

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 998
(As amended June 29, 2004)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 10A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER 10A.

2

DRUG [TREATMENT] COURTS

3

Sec. 1060. As used in this chapter:

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(a) "Dating relationship" means that term as defined in

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section 2950.

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(b) "Domestic violence offense" means any crime alleged to

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have been committed by an individual against his or her spouse or

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former spouse, an individual with whom he or she has a child in

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common, an individual with whom he or she has had a dating

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relationship, or an individual who resides or has resided in the

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same household.

1 (c) "Drug treatment court" means a court supervised treatment
2 program for individuals who abuse or are dependent upon any
3 controlled substance or alcohol. A drug treatment court should
4 comply with the 10 key components promulgated by the national
5 association of drug court professionals, which include all of the
6 following essential characteristics:

7 (i) Integration of alcohol and other drug treatment services
8 with justice system case processing.

9 (ii) Use of a nonadversarial approach by prosecution and
10 defense that promotes public safety while protecting any
11 participant's due process rights.

12 (iii) Identification of eligible participants early with
13 prompt placement in the program.

14 (iv) Access to a continuum of alcohol, drug, and other
15 related treatment and rehabilitation services.

16 (v) Monitoring of participants effectively by frequent
17 alcohol and other drug testing to ensure abstinence from drugs or
18 alcohol.

19 (vi) Use of a coordinated strategy with a regimen of
20 graduated sanctions and rewards to govern the court's responses
21 to participants' compliance.

22 (vii) Ongoing close judicial interaction with each
23 participant and supervision of progress for each participant.

24 (viii) Monitoring and evaluation of the achievement of
25 program goals and the program's effectiveness.

26 (ix) Continued interdisciplinary education in order to
27 promote effective drug court planning, implementation, and

1 operation.

2 (x) The forging of partnerships among other drug courts,
3 public agencies, and community-based organizations to generate
4 local support.

5 (d) "Participant" means an individual who is admitted into a
6 drug treatment court.

7 (e) "Prosecutor" means the prosecuting attorney of the
8 county, the city attorney, the village attorney, or the township
9 attorney.

10 (f) "Traffic offense" means a violation of the Michigan
11 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation
12 of a local ordinance substantially corresponding to a violation
13 of that act, that involves the operation of a vehicle and, at the
14 time of the violation, is a felony or misdemeanor.

15 (g) "Violent offender" means an individual who meets either
16 of the following criteria:

17 (i) Is currently charged with or has pled guilty to, or, if a
18 juvenile, is currently alleged to have committed or has admitted
19 responsibility for, an offense involving the death of or a
20 serious bodily injury to any individual, or the carrying,
21 possessing, or use of a firearm or other dangerous weapon by that
22 individual, whether or not any of these circumstances are an
23 element of the offense, or is criminal sexual conduct of any
24 degree.

25 (ii) Has 1 or more prior convictions for, or, if a juvenile,
26 has 1 or more prior findings of responsibility for, a felony
27 involving the use or attempted use of force against another

1 individual with the intent to cause death or serious bodily
2 harm.

3 Sec. 1062. (1) The circuit court in any judicial circuit or
4 the district court in any judicial district may adopt or
5 institute a drug treatment court, pursuant to statute or court
6 rules. However, the circuit or district court shall not adopt or
7 institute a drug treatment court unless the circuit or district
8 court enters into a memorandum of understanding with each
9 participating county prosecuting attorney in the circuit or
10 district court district, a representative of the criminal defense
11 bar, and a representative or representatives of community
12 treatment providers. The memorandum of understanding also may
13 include other parties considered necessary, such as any other
14 prosecutor in the circuit or district court district, local law
15 enforcement, the probation departments in that circuit or
16 district, the local substance abuse coordinating agency for that
17 circuit or district, a domestic violence service provider program
18 that receives funding from the state domestic violence prevention
19 and treatment board, and community corrections agencies in that
20 circuit or district. The memorandum of understanding shall
21 describe the role of each party.

