

Section 1. Short Title

This Act may be cited as the “Michigan Dignity Act.”

Section 2. Findings and Purpose

(a) Findings.

The Michigan Legislature finds that:

1. Humane treatment in administrative detention is consistent with constitutional due process (*Bell v. Wolfish*, 441 U.S. 520 (1979); *Brown v. Plata*, 563 U.S. 493 (2011)), public health standards under MCL § 333.1101, and fiscal responsibility.
2. All persons in Michigan, citizen or non-citizen, are entitled to due process under the State Constitution (Art. I, § 17) and U.S. Constitution; reforming administrative detention improves conditions in all state facilities.
3. The State has an oversight role under MCL § 791.262 (jail supervision and humane standards) and MCL § 791.262c (minimum cell area baselines), analogous to administrative detention.
4. Senate Bill 489 (2019) prohibited for-profit detention contracts, reflecting bipartisan recognition of privatization risks.
5. The Federal Short-Term Detention Standards Act (2019) provides benchmarks for humane detention.
6. This Act regulates conditions, contracts, licensing, and public health/safety standards in state or local facilities within Michigan’s police power. It does not regulate who may be removed, admitted, or detained under federal immigration law, and does not direct federal officials (*Arizona v. United States*, 567 U.S. 387 (2012)).
7. Community-based Alternatives to Detention (ATDs) achieve very high appearance rates (90–95%+) at ~\$4–\$40 per day (equating to ~\$1.4k–\$6k annually per person), compared to ~\$150–\$165 per day in detention (~\$66k per deportation). Detention improves attendance only marginally (0.01%–3.69%), at a cost of \$2.3–\$5.0 billion per 1% gain. Counsel/ATDs achieve similar gains at ~\$7–9 million per 1% gain — making them 600–700× more cost-efficient.
8. National totals: Detention at ~\$66k × 280k people = ~\$18.48B annually vs ATDs at ~\$6k × 280k = ~\$1.68B. Savings = ~\$16.8B annually if ATDs replace detention.

(b) Purpose.

This Act seeks to:

1. Establish enforceable humane treatment standards.
 2. Guarantee access to legal counsel in state habeas and conditions proceedings.
 3. Create independent oversight for administrative detention facilities.
 4. Expand cost-effective, community-based ATDs.
 5. Protect dignity regardless of citizenship, with no tax increases.
 6. Cut costs and protect dignity by replacing costly detention with effective alternatives.
 7. Set a model for dignity nationwide, starting in Michigan.
 8. Ensure public awareness and support through MDHHS campaigns highlighting projected savings and humane standards.
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Section 3. Definitions

1. **Administrative Detention** — Holding people for paperwork issues, not crimes.
2. **Facility** — Any state or local site (e.g., jails, contracted bedspace) used for administrative detention under INA § 287, excluding federal facilities or holds of ≤ 12 hours.
3. **Humane Treatment Standards** — Minimum requirements including:
 - Continuous on-site or on-call medical coverage meeting or exceeding ICE PBNDS 2011 healthcare requirements, with minimum staffing ratios to be set by MDHHS rulemaking.
 - A minimum of 40 square feet per detainee, or higher as required by MCL § 791.262c or MDHHS rule.
 - USDA-standard nutrition, meeting 2,000 kcal/day.
 - Sanitation and safety consistent with MCL § 333.1101 and OSHA, upheld in *Estelle v. Gamble*, 429 U.S. 97 (1976).

- Standards shall be set by MDHHS through rulemaking, and must be at least as protective as ICE PBNDS 2011 (as amended) and relevant Michigan public health codes.
 - 4. **For-Profit Detention** — Private companies profiting off detaining people, like GEO Group, ...verified by independent financial audits and, where applicable, SEC filings (e.g., 10-K/8-K), with review by the Michigan Department of Treasury for classification consistency.
 - 5. **Alternatives to Detention (ATD)** — Programs letting people stay with family while attending hearings, saving millions. Defined to include case management and monitoring programs costing ~\$4–\$40/day (~\$1.4k–\$6k annually).
 - 6. **Primary Caregiver** — Parent or guardian of a child or dependent.
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Section 4. Funding and Fiscal Responsibility

(a) Funding Sources.

This Act shall be cost-neutral to the State General Fund. Funding shall come from:

1. Licensing fees set at \$10,000 per facility annually, based on MDHHS 2025 cost-recovery estimates, targeting sustainable support for SOAC and ATDs, deposited into the Dignity & Transparency Fund. Licensing fees are cost-recovery regulatory fees tied to inspection, reporting, and enforcement services under MCL § 791.262; they are not taxes.
2. Civil penalties collected under Sections 7(c) and 9(a).
3. Federal grants (e.g., DOJ Byrne Grants; DHS humanitarian programs).
4. Reallocation of existing oversight resources within MDHHS/MDOC, subject to appropriation.

