

DRUG TREATMENT COURTS

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House Bill 5647

Sponsor: Rep. Jim Howell

House Bill 5674

Sponsor: Rep. Daniel Acciavatti

House Bill 5716

Sponsor: Rep. Andrew Meisner

Committee: Judiciary

Complete to 4-19-04

A SUMMARY OF HOUSE BILLS 5647, 5674, AND 5716 AS INTRODUCED 3-16-04, 3-23-04, AND 3-30-04

The bills are companion bills to Senate Bills 998-1000 which would amend various acts to authorize drug treatment courts. House Bills 5647 and 5674 together would make some of the same amendments to the Code of Criminal Procedure as Senate Bill 1000. All three bills are tie-barred to Senate Bill 998. Specifically, the bills would do the following:

House Bill 5647 would amend Chapter XI of the Code of Criminal Procedure (MCL 771.1 and 771.3). Currently, in an action in which a court can place a defendant on probation, the court may delay sentencing for not more than one year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation. The bill would allow the court to order participation in a drug treatment court under Chapter 10A of the Revised Judicature Act, which would be created under Senate Bill 998, during the time that sentencing was delayed. The bill would also allow a court to require a probationer, as a condition of probation, to participate in a drug court.

House Bill 5674 would amend Chapter IX of the Code of Criminal Procedure (MCL 769.4a, 769.16a, and 769.31) to include participation in a drug treatment court within the code's definition of "intermediate sanction" with respect to the application of sentencing guidelines. If an individual who was eligible for admission to a drug treatment court pled guilty to or was found guilty of a crime, the bill would allow the court, without entering a judgment of guilt, to defer sentencing and place the individual on probation in a drug treatment court program.

The bill would also allow a court to order a person into a drug court program if he or she qualified under the code for a deferral and dismissal of charges for domestic assault. A

person can only receive one discharge and dismissal under this provision of law and the Department of State Police keeps a nonpublic record of the arrest and discharge or dismissal. Copies of the record are furnished only to a court or police agency upon request in order to determine if the accused has already received a discharge and dismissal. The bill would also allow a copy to be released to county prosecutor.

Further, a clerk of a court must report the final disposition for certain crimes along with certain information on a form to the Department of State Police. The bill would also require that the clerk include on the form the sentence if imposed under Chapter 10A of the Revised Judicature Act, which would be added by Senate Bill 998.

House Bill 5716 would amend the Probate Code (MCL 712A.6 and 712A.18) to specify that the family division of a circuit court would have jurisdiction over adults as provided in Chapter 10A of the Revised Judicature Act (RJA). Chapter 10A would be added by Senate Bill 998. House Bill 5716 would also allow a court to order a juvenile under its jurisdiction to participate in a juvenile drug treatment court under Chapter 10A of the RJA.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.