22 (2) The family division of circuit court in any judicial
23 circuit may adopt or institute a juvenile drug treatment court,
24 pursuant to statute or court rules. However, the family division
25 of circuit court shall not adopt or institute a juvenile drug
26 treatment court unless the family division of circuit court
27 enters into a memorandum of understanding with each participating

1 county prosecuting attorney in the circuit or district court
2 district, a representative of the criminal defense bar, and a
3 representative or representatives of community treatment
4 providers. The memorandum of understanding also may include
5 other parties considered necessary, such as any other prosecutor
6 in the circuit or district court district, local law enforcement,
7 the probation departments in that circuit, the local substance
8 abuse coordinating agency for that circuit, a domestic violence
9 service provider program that receives funding from the state
10 domestic violence prevention and treatment board, and community
11 corrections agencies in that circuit. The memorandum of
12 understanding shall describe the role of each party. A juvenile
13 drug treatment court is subject to the same procedures and
14 requirements provided in this chapter for drug treatment courts
15 created under subsection (1), except as specifically provided
16 otherwise in this chapter.

17 (3) A court that is adopting a drug treatment court shall
18 participate in training as required by the state court
19 administrative office and the bureau of justice assistance of the
20 United States department of justice.

21 Sec. 1063. A drug treatment court may hire or contract with
22 licensed or accredited treatment providers, in consultation and
23 cooperation with the local substance abuse coordinating agency,
24 and other such appropriate persons to assist the drug treatment
25 court in fulfilling its requirements under this chapter, such as
26 the investigation of an individual's background or circumstances,
27 or the clinical evaluation of an individual, for his or her

1 admission into or participation in a drug treatment court.

2 Sec. 1064. (1) Each drug treatment court shall determine
3 whether an individual may be admitted to the drug treatment
4 court. No individual has a right to be admitted into a drug
5 treatment court. However, an individual is not eligible for
6 admission into a drug treatment court if he or she is a violent
7 offender.

8 (2) In addition to admission to a drug treatment court under
9 this act, an individual who is eligible for admission pursuant to
10 this act may also be admitted to a drug treatment court under any
11 of the following circumstances:

12 (a) The individual has been assigned the status of youthful
13 trainee under section 11 of chapter II of the code of criminal
14 procedure, 1927 PA 175, MCL 762.11.

15 (b) The individual has had criminal proceedings against him
16 or her deferred and has been placed on probation under any of the
17 following:

18 (i) Section 7411 of the public health code, 1978 PA 368, MCL
19 333.7411.

20 (ii) Section 4a of chapter IX of the code of criminal
21 procedure, 1927 PA 175, MCL 769.4a.

22 (iii) Section 430 of the Michigan penal code, 1931 PA 328,
23 MCL 750.430.

24 (iv) Section 350a of the Michigan penal code, 1931 PA 328,
25 MCL 750.350a.

26 (3) To be admitted to a drug treatment court, an individual
27 must cooperate with and complete a preadmissions screening and

1 evaluation assessment and must agree to cooperate with any future
2 evaluation assessment as directed by the drug treatment court. A
3 preadmission screening and evaluation assessment shall include
4 all of the following:

5 (a) A complete review of the individual's criminal history,
6 and a review of whether or not the individual has been admitted
7 to and has participated in or is currently participating in a
8 drug treatment court, whether admitted under this act or under
9 section 11 of chapter II of the code of criminal procedure, 1927
10 PA 175, MCL 762.11, section 7411 of the public health code, 1978
11 PA 368, MCL 333.7411, section 4a of chapter IX of the code of
12 criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter
13 XI of the code of criminal procedure, 1927 PA 175, MCL 771.1,
14 section 350a of the Michigan penal code, 1931 PA 328, MCL
15 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,
16 MCL 750.430, and the results of the individual's participation.
17 A review of the law enforcement information network may be
18 considered sufficient for purposes of this subdivision unless a
19 further review is warranted. The court may accept other
20 verifiable and reliable information from the prosecution or
21 defense to complete its review and may require the individual to
22 submit a statement as to whether or not he or she has previously
23 been admitted to a drug treatment court and the results of his or
24 her participation in the prior program or programs.

25 (b) An assessment of the risk of danger or harm to the
26 individual, others, or the community.

27 (c) As much as practicable, a complete review of the

1 individual's history regarding the use or abuse of any controlled
2 substance or alcohol and an assessment of whether the individual
3 abuses controlled substances or alcohol or is drug or alcohol
4 dependent. It is the intent of the legislature that this
5 assessment should be a clinical assessment as much as
6 practicable.

7 (d) A review of any special needs or circumstances of the
8 individual that may potentially affect the individual's ability
9 to receive substance abuse treatment and follow the court's
10 orders.

11 (e) For a juvenile, an assessment of the family situation
12 including, as much as practicable, a comparable review of any
13 guardians or parents.

14 (4) Except as otherwise permitted in this act, any statement
15 or other information obtained as a result of participating in a
16 preadmission screening and evaluation assessment under subsection
17 (3) is confidential and is exempt from disclosure under the
18 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
19 and shall not be used in a criminal prosecution, unless it
20 reveals criminal acts other than, or inconsistent with, personal
21 drug use.

22 (5) The court may request that the department of state police
23 provide to the court information contained in the law enforcement
24 information network pertaining to an individual applicant's
25 criminal history for the purposes of determining an individual's
26 admission into the drug treatment court and general criminal
27 history review, including whether the individual has previously

1 been admitted to and participated in a drug treatment court under
2 this act, or under section 11 of chapter II of the code of
3 criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the
4 public health code, 1978 PA 368, MCL 333.7411, section 4a of
5 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
6 769.4a, section 1 of chapter XI of the code of criminal
7 procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan
8 penal code, 1931 PA 328, MCL 750.350a, or section 430 of the
9 Michigan penal code, 1931 PA 328, MCL 750.430, and the results of
10 the individual's participation. The department of state police
11 shall provide the information requested by a drug treatment court
12 under this subsection.

13 Sec. 1066. Before an individual is admitted into a drug
14 treatment court, the court shall find on the record, or place a
15 statement in the court file pertaining to, all of the following:

16 (a) The individual is dependent upon or abusing drugs or
17 alcohol and is an appropriate candidate for participation in the
18 drug treatment court.

19 (b) The individual understands the consequences of entering
20 the drug treatment court and agrees to comply with all court
21 orders and requirements of the court's program and treatment
22 providers.

23 (c) The individual is not an unwarranted or substantial risk
24 to the safety of the public or any individual, based upon the
25 screening and assessment or other information presented to the
26 court.

27 (d) The individual is not a violent offender.

1 (e) The individual has completed a preadmission screening and
2 evaluation assessment under section 1064(3) and has agreed to
3 cooperate with any future evaluation assessment as directed by
4 the drug treatment court.

5 (f) The individual meets the requirements, if applicable,
6 under section 7411 of the public health code, 1978 PA 368, MCL
7 333.7411, section 11 of chapter II of the code of criminal
8 procedure, 1927 PA 175, MCL 762.11, section 4a of chapter IX of
9 the code of criminal procedure, 1927 PA 175, MCL 769.4a, section
10 1 of chapter XI of the code of criminal procedure, 1927 PA 175,
11 MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328,
12 MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA
13 328, MCL 750.430.

14 (g) The terms, conditions, and the duration of the agreement
15 between the parties, especially as to the outcome for the
16 participant of the drug treatment court upon successful
17 completion by the participant or termination of participation.

18 Sec. 1068. (1) If the individual being considered for
19 admission to a drug treatment court is charged in a criminal case
20 or, in the case of a juvenile, is alleged to have engaged in
21 activity that would constitute a criminal act if committed by an
22 adult, his or her admission is subject to all of the following
23 conditions:

24 (a) The offense or offenses allegedly committed by the
25 individual must be related to the abuse, illegal use, or
26 possession of a controlled substance or alcohol.

27 (b) The individual, if an adult, must plead guilty to the

1 charge or charges on the record. The individual, if a juvenile,
2 must admit responsibility for the violation or violations that he
3 or she is accused of having committed.

4 (c) The individual must waive, in writing, the right to a
5 speedy trial, the right to representation at drug treatment court
6 review hearings by an attorney, and, with the agreement of the
7 prosecutor, the right to a preliminary examination.

8 (d) The individual must sign a written agreement to
9 participate in the drug treatment court.

10 (2) The prosecutor must approve of the admission of the
11 individual into the drug treatment court in conformity with the
12 memorandum of understanding under section 1062.

13 (3) An individual shall not be admitted to, or remain in, a
14 drug treatment court pursuant to an agreement that would permit a
15 discharge or dismissal of a traffic offense upon successful
16 completion of the drug treatment court program.

