

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.216 Establishment of correctional facility; determination of need; comprehensive plan; notice of proposal; local advisory board; public hearing required; procedure; public notice of hearings; minutes of hearing; finding and notice of final site selection; option to lease, purchase, or use property.

Sec. 16.

(1) The department shall develop a comprehensive plan for determining the need for establishing various types of correctional facilities, for selecting the location of a correctional facility, and for determining the size of the correctional facility. The comprehensive plan shall not be implemented until the legislature, by concurrent resolution adopted by a majority of those elected and serving in each house by a record roll call vote, approves the comprehensive plan.

(2) The department shall determine the need for a correctional facility based upon the comprehensive plan developed pursuant to subsection (1).

(3) The department shall publish a notice that it proposes to establish a correctional facility in a particular city, village, or township. The notice shall appear in a newspaper of general circulation in the area. In addition, the department shall notify the following officials:

(a) The state senator and the state representative representing the district in which the correctional facility is to be located.

(b) The president of each state supported college or university whose campus is located within 1 mile of the proposed correctional facility.

(c) The chief elected official of the city, village, or township in which the correctional facility is to be located.

(d) Each member of the governing body of the city, village, or township in which the correctional facility is to be located.

(e) Each member of the county board of commissioners in which the correctional facility is to be located.

(f) The president of the local school board of the local school district in which the correctional facility is to be located.

(g) The president of the intermediate school board of the intermediate school district in which the correctional facility is to be located.

(4) With the notice, the department shall request the chairperson of the county board of commissioners of the county in which the correctional facility is to be located and the person notified pursuant to subsection (3)(c) to create a local advisory board to assist in the identification of potential sites for the correctional facility, to act as a liaison between the department and the local community, and to ensure that the comprehensive plan is being followed by the department. The officials requested to create a local advisory board pursuant to this subsection shall serve as co-chairpersons of that local advisory board.

(5) After the requirements of subsections (1), (2), (3), and (4) are completed and the department has selected a potential site, the department shall hold a public hearing in the city, village, or township in which the potential site is located. The department shall participate in the hearing and shall make a reasonable effort to respond in writing to concerns and questions raised on the record at the hearing. The hearing shall not be held until the local advisory board created by subsection (4) has organized, or sooner than 30 days after the notice is sent pursuant to subsection (3), whichever occurs first.

(6) Hearings the department shall conduct under subsection (5) shall be open to the public and shall be held in a place available to the general public. Any person shall be permitted to attend a hearing except as otherwise provided in this section. A person shall not be required as a condition to attendance at a hearing to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance. A person shall be permitted to address the hearing under written procedures established by the department. A person shall not be excluded from a hearing except for a breach of the peace actually committed at the meeting.

(7) The following provisions shall apply with respect to public notice of hearings required under this section:

(a) A public notice shall always contain the name of the department, its telephone number, and its address.

(b) A public notice shall always be posted at the department's principal office and other locations considered appropriate by the department.

(c) The required public notice for a hearing shall be posted in the office of the county clerk of the county in which the facility is to be located and shall be published in a newspaper of general circulation in the county in which the facility is to be located.

(d) A public notice stating the date, time, and place of the hearing shall be posted at least 10 days before the hearing.

(8) Minutes of each hearing required under this section shall be kept showing the date, time, place, members of the local advisory board present, members of the local advisory board absent, and a summary of the discussions at

the hearing. The minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices pursuant to subsection (7). Copies of the minutes shall be available from the department to the public at the reasonable estimated cost for printing and copying.

(9) On the basis of the information developed by the department during the course of the site selection process, and after community concerns have been responded to by the department pursuant to subsection (5), the commission shall make a final site determination for the correctional facility. The commission shall make a finding that the site determination was made in compliance with this section. This finding and notice of final site selection shall be transmitted in writing by the commission to the local advisory board, the officials described in subsection (3), and the chairpersons of the senate and house appropriations committees.

(10) An option to lease, purchase, or use property may be obtained but shall not be exercised by the state for a correctional facility until the commission has made a final site determination and has transmitted a notice of final site selection as required in subsection (9).

History: Add. 1980, Act 303, Imd. Eff. Nov. 26, 1980

Popular Name: Department of Corrections Act