



## HOUSE OF REPRESENTATIVES

### COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS

REP. BRADLEY SLAGH

CHAIR

## COMMITTEE MEETING MINUTES

Wednesday, April 13, 2022

10:30 AM

Room 308, House Office Building

The House Appropriations Subcommittee on Corrections was called to order by the Chair, Representative Slagh.

The Chair requested attendance be called:

Present: Reps. Slagh, Lightner, Brann, Borton, T. Carter, Sabo, and C.A. Johnson.

Absent: None.

Excused: None.

Representative Brann moved to adopt the meeting minutes from March 9, 2022. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5780 before the committee:

HB 5780 (Rep. Slagh)

A bill to make appropriations for the department of corrections for the fiscal year ending September 30, 2023; and to provide for the expenditure of the appropriations.

Representative Lightner moved to adopt substitute (H-1) to HB 5780. The motion prevailed 7-0-0:

### FAVORABLE ROLL CALL

Yeas: Reps. Slagh, Lightner, Brann, Borton, T. Carter, Sabo, and C.A. Johnson.

Nays: None.

Pass: None.

Robin Risko, from the House Fiscal Agency, gave a brief overview of the contents of the bill. The House Subcommittee Chair's recommendation totals \$2,098.7 million Gross, \$2,016.4 million GF/GP. The budget is \$32.9 million Gross, \$11.0 million GF/GP over current year appropriations. The budget is \$41.2 million Gross, \$78.7 million GF/GP, under the executive recommendation. Ms. Risko highlighted appropriation changes from the current year budget and new boilerplate sections included in the House Substitute. Discussion ensued. Questions/answers and amendments followed.

Representative T. Carter offered the following amendment to HB 5780 (H-1):

1. Amend page 38, following line 12, by inserting:

"Sec. 416. (1) From the funds appropriated in part 1, the department must conduct a home placement investigation for all parole and probation cases under the jurisdiction of the department.

(2) Parole supervision staff must meet with the proposed home provider, in person, inside the residence.

(3) Parole supervision staff must obtain the following information from the home provider:

(a) List of occupants and their relationship to the parolee, age, source of income, criminal record, and feelings toward the parolee.

(b) The parolee's responsibilities such as paying rent, utilities or having rules to follow.

(c) Proximity to employment and availability of public transportation.

(d) Presence of weapons in the home. If so, they must be removed.

(e) A history of domestic violence with members of the household.

(f) If the home provider rents or leases, parole supervision staff must speak with the landlord and view the lease.

(g) If the home plan does not include employment, there must be verifiable alternatives such as family support, Social Security income, or disability income.

(4) Parole supervision staff must consider all of the following before granting home placement:

(a) Circumstances that would place the parole supervision staff in danger.

(b) Physical condition of the home is unsafe or unfit.

(c) Conditions existing within the proposed home that would present the likelihood of the parolee committing similar offenses or technical parole violations.

(d) The proposed home provider is not currently cooperative with parole supervision staff.

(e) The presence in the home of other parolees or those on probation for serious offenses which may increase the parolee's risk of reoffending.

(f) Conditions leading to the offense are not re-established, such as, when the victim or victim's family resides in the household or in close proximity, domestic violence issues, and sex offender issues.

(g) The proposed home provider is unwilling to agree to conditions contained in the home placement agreement.

(5) Home placement must be made in a residence that is considered habitable. To be habitable, the residence must be fit for human occupation and must be free from serious defects that might pose a risk to the health and/or safety of its occupants.

(6) Habitable residence must meet all of the following housing quality standards, at a minimum:

(a) The residence must include sanitary facilities within the unit. Sanitary facilities must be in proper operating condition, adequate for personal cleanliness and disposal of human waste, and usable in privacy.

(b) The residence must include suitable space and equipment to store, prepare, and serve food in a sanitary manner.

(c) The residence must provide adequate space and security.

(d) The residence must be able to provide a thermal environment that is healthy for the human body.

(e) Each room in the residence must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The residence must have sufficient electrical sources so occupants can use essential electrical appliances. Electrical fixtures and wiring must not pose a fire hazard.