17 (4) In addition to rights accorded a victim under the crime
18 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the drug
19 treatment court must permit any victim of the offense or offenses
20 of which the individual is charged, any victim of a prior offense
21 of which that individual was convicted, and members of the
22 community in which either the offenses were committed or in which
23 the defendant resides to submit a written statement to the court
24 regarding the advisability of admitting the individual into the
25 drug treatment court.

26 (5) An individual who has waived his or her right to a
27 preliminary examination and has pled guilty or, in the case of a

1 juvenile, has admitted responsibility, as part of his or her
2 application to a drug treatment court and who is not admitted to
3 a drug treatment court, shall be permitted to withdraw his or her
4 plea and is entitled to a preliminary examination or, in the case
5 of a juvenile, shall be permitted to withdraw his or her
6 admission of responsibility.

7 Sec. 1070. (1) Upon admitting an individual into a drug
8 treatment court, all of the following apply:

9 (a) For an individual who is admitted to a drug treatment
10 court based upon having criminal charges currently filed against
11 him or her, the court shall accept the plea of guilty or, in the
12 case of a juvenile, the admission of responsibility.

13 (b) For an individual who pled guilty to, or admitted
14 responsibility for, criminal charges for which he or she was
15 admitted into the drug treatment court, the court shall do either
16 of the following:

17 (i) In the case of an individual who pled guilty to an
18 offense that is not a traffic offense and who may be eligible for
19 discharge and dismissal pursuant to the agreement with the court
20 and prosecutor upon successful completion of the drug treatment
21 court program, the court shall not enter a judgment of guilt or,
22 in the case of a juvenile, shall not enter an adjudication of
23 responsibility.

24 (ii) In the case of an individual who pled guilty to a
25 traffic offense or who pled guilty to an offense but may not be
26 eligible for discharge and dismissal pursuant to the agreement
27 with the court and prosecutor upon successful completion of the

1 drug treatment court program, the court shall enter a judgment of
2 guilt or, in the case of a juvenile, shall enter an adjudication
3 of responsibility.

4 (c) Pursuant to the agreement with the individual and the
5 prosecutor, the court may either defer further proceedings as
6 provided in section 1 of chapter XI of the code of criminal
7 procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as
8 applicable in that case pursuant to that agreement, and place the
9 individual on probation or other court supervision in the drug
10 treatment court program with terms and conditions according to
11 the agreement and as deemed necessary by the court.

12 (2) The court shall maintain jurisdiction over the drug
13 treatment court participant as provided in this act until final
14 disposition of the case, but not longer than the probation period
15 fixed under section 2 of chapter XI of the code of criminal
16 procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile
17 participant, the court may obtain jurisdiction over any parents
18 or guardians of the juvenile in order to assist in ensuring the
19 juvenile's continued participation and successful completion of
20 the drug treatment court, and may issue and enforce any
21 appropriate and necessary order regarding the parent or guardian
22 of a juvenile participant.

23 (3) The drug treatment court shall cooperate with, and act in
24 a collaborative manner with, the prosecutor, defense counsel,
25 treatment providers, the local substance abuse coordinating
26 agency for that circuit or district, probation departments, and,
27 to the extent possible, local law enforcement, the department of

1 corrections, and community corrections agencies.

2 (4) The drug treatment court may require an individual
3 admitted into the court to pay a reasonable drug court fee that
4 is reasonably related to the cost to the court for administering
5 the drug treatment court program as provided in the memorandum of
6 understanding under section 1062. The clerk of the drug
7 treatment court shall transmit the fees collected to the
8 treasurer of the local funding unit at the end of each month.

9 (5) The drug treatment court may request that the department
10 of state police provide to the court information contained in the
11 law enforcement information network pertaining to an individual
12 applicant's criminal history for purposes of determining the
13 individual's compliance with all court orders. The department of
14 state police shall provide the information requested by a drug
15 treatment court under this subsection.

16 Sec. 1072. (1) A drug treatment court shall provide a drug
17 court participant with all of the following:

18 (a) Consistent, continual, and close monitoring of the
19 participant and interaction among the court, treatment providers,
20 probation, and the participant.

21 (b) Mandatory periodic and random testing for the presence of
22 any controlled substance or alcohol in a participant's blood,
23 urine, or breath, using to the extent practicable the best
24 available, accepted, and scientifically valid methods.

25 (c) Periodic evaluation assessments of the participant's
26 circumstances and progress in the program.