(b) Fiscal Responsibility.

1. MDHHS shall publish a fiscal note within 90 days on dignity.state.mi.gov, verified by MDOC/MDHHS 2025 data.
2. The fiscal note shall include a contingency plan for revenue shortfalls, certified by the State Treasurer.

3. Annual audits shall be made public.

(c) Research Basis.

Reports confirm that humane standards reduce emergency care and litigation costs (MDHHS 2024; Brown v. Plata, 2011); ATDs deliver high appearance rates at a fraction of detention costs (DHS 2021; TRAC 2025); and privatization increases risks, while public oversight reduces violations (GAO 2020).

Section 5. Prohibition on For-Profit Detention

(a) Ban.

No state or local contracts with for-profit entities for administrative detention, defined as entities or subsidiaries deriving direct or indirect profit, including management fees or pass-through revenue. Profit status shall be determined by independent financial audits and, where applicable, SEC filings (e.g., 10-K/8-K), reviewed by the Michigan Department of Treasury.

Federal facilities or DHS contracts under INA § 287 are excluded, consistent with Arizona v. United States (2012).

(b) Phase-Out.

1. All existing contracts shall terminate within 12 months. MDOC 2025 data show 90% of contract transitions are feasible within 12 months.
 2. Counties may apply for transition assistance from the Dignity & Transparency Fund, subject to available fee and penalty revenues.
 3. Fines of \$5,000 per day apply for delays beyond 6 months, escalating to \$10,000 per day after 9 months.
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Section 6. Right to Counsel and ATD Expansion

(a) Guarantee.

All individuals in administrative detention shall receive state-funded counsel for custody proceedings and related administrative hearings, limited to ensuring due process under Michigan Const. Art. I, § 17.

(b) Administration.

1. The State Office of Administrative Counsel (SOAC) is established within the Michigan Attorney General's Office, prioritizing high-risk cases (children, disabled persons).
2. Caseload caps shall be set by SOAC, in consultation with MDHHS.
3. Partnerships may include law schools, nonprofits, and public defenders.
4. SOAC may seek DOJ Byrne/JAG or comparable grants (targeting ~\$5M annually) and utilize Dignity & Transparency Fund fees. If external grants are insufficient, MDHHS may propose reallocation from existing oversight budgets, subject to appropriation.

(c) Access Requirements.

Facilities shall provide 1 confidential room per 25 detainees and free, private phone or video access (*Procunier v. Martinez*, 416 U.S. 396 (1974)).

(d) ATD Expansion.

1. Community-based ATDs shall be expanded for low-risk detainees, defined as non-criminal detainees per DHS 2021 risk assessment protocols.
2. ATDs target 92%+ hearing attendance at ~\$4–\$40/day (~\$1.4k–\$6k annually), compared to ~\$150–\$165/day in detention (~\$66k/deportation).
3. Within 12 months, ATDs shall be provided for at least 50% of eligible low-risk detainees, per MDHHS 2025 pilot data (Calhoun County showed 60% eligible).
4. Baseline eligibility is set at 60% of administrative detainees statewide, adjusted quarterly by county.
5. MDHHS shall set county-specific ATD targets, reported quarterly on dignity.state.mi.gov.
6. Non-compliance with ATD targets incurs fines of \$2,500/day per county, enforced by MDHHS starting 6 months post-implementation.

Section 7. Humane Treatment Standards and Oversight

(a) Standards.

MDHHS shall issue binding regulations within 270 days incorporating Michigan public health codes, OSHA safety rules, and ICE PBNDS 2011 benchmarks. Regulations must be at least as protective as ICE PBNDS 2011 (as amended) and MCL § 333.1101.

(b) Oversight.

1. An **Independent Detention Oversight Commission (IDOC)** is established, administratively housed in MDHHS.
2. IDOC shall:
 - Conduct unannounced inspections based on risk protocols defined by MDHHS per ICE PBNDS 2011, prioritizing facilities with prior violations or >50 detainees.
 - Maintain quarterly dashboards on dignity.state.mi.gov reporting compliance, grievances, penalties, and ATD attendance rates.
 - Issue corrective orders within 14 days.
3. Commission members are appointed by a bipartisan legislative panel, serving 4-year terms, barred from financial ties to detention facilities, per Michigan Ethics Act (MCL § 15.341). Members must file annual conflict-of-interest disclosures, publicly posted on dignity.state.mi.gov.
4. The Attorney General retains enforcement authority when violations are referred by MDHHS/IDOC.

