

Act No. 466  
Public Acts of 2014  
Approved by the Governor  
January 10, 2015  
Filed with the Secretary of State  
January 12, 2015  
EFFECTIVE DATE: January 12, 2015

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2014**

Introduced by Rep. Haveman

# ENROLLED HOUSE BILL No. 5929

AN ACT to amend 1988 PA 511, entitled “An act to provide for the funding of community-based corrections programs through local governmental subdivisions or certain nonprofit agencies; to prescribe the powers and duties of certain state officers and agencies; to provide for community corrections advisory boards and prescribe their powers and duties; to create an office of community alternatives and a state community corrections board within the department of corrections and prescribe their powers and duties; and to provide for the promulgation of rules,” by amending sections 2, 3, 4, 5, 7, 8, and 11 (MCL 791.402, 791.403, 791.404, 791.405, 791.407, 791.408, and 791.411).

*The People of the State of Michigan enact:*

Sec. 2. As used in this act:

- (a) “City advisory board” means a community corrections advisory board created by a city under sections 6 and 7.
- (b) “City-county advisory board” means a community corrections advisory board created by a county and the largest city by population within that county under sections 6 and 7.
- (c) “Community corrections program” means a program that is operated by or contracted for by a city, county, or group of counties, or is operated by a nonprofit service agency, and that offers programs, services, or both, instead of incarceration in prison, and which are locally operated and span a continuum of programming options from pretrial through post-adjudication.
- (d) “County advisory board” means a community corrections advisory board created by a county under sections 6 and 7.
- (e) “Department” means the department of corrections.
- (f) “Evidence-based practices” means a progressive, organizational use of direct, current scientific evidence to guide and inform efficient and effective correctional services.
- (g) “Key performance indicator” means a measure that captures the performance of a critical variable to expand and improve community-based corrections programs to promote offender success, ensure accountability, enhance public safety, and reduce recidivism.
- (h) “Moderate to high risk” means that the individual assessed has scored in the moderate to high range of risk using an actuarial, objective, validated risk and need assessment instrument.
- (i) “Nonprofit service agency” means a nonprofit organization that provides treatment, guidance, training, or other rehabilitative services to individuals, families, or groups in such areas as health, education, vocational training, special education, social services, psychological counseling, alcohol and drug treatment, community service work, victim restitution, and employment.
- (j) “Office” means the office of community corrections created in section 3.
- (k) “Plan” means a comprehensive corrections plan submitted by a county, city, or regional advisory board under section 8.

(l) "Regional advisory board" means a community corrections advisory board created by a group of 2 or more counties under sections 6 and 7.

(m) "State board" means the state community corrections advisory board created in section 3.

Sec. 3. (1) An office of community corrections is created within the department. Except as otherwise provided in this subsection, the office shall exercise its powers and duties including budgeting and management as an autonomous entity, independent of the director of the department. The office consists of an administrator and staff as the director of the department may appoint to carry out the duties of the office. The director of the department or his or her designee may appoint the administrator of the office or may administer the assigned functions in other ways to promote efficient administration.

(2) A state community corrections advisory board is created in the office of community corrections. The state community corrections advisory board may conduct activities it considers necessary to advise the director of the department in matters related to community corrections.

(3) The governor shall appoint, and the senate shall confirm, the 13 members of the state board as follows:

(a) One member who is a county sheriff.

(b) One member who is a chief of a city police department.

(c) One member who is a judge of the circuit court.

(d) One member who is a judge of the district court.

(e) One member who is a county commissioner.

(f) One member who is a member of city government.

(g) One member who represents an existing community alternatives program.

(h) One member who is the director of the department of corrections or his or her designee.

(i) One member who is a county prosecutor.

(j) One member who is a criminal defense attorney.

(k) Three members who are representatives of the general public.

(4) The governor shall ensure fair geographic representation of the state board membership and that minority persons and women are fairly represented.

(5) Members of the state board shall serve for terms of 4 years each, except that of the members first appointed, 5 shall serve for terms of 4 years each, 4 shall serve for terms of 3 years each, and 4 shall serve for terms of 2 years each.

(6) A vacancy on the state board is filled in the same manner as the original appointment.

(7) Members of the state board shall serve without compensation, but the department shall reimburse the members for actual and necessary expenses incurred in attending meetings.

(8) The governor shall annually appoint a chairperson from among the members of the board. The chairperson shall not serve more than 2 consecutive terms.

Sec. 4. (1) The state board shall do all of the following:

(a) Adopt a variety of key performance indicators that promote offender success, ensure the effective monitoring of offenders, and evaluate community corrections programs. Performance indicators must be relevant to this act and must be reviewed on an annual basis. At least 1 of the key performance measures must be recidivism. There may be multiple recidivism measures to account for accessibility to state and national databases, local ability to collect data, and the resources needed to collect this data.

(b) Adopt minimum program standards, policies, and rules for community corrections programs. The program standards must include evidence-based practices. Program eligibility must include moderate to high risk offenders regardless of crime class or adjudication status.

(c) Adopt an application process and procedures for funding community corrections programs, including the format for comprehensive corrections plans.

(d) Review, at least once every 3 years, the actuarial, objective, validated risk and need assessment instruments to ensure that they continue to meet the needs and requirements of community corrections.

(e) Recommend funding for community corrections to the director of the department based on program performance, utilization, targeting of appropriate offenders, and adherence to evidence-based practices.

(f) Research, review, and make recommendations regarding the use of performance-based contracts within community corrections.