27 (d) A regimen or strategy of appropriate and graduated but

1 immediate rewards for compliance and sanctions for noncompliance,
2 including, but not limited to, the possibility of incarceration
3 or confinement.

4 (e) Substance abuse treatment services, relapse prevention
5 services, education, and vocational opportunities as appropriate
6 and practicable.

7 (2) Any statement or other information obtained as a result
8 of participating in assessment, treatment, or testing while in a
9 drug treatment court is confidential and is exempt from
10 disclosure under the freedom of information act, 1976 PA 442, MCL
11 15.231 to 15.246, and shall not be used in a criminal
12 prosecution, unless it reveals criminal acts other than, or
13 inconsistent with, personal drug use.

14 Sec. 1074. (1) In order to continue to participate in and
15 successfully complete a drug treatment court program, an
16 individual shall comply with all of the following:

17 (a) Pay all court ordered fines and costs, including minimum
18 state costs.

19 (b) Pay the drug treatment court fee allowed under section
20 1070(4).

21 (c) Pay all court ordered restitution.

22 (d) Pay all crime victims rights assessments under section 5
23 of 1989 PA 196, MCL 780.905.

24 (e) Comply with all court orders, violations of which may be
25 sanctioned according to the court's discretion.

26 (2) The drug treatment court must be notified if the
27 participant is accused of a new crime, and the judge shall

1 consider whether to terminate the participant's participation in
2 the drug treatment program in conformity with the memorandum of
3 understanding under section 1062. If the participant is
4 convicted of a felony for an offense that occurred after the
5 defendant is admitted to drug treatment court, the judge shall
6 terminate the participant's participation in the program.

7 (3) The court shall require that a participant pay all fines,
8 costs, the fee, restitution, and assessments described in
9 subsection (1)(a) to (d) and pay all, or make substantial
10 contributions toward payment of, the costs of the treatment and
11 the drug treatment court program services provided to the
12 participant, including, but not limited to, the costs of
13 urinalysis and such testing or any counseling provided. However,
14 if the court determines that the the payment of fines, the fee,
15 or costs of treatment under this subsection would be a
16 substantial hardship for the individual or would interfere with
17 the individual's substance abuse treatment, the court may waive
18 all or part of those fines, the fee, or costs of treatment.

19 Sec. 1076. (1) Upon completion or termination of the drug
20 treatment court program, the court shall find on the record or
21 place a written statement in the court file as to whether the
22 participant completed the program successfully or whether the
23 individual's participation in the program was terminated and, if
24 it was terminated, the reason for the termination.

25 (2) For a participant who successfully completes probation or
26 other court supervision and whose proceedings were deferred or
27 who was sentenced pursuant to section 1070, the court shall

1 comply with the agreement made with the participant upon
2 admission into the drug treatment court, or the agreement as it
3 was altered after admission by the court with approval of the
4 participant and the prosecutor for that jurisdiction as provided
5 in subsections (3) to (8).

6 (3) If an individual is participating in a drug treatment
7 court under section 11 of chapter II of the code of criminal
8 procedure, 1927 PA 175, MCL 762.11, section 7411 of the public
9 health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX
10 of the code of criminal procedure, 1927 PA 175, MCL 769.4a,
11 section 350a of the Michigan penal code, 1931 PA 328, MCL
12 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,
13 MCL 750.430, the court shall proceed pursuant to the applicable
14 section of law. There may only be 1 discharge or dismissal under
15 this subsection.

16 (4) Except as provided in subsection (5), the court, with the
17 agreement of the prosecutor and in conformity with the terms and
18 conditions of the memorandum of understanding under section 1062,
19 may discharge and dismiss the proceedings against an individual
20 who meets all of the following criteria:

21 (a) The individual has participated in a drug treatment court
22 for the first time.

23 (b) The individual has successfully completed the terms and
24 conditions of the drug treatment court program.

25 (c) The individual is not required by law to be sentenced to
26 a correctional facility for the crimes to which he or she has
27 pled guilty.

1 (d) The individual is not currently charged with and has not
2 pled guilty to a traffic offense.

3 (e) The individual has not previously been subject to more
4 than 1 of any of the following:

5 (i) Assignment to the status of youthful trainee under
6 section 11 of chapter II of the code of criminal procedure, 1927
7 PA 175, MCL 762.11.

8 (ii) The dismissal of criminal proceedings against him or her
9 under section 7411 of the public health code, 1978 PA 368, MCL
10 333.7411, section 4a of chapter IX of the code of criminal
11 procedure, 1927 PA 175, MCL 769.4a, section 350a of the Michigan
12 penal code, 1931 PA 328, MCL 750.350a, or section 430 of the
13 Michigan penal code, 1931 PA 328, MCL 750.430.

14 (5) The court may grant a discharge and dismissal of a
15 domestic violence offense only if all of the following
16 circumstances apply:

17 (a) The individual has not previously had proceedings
18 dismissed under section 4a of chapter IX of the code of criminal
19 procedure, 1927 PA 175, MCL 769.4a.

20 (b) The domestic violence offense is eligible to be dismissed
21 under section 4a of chapter IX of the code of criminal procedure,
22 1927 PA 175, MCL 769.4a.

23 (c) The individual fulfills the terms and conditions imposed
24 under section 4a of chapter IX of the code of criminal procedure,
25 1927 PA 175, MCL 769.4a, and the discharge and dismissal of
26 proceedings are processed and reported under section 4a of
27 chapter IX of the code of criminal procedure, 1927 PA 175, MCL

1 769.4a.

2 (6) A discharge and dismissal under subsection (4) shall be
3 without adjudication of guilt or, for a juvenile, without
4 adjudication of responsibility and are not a conviction or a
5 finding of responsibility for purposes of this section or for
6 purposes of disqualifications or disabilities imposed by law upon
7 conviction of a crime or, for a juvenile, a finding of
8 responsibility. There may only be 1 discharge and dismissal
9 under subsection (4) for an individual. The court shall send a
10 record of the discharge and dismissal to the criminal justice
11 information center of the department of state police, and the
12 department of state police shall enter that information into the
13 law enforcement information network with an indication of
14 participation by the individual in a drug treatment court. All
15 records of the proceedings regarding the participation of the
16 individual in the drug treatment court pursuant to subsection (4)
17 are closed to public inspection, and are exempt from public
18 disclosure under the freedom of information act, 1976 PA 442, MCL
19 15.231 to 15.246, but shall be open to the courts of this state,
20 another state, or the United States, the department of
21 corrections, law enforcement personnel, and prosecutors only for
22 use in the performance of their duties or to determine whether an
23 employee of the court, department, law enforcement agency, or
24 prosecutor's office has violated his or her conditions of
25 employment or whether an applicant meets criteria for employment
26 with the court, department, law enforcement agency, or
27 prosecutor's office. The records and identifications division of

1 the department of state police shall retain a nonpublic record of
2 an arrest and the discharge and dismissal under this subsection.

3 (7) Except as provided in subsection (3), (4), or (5), if an
4 individual has successfully completed probation or other court
5 supervision, the court shall do the following:

6 (a) If the court has not already entered an adjudication of
7 guilt or responsibility, enter an adjudication of guilt or, in
8 the case of a juvenile, enter a finding or adjudication of
9 responsibility.

10 (b) If the court has not already sentenced the individual,
11 proceed to sentencing or, in the case of a juvenile, disposition
12 pursuant to the agreement.

13 (c) Send a record of the conviction and sentence or the
14 finding or adjudication of responsibility and disposition to the
15 criminal justice information center of the department of state
16 police. The department of state police shall enter that
17 information into the law enforcement information network with an
18 indication of successful participation by the individual in a
19 drug treatment court.

20 (8) For a participant whose participation is terminated or
21 who fails to successfully complete the drug treatment court
22 program, the court shall enter an adjudication of guilt, or, in
23 the case of a juvenile, a finding of responsibility, if the
24 entering of guilt or adjudication of responsibility was deferred
25 pursuant to section 1070, and shall then proceed to sentencing or
26 disposition of the individual for the original charges to which
27 the individual pled guilty or, if a juvenile, to which the

1 juvenile admitted responsibility prior to admission to the drug
2 treatment court. Upon sentencing or disposition of the
3 individual, the court shall send a record of that sentence or
4 disposition and the individual's unsuccessful participation in
5 the drug treatment court to the criminal justice information
6 center of the department of state police, and the department of
7 state police shall enter that information into the law
8 enforcement information network, with an indication that the
9 individual unsuccessfully participated in a drug treatment
10 court.