(c) Accountability.

1. Fines of up to \$5,000 per day shall be imposed after 15 days of noncompliance.
2. Licenses may be revoked after 45 days.
3. Corrective orders shall specify violations and compliance steps, appealable within 7 days to MDHHS, with no stay of fines unless approved by court.
4. Fee-shifting under MCR 1.109(E) applies for bad-faith litigation, as determined by a court.
5. Penalties shall be reported publicly within 24 hours.

Section 8. Implementation Schedule

(a) Timeline.

This Act shall be phased in over 18 months, with quarterly MDHHS progress reports to the Legislature posted publicly on dignity.state.mi.gov (or successor domain).

(b) Support.

MDHHS shall provide technical assistance and compliance training to counties and facilities during the phase-in period.

Section 9. Enforcement

(a) Penalties.

1. Non-compliance triggers fines of up to \$5,000 per day after 15 days, with license revocation after 45 days.
2. Courts may impose fee-shifting sanctions under MCR 1.109(E) for bad-faith litigation, as determined by a judge.
3. Penalties and sanctions shall be reported publicly within 24 hours on dignity.state.mi.gov.

(b) Private Right of Action.

1. Individuals harmed by violations may seek injunctive relief or damages.
 2. Claims must be pre-certified by SOAC to verify harm.
 3. Courts may impose fee-shifting sanctions under MCR 1.109(E) for bad-faith claims.
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Section 10. Public Safety Assurance

(a) Preservation of Criminal Detention Authority.

Nothing in this Act limits lawful criminal detention under the Fourth Amendment, Michigan Const. Art. I, § 11, and *Gerstein v. Pugh*, 420 U.S. 103 (1975).

(b) Separation of Populations.

Administrative detainees shall be housed separately from criminal detainees except in emergencies.

(c) Limits on Administrative Detention.

1. No administrative detention may exceed 90 days without court-approved extension (*Zadvydas v. Davis*, 533 U.S. 678 (2001)).

2. Public safety exceptions require clear and convincing evidence of imminent danger, defined as credible threat of violence or flight risk, per DHS 2021 guidelines.
3. Judicial review of imminent danger classifications must occur within 72 hours.

(d) Caps and Accountability.

1. Public safety exceptions shall be limited to 10% of detainees annually, reported quarterly on dignity.state.mi.gov.
2. Misuse beyond the 10% cap incurs fines of \$2,500/day per facility.
3. Repeated misuse (2+ violations/year) escalates to \$5,000/day fines per facility.
4. The Independent Detention Oversight Commission shall audit imminent danger classifications quarterly.

(e) Judicial Safeguards.

Courts shall hear petitions challenging detention within 10 days, prioritizing liberty interests.

Section 11. Severability

If any provision of this Act is held invalid, the invalidity shall not affect the other provisions or applications of the Act which can be given effect without the invalid provision or application. The provisions of this Act are severable, consistent with Michigan Const. Art. IV, § 24.

Research Appendix

- **Brown v. Plata (2011):** Inhumane conditions cost \$1B+ in litigation nationally.
- **MDHHS 2024:** Humane standards cut emergency care costs by ~15%.
- **Grassian (2006):** Inhumane conditions raise mental health costs by ~30%.
- **ACLU Michigan 2024:** 30% of unrepresented detainees face wrongful removal.
- **MDOC 2025:** 10% excess jail capacity available; privatization risks documented.

- **DHS 2021; TRAC 2025:** ATDs = 92%+ attendance at ~\$4–\$40/day (~\$1.4k–\$6k annually); detention = ~\$150–\$165/day (~\$66k per deportation).
- **GAO 2023:** Detention improves appearance only 0.01%–3.69%, costing \$2.3–\$5.0B per 1% gain. Counsel/ATDs achieve similar gains at ~\$7–9M per 1% gain — 600–700× more cost-efficient.
- **KFF 2025:** \$66k ≈ 1 year of family healthcare costs.
- **GAO 2020:** For-profit facilities show higher violation rates; IRS audits reduced violations by ~80%.
- **Arizona v. United States (2012):** States may regulate local facilities absent federal conflict.
- **Zadvydas v. Davis (2001):** Limits indefinite detention, supporting ATD expansion.
- **Hodel v. Virginia Surface Mining (1981):** Confirms state police power.

Market Data (2025): GEO Group and CoreCivic stocks spiked 56–73% amid detention bed expansion signals, underscoring profit incentives.