

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

**Introduced by Senators Colbeck, O'Brien, Proos, Knollenberg, Booher, Jones, Horn, Schuitmaker,
Brandenburg, Hansen, Kowall, Gregory, Johnson and Warren**

ENROLLED SENATE BILL No. 11

AN ACT to create the criminal justice data collection and management program act; to describe the criminal justice data collection and management program; to provide for certain grants; and to provide for the powers and duties of certain state and local governmental officers and entities.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the “criminal justice data collection and management program act”.

Sec. 2. As used in this act:

(a) “County jail” means a facility operated by a county for the physical detention and correction of individuals charged with or convicted of criminal offenses and ordinance violations, individuals found guilty of civil or criminal contempt, and juveniles detained by court order.

(b) “County operations team” means a group of individuals, or an individual, selected by the governing body of a county participating in the criminal justice data collection and management program to work in coordination with the state project and state operations teams to implement the criminal justice data collection and management program.

(c) “Criminal justice data collection and management program” or “program” means the program created under section 3.

(d) “Offense type” means the category of a criminal offense as categorized by the department of corrections.

(e) “Rearrest recidivism” means the rearrest of an offender as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction for a criminal offense, whichever is later, for a new felony or misdemeanor offense, or for a parole or probation violation.

(f) “Reconviction recidivism” means the reconviction of an offender as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction for a criminal offense, whichever is later, for a new felony or misdemeanor offense, or for a parole or probation violation.

(g) “Reincarceration recidivism” means the reincarceration in jail or prison of an offender as measured first after 3 years and again after 5 years from the date of his or her release from incarceration, placement on probation, or conviction for a criminal offense, whichever is later, for a new felony or misdemeanor offense, or for a parole or probation violation.

(h) “Report” means aggregated data and statistics collected under this act. A report does not include any data that contain uniquely identifying information that is not already available to the public or any information that could reasonably lead to the disclosure of nonpublic information as determined by the state operations team.

(i) "State correctional facility" means any facility that houses prisoners under the jurisdiction of the department of corrections.

(j) "State operations team" means a group of individuals, or an individual, employed by the legislative council as an at-will, nontenured employee, employed by a third party under contract with the legislative council, or under contract with the legislative council, to execute state-level data collection processes and criminal justice data collection processes and to manage the collection of data from counties participating in the criminal justice data collection and management program and from state agencies and departments, including, but not limited to, the state court administrative office, the department of technology, management, and budget, and the department of corrections.

(k) "State project team" means a group of individuals, or an individual, employed by the legislative council as an at-will, nontenured employee, employed by a third party under contract with the legislative council, or under contract with the legislative council, to develop and assist in the implementation of processes and technology improvements that facilitate the collection of criminal justice data from the counties participating in the criminal justice data collection and management program and from state agencies and departments, including, but not limited to, the state court administrative office, the department of technology, management, and budget, and the department of corrections.

Sec. 3. (1) Subject to appropriation, a criminal justice data collection and management program is created within the legislative council. The program must be implemented in not fewer than 1 county, selected by the legislative council in consultation with the county's governing body, and must work in coordination with state agencies and departments, including, but not limited to, the state court administrative office, the department of technology, management, and budget, and the department of corrections.

(2) Subject to appropriation, the legislative council shall assign a state operations team to oversee the work activities of the state project team and the county operations teams.

(3) Subject to appropriation, the state court administrative office and the department of corrections must be provided any necessary and available funding to implement technological changes and additional data collection or new data collection practices to the state court administrative office and the department of corrections' data collection systems based upon the recommendation of the state operations team.

(4) Subject to appropriation, the counties participating in the criminal justice data collection and management program must be provided any necessary and available funding to implement technological changes to county data collection systems based upon the recommendation of the state operations team.

(5) Subject to appropriation, the counties participating in the criminal justice data collection and management program must be provided any necessary and available funding to implement additional data collection and new data collection practices based upon the recommendation of the state operations team.

(6) The department of technology, management, and budget shall distribute the funds, based upon the recommendations of the state operations team, that are appropriated for the state court administrative office, the department of corrections, and the counties participating in the criminal justice data collection and management program under subsections (3), (4), and (5).

(7) The counties participating in the criminal justice data collection and management program shall, through their county operations teams, collect and provide data to the state operations team that support the determination of all of the following:

- (a) County jail capacity.
- (b) Rearrest recidivism.
- (c) Reconviction recidivism.
- (d) Reincarceration recidivism.
- (e) The application of sentencing guidelines.

(8) The state court administrative office and department of corrections shall collect and provide data to the state operations team that support the determination of all of the following:

- (a) State correctional facility capacity.
- (b) Rearrest recidivism.
- (c) Reconviction recidivism.
- (d) Reincarceration recidivism.
- (e) The application of sentencing guidelines.

(9) The state operations team shall collect the data under subsections (7) and (8) and provide that data to the department of technology, management, and budget.

(10) The department of technology, management, and budget shall house and maintain the data collected under subsections (7), (8), and (9).

(11) Subject to appropriation, the department of technology, management, and budget shall charge the legislative council for a service provided by the department of technology, management, and budget to the legislative council under this act. The rate charged under this subsection must reflect the actual cost for the service provided and the department of technology, management, and budget shall provide the legislative council with an invoice detailing actual costs of the service provided upon a request for payment.

Sec. 4. (1) Except as otherwise provided in this section, the data collected under this act is confidential and is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The department of technology, management, and budget shall only allow access to the data collected under this act by members of the department of technology, management, and budget and the state operations team and shall provide the state operations team access to the data collected under this act.

(3) The legislative council may request the state operations team to generate a report from the data collected under this act. A member of the legislature may request the legislative council to make a request for a report under this subsection.

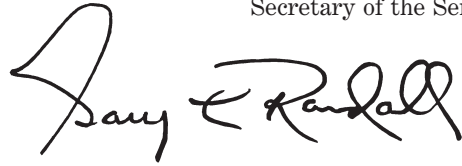
(4) A report created by the state operations team under subsection (3) is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor