



*SPECIAL EDITION*

**LEGISLATIVE CHANGES IMPACT  
DEPARTMENT OPERATIONS**

Michigan's 93<sup>rd</sup> Legislature went into session at 10:00 a.m. yesterday and ended at 4:30 a.m. this morning. They passed dozens of Bills that are now on their way to Governor Snyder's desk for signature. Some of the legislation passed late last night and early this morning impacts the Michigan Department of Corrections (MDOC). Please find below a brief summary of the Bills that have some impact on MDOC operations:

**Senate Bill 0878**

The Michigan Department of Corrections (MDOC) current Appropriations Bill (Public Act 200 of 2012) contains language requiring the Department to "release a request for proposal seeking competitive bids for the Special Alternative Incarceration (SAI) facility, the prison stores, the food service operations, and up to 1,750 custody beds."

Early this morning, the Legislature passed Senate Bill 0878 which amends the Corrections Code to allow the MDOC to contract with the operator of a privately-owned correctional facility for the housing and management of prisoners under the jurisdiction of the MDOC.

Language in this Bill specifies that if the Department of Corrections does contract with a privately-owned correctional facility, the private contractor shall do all of the following:

- Interview and consider for employment employees or former employees of MDOC who lose or reasonably expect to lose their positions as the result of prison closures.
- Give consideration to the hiring of unemployed National Guard or reserve officers and military personnel who are returning to the state following active deployment.
- Provide the Department written certification that the contract will result in annual cost savings of at least 10% to the State.

The bill also amends current law relating to the utilization of the Michigan Youth Correctional Facility in Baldwin, which was operated by a private contractor from 1999 to 2005 to house prisoners committed to the MDOC who were 19 years of age or younger and were convicted as adults for offenses committed as juveniles. Current law provides that if the facility is not used for this

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State of Michigan.

purpose, that the private vendor that operates the facility may utilize the facility for the housing, custody, and care of inmates from other local, state, or federal agencies either through direct contracts or inter-local agreements. New language authorizes the private contractor to utilize the facility for the housing, custody, and care of adult detainees and inmates under the jurisdiction of the MDOC, through either a direct contract or inter-local agreement.

As previously noted, current law requires the MDOC to release a request for proposal (RFP) for up to 1,750 custody beds. Senate Bill 0878 does not mandate the MDOC to utilize the former Michigan Youth Correctional Facility to meet this statutory requirement. However, it does amend current law and would presumably allow for the owners of the Baldwin Facility to bid on the RFP for up to 1,750 custody beds.



At this point, the Department will likely structure the RFP to allow private operators to bid on the up to 1,750 custody beds by a) using their own correctional facility or b) utilizing one of MDOC's closed correctional facilities. The closed MDOC facility that will likely be a part of the RFP will be the Standish Correctional Facility, which closed in 2009. This facility is in very good shape, centrally located and does not appear to have any other potential uses at this time.

The RFP for the up to 1,750 custody beds will likely be released in January 2013.

Current law requires the Department issue the RFP; it does not require the Department to enter into a contract for these custody beds. To be awarded a contract, any potential bidder would have to show they could provide enhanced services with at least a 10% cost savings to the

### **House Bill 5881**

The FY 2012-13 MDOC budget assumes \$10 million in savings at facilities around the State from the reemployment of retired corrections officers.

House Bill 5881 amends the State Employees' Retirement Act to add an exemption to the prohibition against concurrently drawing a pension from the State Employees' Retirement System (SERS) and drawing an active employee paycheck from the State.

Under current law, two exemptions allow State retirees to concurrently draw a pension while working for the State as a rehired employee after retirement 1) the retiree provides health care services under the jurisdiction of the MDOC, or 2) the retiree was a special assistant attorney general who possesses specialized expertise.

The Bill adds a third exemption for certain MDOC retirees.

