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BILL ANALYSIS

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House Bill 5674 (as reported without amendment)
Sponsor: Representative Daniel Acciavatti
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to authorize a court to order participation in a drug treatment court as a condition of probation for the deferral of domestic assault charges. The bill also would include participation in a drug treatment court in the definition of "intermediate sanctions", and would include certain individuals assigned or deferred for drug court participation in the definition of "delayed sentence status".

Under the Code, a court may defer the proceedings against a first-time domestic assault offender, and dismiss the charges after he or she serves a probationary period. As a condition of probation, the court may require the accused to participate in a mandatory counseling program. Under the bill, the court also could order the accused to participate in a drug treatment court.

The Code requires the Department of State Police to retain a nonpublic record of a discharge or dismissal. Upon request, the State Police must furnish the report to a court or police agency for the purpose of showing that a domestic assault defendant already has had charges deferred and dismissed. Under the bill, a record also would have to be furnished for the purpose of determining whether the defendant was eligible for discharge and dismissal of proceedings by a drug treatment court. The bill also would require the State Police to give a copy of the report to a prosecuting attorney's office, upon request.

Under the Code, the court clerk must report the final disposition of criminal charges to the State Police. The report must include the sentence if it is imposed under certain sections of the law. Under the bill, the report also would have to include a sentence imposed under sections of law allowing the deferral and dismissal of charges by a drug treatment court, or the deferral and dismissal of charges against a parent for parental kidnapping or against a health care professional for practicing under the influence.

The bill is tie-barred to Senate Bill 998, which would add Chapter 10a ("Drug Courts") to the Revised Judicature Act, to authorize circuit and district courts to adopt drug treatment courts and authorize family courts to adopt juvenile drug treatment courts.

MCL 769.4a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the availability of drug court participation as an intermediate sanction would decrease the likelihood of judges' ordering incarceration, the bill could potentially decrease State and local corrections costs.

Date Completed: 6-3-04

Fiscal Analyst: Bethany Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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