



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 998 (Substitute S-4 as reported by the Committee of the Whole)
Senate Bill 999 (as reported without amendment)
Senate Bill 1000 (Substitute S-1 as reported)
Sponsor: Senator Alan L. Cropsey (S.B. 998)
 Senator Alan Sanborn (S.B. 999)
 Senator Bruce Patterson (S.B. 1000)
Committee: Judiciary

CONTENT

Senate Bill 998 (S-4) would add Chapter 10a ("Drug Courts") to the Revised Judicature Act, in order to authorize circuit and district courts to adopt drug treatment courts and authorize family courts to adopt juvenile drug treatment courts. The bill would do all of the following:

- Allow each drug treatment court (drug court) to determine an individual's admission to the court, but specify that violent offenders would not be eligible.
- Require an individual to complete a preadmission screening and evaluation assessment and agree to future assessments, in order to be eligible for the court program.
- Require an individual considered for drug court participation to plead guilty to a criminal charge or admit responsibility for a juvenile violation.
- Require a drug court participant to waive certain procedural rights, such as the right to a speedy trial and the right to counsel at drug court review hearings.
- Require a drug court to accept a guilty plea or juvenile admission of responsibility, and in some cases, defer further proceedings.
- Prohibit an individual from being admitted to, or remaining in, a drug court program under an agreement that would permit a discharge or dismissal of a criminal traffic offense.
- Require a drug court to maintain jurisdiction over an individual admitted to the court and allow drug court jurisdiction over a juvenile participant's parents or guardians.
- Allow a drug court to discharge and dismiss the proceedings against a person who successfully completed the program for the first time and who had not previously had charges deferred and dismissed under other provisions of law and had not previously pleaded guilty to a criminal traffic offense.
- Allow the court to sentence a participant on the original charges if he or she were terminated from or failed to complete the drug court program.
- Specify program evaluation requirements.
- Establish funding responsibility and financial reporting requirements.
- Allow a drug court to require participants to pay a fee of up to \$500, and costs of treatment and services.
- Create the "State Drug Treatment Court Advisory Committee".

Senate Bill 999 would amend the Public Health Code to exclude a person who had successfully completed participation in a drug treatment court from the deferral and dismissal of certain controlled substance charges.

Senate Bill 100 (S-1) would amend the Code of Criminal Procedure to:

- Authorize a court to defer sentencing and place an individual on probation in a drug court program, without entering a judgment of guilt, if the individual were eligible for a drug court program under Chapter 10a of the Revised Judicature Act.

- Allow a court to require participation in a drug court as a condition of probation.
- Include participation in a drug court within the Code's definition of "intermediate sanction" with respect to the application of sentencing guidelines.
- Exclude a person who had successfully completed participation in a drug court from designation as a youthful trainee under the Holmes Youthful Trainee Act.
- Allow a court to order a person into a drug court program if he or she qualified for a deferral and dismissal of charges for domestic assault.

Senate Bills 999 and 1000 (S-1) are tie-barred to Senate Bill 998.

Proposed MCL 600.1060-600.1082 (S.B. 998)
MCL 333.7411 (S.B. 999)
MCL 762.11 et al. (S.B. 1000)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 998 (S-4). The costs of operating a drug court are incurred by the county or local court funding unit. Depending on the extent to which existing drug courts are already keeping data, the bill could increase program costs by requiring drug courts to keep extensive data for each participant throughout treatment and for three years following completion of the program. The bill also could increase costs by requiring each drug court to participate in training.

Currently, the State appropriates \$1,567,500 in GF/GP funds, \$1,267,500 in State restricted funds, and \$3,600,000 in Federal funds for grants to support the implementation and operation of drug court programs. The bill would allow a drug court to require a participant to pay a maximum fee of \$500 plus pay all or make contributions to the cost of treatment and drug court-provided services, although this could be waived for indigent participants.

The bill also would increase State administrative costs by creating an advisory committee. Although the members would serve without compensation, the State would reimburse them for actual and necessary costs incurred while fulfilling their duties. The bill could increase costs for the Michigan State Police, as well, by expanding its record-keeping requirements.

Finally, the bill could increase both State and local revenue from court-ordered fines, costs, and fees by requiring drug court participants to pay each fully in order to complete the program successfully.

Senate Bill 999. To the extent that the bill would prevent successful drug court participants from being eligible for the deferral and dismissal provisions under Section 7411 of the Public Health Code, it could minimally increase the number of offenders who have multiple offenses on their record. This could increase the severity of the sanction and length of minimum sentence they would receive for subsequent offenses, thereby increasing State and local sentencing costs.

Senate Bill 1000 (S-1). To the extent that the bill would prohibit successful drug court participants from being eligible for youthful trainee status and the deferral and dismissal provision of criminal charges, it could minimally increase the number of offenders who have multiple offenses on their record. This could increase the severity of the sanction and length of minimum sentence they would receive for subsequent offenses, thereby increasing State and local sentencing costs.

Date Completed: 3-23-04

Fiscal Analyst: Bethany Wicksall

Floor\sb998

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.