Specifically, House Bill 5881 allows a retiree to return to work for MDOC and concurrently draw a SERS pension until September 30, 2013, if the retiree meets the following conditions 1) the retiree was hired to provide for the custody of individuals under the jurisdiction of MDOC; 2) the retiree's position was limited in term, no benefits were paid, and the pay was not more than 80% of the maximum hourly wage granted during fiscal year (FY) 2012-13 for the same position; 3) the retiree worked no more than 1,040 hours in a 12-month period of State employment; and 4) the retiree retired after a bona fide termination of employment.

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House Bill 5881 allows the MDOC to hire back a small number of corrections officers for a limited time to work while they also receive their retirement pension. This would help the MDOC realize savings associated with overtime costs for vacant positions.

### **House Bill 5422**

House Bill 5422 amends the Correctional Officers' Training Act to allow new employee training for correctional officers to be completed at a college or community college.

Under current law, correctional officers must complete a minimum of 320 hours of new employee training, as determined by the Michigan Correctional Officers' Training Council, at the MDOC central training academy. House Bill 5422 allows that training also to be provided by a college or community college.

House Bill 5422 also requires the Council to develop minimum standards and requirements for a certification program for new employee training to be offered by colleges and community colleges. Only the Council or a college or community college that was approved by the Council can provide training or a certification of completion for the training.

House Bill 5422 will help the MDOC realize cost savings associated with conducting new employee training academies. House Bill 5422 would allow colleges and community colleges to become certified to train potential corrections officers in a similar way they train potential police officers through police academies certified by the Michigan Commission on Law Enforcement Standards (MCOLES).



### **Senate Bill 1141**

Senate Bill 1141 creates the Probation Swift and Sure Sanctions Act, a voluntary program to fund "swift and sure" probation supervision at the local level, with objectives such as probationers being aware of probation terms and sanctions for violations, close monitoring, arrest upon violating probation terms with timely appearance before a judge, and immediate sanctions for probation violations.

This Bill only applies to probationers convicted of a felony.

The State Swift and Sure Sanctions Program would have the following objectives:

- Probationers (the participants in the program) are to be sentenced with prescribed terms of probation meeting the objectives of the act. Probationers are to be aware of the terms of their probation as well as the consequences for violating those terms.
- Probationers are to be closely monitored and every detected violation promptly addressed by the court.
- Probationers are to be arrested as soon as a violation has been detected and promptly taken before a judge for a hearing on the violation.
- Continued violations are to be addressed by increasing sanctions and remedies as necessary to achieve results.
- To the extent possible, and considering local resources, probationers subject to swift and sure probation under the bill

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must be treated uniformly throughout the state.

Funding for carrying out the Swift and Sure Sanctions Program will come from the Judiciary. The MDOC will be working closely with the State Court Administrative Office (SCAO) on moving forward with this Legislation.

### **Senate Bill 1127**

Senate Bill 1127 requires the MDOC to verify work or school attendance for certain felony probationers seeking approval to participate in jail work release programs.

### **Senate Bill 1211**

Senate Bill 1211 amends the Crime Victim's Rights Act to include additional information the MDOC must provide to registered crime victims of prisoners under MDOC jurisdiction.

### **Senate Bill 1315**

Senate Bill 1315 amends current law and requires that parole orders require the parolee to provide written consent, before being released on parole, to submit to a search of person or property upon demand by a peace officer or parole officer.

### **Senate Bill 0059**

Senate Bill 0059 amends the Handgun Licensure Act (1927 PA 372) to allow additional Department employees to carry a concealed pistol in a no-carry zone.

Current law allows for parole and probation offi-

cers to carry in no-carry zones, Senate Bill 0059 adds corrections officers and absconder recovery unit members.

Senate Bill 0059 also permits the following Concealed Pistol Licensed individuals who retired in good standing from the MDOC to carry a concealed pistol in a no-carry zone:

- Parole officer, probation officer, corrections officer and absconder recovery unit members.

### **Senate Bill 0645**

Senate Bill 0645 adds a new section to the Corrections Code to require the MDOC, upon request of a victim or a victim's representative, to confiscate and dispose of any of the following that are in the possession of a prisoner:

- Any item belonging, or formerly belonging, to that victim.
- A photograph, drawing, or other visual image or representation of the victim.

We will continue to update you as we get additional details on these Bills in future FYI editions.

