC to deny access to visitors if there are safety concerns; authorizes MDOC to conduct criminal background checks on visitors. Executive deletes. House retains. Senate retains.

Sec. 940. Use of State-Owned Facilities – RETAINED

Requires for-profit entities using state-owned facilities to pay fair market value for use of facilities and to make payments in lieu of taxes to local jurisdictions equivalent to what local units would receive if facilities were privately owned. Executive deletes. House retains. Senate retains.

Major Boilerplate Changes from FY 2021-22

Sec. 942. Auditor General and Corrections Ombudsman Access to Contracted Facilities – RETAINED

Requires any contract with a public or private party to operate a facility to house Michigan prisoners to include a provision allowing access to facility and appropriate records by Auditor General and Legislative Corrections Ombudsman. Executive deletes. House retains. Senate retains.

Sec. 943. Savings from Prison Closures – RETAINED

Requires MDOC to report on actual and projected savings achieved by closing correctional facilities, starting with closure of Pugsley Correctional Facility, which closed in September 2016. Executive deletes. House retains. Senate retains.

Sec. 944. Economic Impact of Prison Closures – RETAINED

Requires MDOC, when planning to close a correctional facility, to consider potential economic impact of prison closure on community where facility is located. Executive deletes. House retains. Senate retains.

ONE-TIME APPROPRIATIONS

Sec. 801. Corrections Officer College – NOT INCLUDED

Expresses intent of the legislature that funding be used to pay for up to 15 college credit hours for current corrections officers and new hires that have not completed college coursework that is required for employment with the department after an agreement is reached between the Office of the State Employer and the Michigan Corrections Organization and that agreement is approved by the Civil Service Commission; designates unexpended funds as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 802. Corrections Officer Signing Bonuses – NOT INCLUDED

Expresses intent of the legislature that funding be used to grant up to \$5,000 signing bonuses for new corrections officers after an agreement is reached between the Office of the State Employer and the Michigan Corrections Organization and that agreement is approved by the Civil Service Commission; requires a minimum of 50% of the signing bonuses to be paid in the first month of employment and the balance to be paid if the corrections officers continue employment for at least 12 months; designates unexpended funds as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 803. Absconder Tracking – NOT INCLUDED

Requires funding to be used to create a fund that can be used by the department for expenses incurred for investigating, locating, and arresting prisoner escapees and parole and probation violators; requires the department to report detailed expenditure data quarterly; designates unexpended funds as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 804. Chance for Life Program – REVISED

Requires funding to be allocated to an organization that provides prison-based rehabilitation programming including educational, life skills, and behavioral modification programs; states objective of programming is to offer a progressive transformational program to individuals while in prison, in an effort to prepare them for successful transition back to community; states purpose of organization is to increase community safety by reducing recidivism through providing evidence-based mentoring, employment soft skills training, job placement assistance, critical thinking skills, mediation, and conflict resolution training. Executive deletes. House revises to require the program to report, for FY 2021-22 and FY 2022-23, on expenditures, performance measurements and outcomes, and the total number of prisoners served. Senate revises appropriation amount listed in the language.

Sec. 805. Corrections Officer Retention Bonuses – NOT INCLUDED

Expresses intent of the legislature that funding be used to grant retention bonuses of up to \$5,000 for current corrections officers after an agreement is reached between the Office of the State Employer and the Michigan Corrections Organization and that agreement is approved by the Civil Service Commission; designates unexpended funds as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 806. Specialized Electronic Monitoring Pilot Program – NOT INCLUDED

Requires funding to be used to pilot a new electronic monitoring program in Oakland County with a company that has at least 10 years of experience, provides 24 hours a day monitoring, has a service and monitoring center located in Michigan, uses the same electronic monitors used by MDOC, and can provide software and training; designates unexpended funds as a work project appropriation. Executive does not include new language. House includes new language. Senate does not include new language.

Major Boilerplate Changes from FY 2021-22

Sec. 807. Subjects Federal Appropriations Public Law 117-2 – NOT INCLUDED

Subjects Coronavirus State Fiscal Recovery Fund appropriations to federal rules and regulations included in the American Rescue Plan Act of 2021, Public Law 117-2, which generally limit expenditures to certain populations, purposes, and/or communities; lists specific categorical recipient limitations for funding eligibility. Executive does not include new language. House includes new language. Senate does not include new language.

Sec. 1102. Prosperity Region 8 Pilot Program – RETAINED

Requires MDOC to initiate pilot program to provide care management to parolees post-release which may include development of prerelease mental health discharge plans for parolees in Prosperity Region 8. Executive deletes. House deletes. Senate retains.