(f) The residence must be structurally sound. The structure of the residence must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(g) The residence must be free of air pollutant levels that threaten the occupants' health.

(h) The water supply at the residence must be free of contamination.

(i) The lead-based paint poisoning prevention act as amended, 42 U.S.C. 4821 – 4846, and the residential lead-based paint hazard reduction act of 1992, and implementing regulations 24 CFR Part 35 Subparts A, B, M, and R apply to the residence.

(j) Use and maintenance of the residence must be possible without unauthorized use of other private properties. The residence must provide an alternate means of exit in case of fire.

(k) The site of the residence and the neighborhood must be reasonably free from disturbing noises and reverberations or other dangers to the health, safety, and general welfare of the occupants.

(l) The residence and its equipment must be in sanitary condition.

(m) On each level of the residence, including the basement but excluding spaces and unfinished attics, at least one battery-operated or hard-wired smoke detector in proper

operating condition must be present. Smoke detectors must be installed in accordance with and meet the requirements of the national fire protection association standards 74 or its successor standards. If a hearing-impaired person is occupying the residence, the smoke detectors must have an alarm system designed for hearing-impaired persons as specified in the national fire protection association standards 74.

(7) Home providers must cooperate with parole supervision staff prior to the parolee's release and for as long as the parolee is subject to supervision. Home providers must report any changes in the home plan. The home provider must inform parole supervision staff of changes and concerns and must report parolee violations of home plan and home rules.

(8) Parole supervision staff must conduct visits to the residence after the parolee is paroled to the approved home plan. Such visits may occur unannounced and at any time. During such visits, parole supervision staff have the authority to conduct searches to make sure parole conditions are being followed by the offender and habitable home conditions are being met by the home provider."

Representative T. Carter moved to adopt the amendment to HB 5780 (H-1). The motion did not prevail 3-4-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative Sabo offered the following amendments to HB 5780 (H-1):

1. Amend page 2, line 19, by striking out "256.0" and inserting "266.0".
2. Amend page 2, line 19, by striking out "36,896,100" and inserting "38,091,600" and adjusting the subtotals, totals, and section 201 accordingly.

Representative Sabo moved to adopt the amendments to HB 5780 (H-1). The motion did not prevail 3-4-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative Sabo offered the following amendment to HB 5780 (H-1):

1. Amend page 8, following line 20, by striking out all of line 21 and adjusting the subtotals, totals, and section 201 accordingly.

Representative Sabo moved to adopt the amendment to HB 5780 (H-1). The motion did not prevail 3-4-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative T. Carter offered the following amendment to HB 5780 (H-1):

1. Amend page 22, following line 14, by inserting:

"(3) The department shall not enter into a contract with a provider of telephone services under which the department receives a fee, a profit, or other form of payment for telephone services provided to prisoners of the correctional facility."

Representative T. Carter moved to adopt the amendment to HB 5780 (H-1). The motion did not prevail 3-4-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative T. Carter offered the following amendment to HB 5780 (H-1):

1. Amend page 34, line 3, by striking out all of subsection (3).

Representative T. Carter moved to adopt the amendment to HB 5780 (H-1). The motion did not prevail 3-4-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative C.A. Johnson offered the following amendment to HB 5780 (H-1):

1. Amend page 45, line 16, by striking out all of section 607.

Representative C.A. Johnson moved to adopt the amendment to HB 5780 (H-1). The motion did not prevail 3-4-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. T. Carter, Sabo, and C.A. Johnson.  
Nays: Reps. Slagh, Lightner, Brann, and Borton.  
Pass: None.

Representative Borton moved to refer House Bill No. 5780 to the Committee on Appropriations, with recommendation as substitute (H-1). The motion prevailed 5-0-2:

FAVORABLE ROLL CALL

Yeas: Reps. Slagh, Lightner, Brann, Borton, and C.A. Johnson.  
Nays: None.  
Pass: Reps. T. Carter and Sabo.

There being no further business before the subcommittee, Representative Slagh adjourned the subcommittee meeting at 11:15 AM.

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Representative Bradley Slagh, Chair

Robin Risko  
Committee Clerk  
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PROPOSED