11 Sec. 1078. (1) Each drug treatment court shall collect and
12 provide data on each individual applicant and participant and the
13 entire program as required by the state court administrative
14 office.

15 (2) Each drug treatment court shall maintain files or
16 databases on each individual applicant or referral who is denied
17 or refused admission to the program, including the reasons for
18 the denial or rejection, the criminal history of the applicant,
19 the preadmission evaluation and assessment, and other demographic
20 information as required by the state court administrative
21 office.

22 (3) Each drug treatment court shall maintain files or
23 databases on each individual participant in the program for
24 review and evaluation as well as treatment, as directed by the
25 state court administrative office. The information collected for
26 evaluation purposes must include a minimum standard data set
27 developed and specified by the state court administrative

1 office. This information should be maintained in the court files
2 or otherwise accessible by the courts and the state court
3 administrative office and, as much as practicable, should include
4 all of the following:

5 (a) Location and contact information for each individual
6 participant, both upon admission and termination or completion of
7 the program for follow-up reviews, and third party contact
8 information.

9 (b) Significant transition point dates, including dates of
10 referral, enrollment, new court orders, violations, detentions,
11 changes in services or treatments provided, discharge for
12 completion or termination, any provision of after-care, and
13 after-program recidivism.

14 (c) The individual's precipitating offenses and significant
15 factual information, source of referral, and all drug treatment
16 court evaluations and assessments.

17 (d) Treatments provided, including intensity of care or
18 dosage, and their outcomes.

19 (e) Other services or opportunities provided to the
20 individual and resulting use by the individual, such as education
21 or employment and the participation of and outcome for that
22 individual.

23 (f) Reasons for discharge, completion, or termination of the
24 program.

25 (4) As directed by the state court administrative office,
26 after an individual is discharged either upon completion or
27 termination of the program, the drug treatment court should

1 conduct, as much as practicable, follow-up contacts with and
2 reviews of participants for key outcome indicators, such as drug
3 use, recidivism, and employment, as frequently and for a period
4 of time determined by the state court administrative office based
5 upon the nature of the drug treatment court and the nature of the
6 participant. These follow-up contacts and reviews of former
7 participants are not extensions of the court's jurisdiction over
8 the individuals.

9 (5) Each drug treatment court shall provide to the state
10 court administrative office all information requested by the
11 state court administrative office.

12 (6) With the approval and at the discretion of the supreme
13 court, the state court administrative office shall be responsible
14 for evaluating and collecting data on the performance of drug
15 treatment courts in this state as follows:

16 (a) The state court administrative office shall provide an
17 annual review of the performance of drug treatment courts in this
18 state to the minority and majority party leaders in the senate
19 and house of representatives, the state drug treatment court
20 advisory board created under section 1082, the governor, and the
21 supreme court.

22 (b) The state court administrative office shall provide
23 standards for drug treatment courts in this state including, but
24 not limited to, developing a list of approved measurement
25 instruments and indicators for data collection and evaluation.
26 These standards must provide comparability between programs and
27 their outcomes.

1 (c) The state court administrative office's evaluation plans
2 should include appropriate and scientifically valid research
3 designs, which, as soon as practicable, should include the use of
4 comparison and control groups.

5 (7) The information collected under this section regarding
6 individual applicants to drug treatment court programs for the
7 purpose of application to that program and participants who have
8 successfully completed drug treatment courts shall be exempt from
9 disclosure under the freedom of information act, 1976 PA 442, MCL
10 15.231 to 15.246.

11 Sec. 1080. (1) The supreme court is responsible for the
12 expenditure of state funds for the establishment and operation of
13 drug treatment courts. Federal funds provided to the state for
14 the operation of drug treatment courts shall be distributed by
15 the department of community health or the appropriate state
16 agency as otherwise provided by law.

17 (2) The state treasurer may receive money or other assets
18 from any source for deposit into the appropriate state fund or
19 funds for the purposes described in subsection (1).

20 (3) Each drug treatment court shall report quarterly to the
21 state court administrative office on the funds received and
22 expended by that drug treatment court, in a manner prescribed by
23 the state court administrative office.

24 Sec. 1082. (1) A state drug treatment court advisory
25 committee is created in the legislative council. The state drug
26 treatment court advisory committee consists of the following
27 members:

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5 (a)] The state court administrator or his or her designee.