Sec. 5. The office shall do all of the following:

(a) Provide technical assistance and training to cities, counties, regions, or nonprofit service agencies in developing, implementing, evaluating, and operating community corrections programs.

(b) On behalf of the department, process agreements between the department and city, county, city-county, or regional advisory boards or nonprofit service agencies for the operation of community corrections programs by those boards or agencies, and monitor compliance with those agreements.

(c) Act as an information clearinghouse regarding community corrections programs for cities, counties, regions, or nonprofit service agencies that receive funding under this act.

(d) Provide community corrections advisory boards annually with information required to develop comprehensive plans and programming, including, but not limited to, all of the following for a city or county, as applicable:

(i) The total number of felony dispositions.

(ii) The total number of probation violators.

(iii) The sentencing results of all felony dispositions and probation violators.

(iv) For each sentenced felon and sentenced probation violator, demographic information, including, but not limited to, age, race, and sex.

(v) For each sentenced felon and probation violator, the result of the risk and needs assessment that details the felon's or probation violator's risk and needs levels.

(e) Review and approve local plans and proposals under sections 8 and 10.

(f) Audit programs to assure that they meet minimum program standards, including offender eligibility and compliance with evidence-based practices.

(g) In instances of substantial noncompliance, halt funding to cities, counties, regions, or agencies, except that before halting funding, the office shall do both of the following:

(i) Notify the city, county, region, or agency of the allegations and allow 30 days for a response.

(ii) If an agreement is reached concerning a remedy, allow 30 days following that agreement for the remedy to be implemented.

Sec. 7. (1) A county advisory board, regional advisory board, city-county advisory board, or city advisory board consists of the following:

(a) One member who is a county sheriff, or his or her designee.

(b) One member who is a chief of a city police department, or his or her designee.

(c) One member who is a judge of the circuit court or his or her designee.

(d) One member who is a judge of the district court or his or her designee.

(e) One member who is a judge of the probate court or his or her designee.

(f) One member who is a county commissioner or city councilperson. For a regional advisory board or a city-county advisory board, 1 county commissioner or councilperson from each participating city and county shall serve as a member.

(g) At least 1 and not more than 3 members selected from the following service areas: mental health, public health, substance abuse, employment and training, or community alternative programs.

(h) One member who is a county prosecuting attorney or his or her designee.

(i) One member who is a criminal defense attorney and who may be a local public defender.

(j) One member who is from the business community.

(k) One member who is from the communications media.

(l) One member who is either a circuit court probation agent or a district court probation officer.

(m) One member who is affiliated with the applicable workforce investment board.

(2) For a county or regional advisory board, the county board or boards of commissioners shall appoint the members. For a city advisory board, the city council shall appoint the members. For the city-county advisory board, the county board of commissioners and the city council shall appoint the members. In appointing the members of an advisory board, the county and city shall ensure that minority individuals and women are fairly represented.

(3) Before an appointment is made under this section, the appointing authority shall publish advance notice of the appointments and shall request that the names of individuals interested in being considered for appointment be submitted to the appointing authority.

Sec. 8. (1) A county, city, city-county, or regional advisory board, on behalf of the city, county, or counties it represents, may apply for funding and other assistance under this act by submitting to the office a comprehensive corrections plan that meets the requirements of this section, and the criteria, standards, rules, and policies developed by the state board under section 4.

(2) A county, city, city-county, or regional advisory board shall develop a plan that includes all of the following for the county, city, or counties represented by the advisory board:

(a) A system for the development, implementation, and operation of community corrections programs and an explanation of how the state prison commitment rate for the city, county, or counties will be reduced, and how the public safety will be enhanced, as a result of implementation of the comprehensive corrections plan. Continued funding in subsequent years is contingent upon substantial compliance with this subdivision.

(b) A data analysis of the local criminal justice system that indicates the specification of offender targeting and the services needed for the target population.

(c) Program descriptions that detail the use of an objective, standardized assessment tool or tools to determine applicable programming through the use of targeted interventions that address the risk and needs of the target population.

(d) The identity of any designated subgrant recipient.

(e) For a regional or city-county plan, provisions for the appointment of 1 fiscal agent to coordinate the financial activities pertaining to the grant award.

(3) The county board or boards of commissioners of the county or counties represented by a county, city-county, or regional advisory board, or the city council of the city represented by a city or city-county advisory board, shall approve the proposed comprehensive corrections plan prepared by their advisory board.

(4) A community corrections program must do all of the following:

(a) Provide appropriate sanctions and services as sentencing options for imposition at the discretion of the court, including community supervision and programming services for eligible offenders.

(b) Provide improved local services for individuals involved in the criminal justice system with the goal of reducing the occurrence of repeat criminal offenses that result in a term of incarceration or detention in jail or prison.

(c) Ensure the use of evidence-based practices to protect public safety and rehabilitate the offender.

(d) Promote local control and management of community corrections programs.

(e) Enhance, increase, and support the state and county partnership in the management of offenders.

Sec. 11. (1) The office shall authorize payments from money appropriated to the office for community corrections programs to cities, counties, regions, or agencies for the community corrections programs described in the plan submitted under section 8 if the plan or proposal is approved by the office.

(2) Of the total funding recommended for the implementation of the comprehensive corrections plan, not more than 30% may be used by the city, county, or counties for administration.

(3) The money provided to a city, county, or counties under this section must not supplant current spending by the city, county, or counties for community corrections programs.

This act is ordered to take immediate effect.



-----  
Clerk of the House of Representatives



-----  
Secretary of the Senate

Approved .....

-----  
Governor