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11 (b) Sixteen] members appointed jointly by the speaker of the
12 house of representatives and the senate majority leader, as
13 follows:

[(i) A circuit court judge who has presided for at least 2 years over
a drug treatment court.

[(ii) A district court judge who has presided for at least 2 years
over a drug treatment court.

14 [(iii)] A judge of the family division of circuit court who has
15 presided for at least 2 years over a juvenile drug treatment
16 court program.

17 [(iv)] A circuit or district court judge who has presided for
18 at least 2 years over an alcohol treatment court.

19 [(v)] A court administrator who has worked for at least 2
20 years with a drug or alcohol treatment court.

21 [(vi)] A prosecuting attorney who has worked for at least 2
22 years with a drug or alcohol treatment court.

23 [(vii)] An individual representing law enforcement in a
24 jurisdiction that has had a drug or alcohol treatment court for
25 at least 2 years.

26 [(viii)] An individual representing drug treatment providers who
27 has worked at least 2 years with a drug or alcohol treatment

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1 court.

2 [(ix)] An individual representing defense attorneys, who has
3 worked for at least 2 years with drug or alcohol treatment
4 courts.

5 [(x)] An individual who has successfully completed a drug
6 treatment court program.

7 [(xi)] An individual who has successfully completed a juvenile
8 drug treatment court program.

9 [(xii)] An individual who is an advocate for the rights of crime
10 victims.

11 [(xiii)] An individual representing the Michigan association of
12 drug court professionals.

13 [(xiv)] An individual who is a probation officer and has worked
14 for at least 2 years for a drug or alcohol treatment court.

15 [(xv)] An individual representing a substance abuse
16 coordinating agency.

17 [(xvi)] An individual representing domestic violence service
18 provider programs that receive funding from the state domestic
19 violence prevention and treatment board.

20 (2) Members of the advisory committee shall serve without
21 compensation. However, members of the advisory committee may be
22 reimbursed for their actual and necessary expenses incurred in
23 the performance of their duties as members of the advisory
24 committee.

25 (3) Members of the advisory committee shall serve for terms
26 of 4 years each, except that the members first appointed shall
27 serve terms as follows:

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1 (a) The members appointed under subsection [(1)(b)(i) to (v)]
2 shall serve terms of 4 years each.

3 (b) The members appointed under subsection [(1)(b)(vi) to
4 (x)] shall serve terms of 3 years each.

5 (c) The members appointed under subsection [(1)(b)(xi) to
6 (xvi)] shall serve terms of 2 years each.

7 (4) If a vacancy occurs in an appointed membership on the
8 advisory committee, the appointing authority shall make an
9 appointment for the unexpired term in the same manner as the
10 original appointment.

11 (5) The appointing authority may remove an appointed member
12 of the advisory committee for incompetency, dereliction of duty,
13 malfeasance, misfeasance, or nonfeasance in office, or any other
14 good cause.

15 (6) The first meeting of the advisory committee shall be
16 called by the speaker of the house of representatives and the
17 senate majority leader. At the first meeting, the advisory
18 committee shall elect from among its members a chairperson and
19 other officers as it considers necessary or appropriate. After
20 the first meeting, the advisory committee shall meet at least
21 quarterly, or more frequently at the call of the chairperson or
22 if requested by [9] or more members.

23 (7) A majority of the members of the advisory committee
24 constitute a quorum for the transaction of business at a meeting
25 of the advisory committee. A majority of the members present and
26 serving are required for official action of the advisory
27 committee.

1 (8) The business that the advisory committee may perform
2 shall be conducted at a public meeting of the advisory committee
3 held in compliance with the open meetings act, 1976 PA 267, MCL
4 15.261 to 15.275.

5 (9) A writing prepared, owned, used, in the possession of, or
6 retained by the advisory committee in the performance of an
7 official function is subject to the freedom of information act,
8 1976 PA 442, MCL 15.231 to 15.246.

9 (10) The advisory committee shall monitor the effectiveness
10 of drug treatment courts and the availability of funding for
11 those courts and shall present annual recommendations to the
12 legislature and supreme court regarding proposed statutory
13 changes regarding drug treatment courts.

14 Enacting section 1. This amendatory act takes effect
15 January 1, 2005.