

SUBSTITUTE FOR
SENATE BILL NO. 998

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 COURTS

3 Sec. 1060. As used in this chapter:

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

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

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

4 (iii) Identification of eligible participants early with
5 prompt placement in the program.

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

8 (v) Monitoring of participants effectively by frequent
9 alcohol and other drug testing to ensure abstinence from drugs or
10 alcohol.

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

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

16 (viii) Monitoring and evaluation of the achievement of
17 program goals and the program's effectiveness.

18 (ix) Continued interdisciplinary education in order to
19 promote effective drug court planning, implementation, and
20 operation.

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

24 (b) "Participant" means an individual who is admitted into a
25 drug treatment court.

26 (c) "Traffic offense" means <a violation of the Michigan vehicle
27 code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local

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1 ordinance substantially corresponding to a violation of that act, that
involves the operation of a vehicle and, at the time of the violation, is
a felony or misdemeanor.>>

2 (d) "Violent offender" means an individual who meets either
3 of the following criteria:

4 (i) Is currently charged with or has pled guilty to, or, if a
5 juvenile, is currently alleged to have committed or has admitted
6 responsibility for, an offense involving the death of or a
7 serious bodily injury to any individual, or the carrying,
8 possessing, or use of a firearm or other dangerous weapon by that
9 individual, or the use or attempted use of force against another
10 individual, whether or not any of these circumstances are an
11 element of the offense, or is criminal sexual conduct of any
12 degree.

13 (ii) Has 1 or more prior convictions for, or, if a juvenile,
14 has 1 or more prior findings of responsibility for, a felony
15 involving the use or attempted use of force against another
16 individual with the intent to cause death or serious bodily
17 harm.

18 Sec. 1062. (1) The circuit court in any judicial circuit or
19 the district court in any judicial district may adopt or
20 institute a drug treatment court, pursuant to statute or court
21 rules. However, the circuit or district court shall not adopt or
22 institute a drug treatment court unless the circuit or district
23 court enters into a memorandum or agreement of understanding with
24 the prosecutor, a representative or representatives of community
25 treatment providers, and probation departments in that circuit or
26 district. The agreement also may include other parties
27 considered necessary, such as local law enforcement, defense

1 counsel, the local substance abuse coordinating agency for that
2 circuit or district, and community corrections agencies in that
3 circuit or district. The agreement shall describe the role of
4 each party.

5 (2) The family division of circuit court in any judicial
6 circuit may adopt or institute a juvenile drug treatment court,
7 pursuant to statute or court rules. However, the family division
8 of circuit court shall not adopt or institute a juvenile drug
9 treatment court unless the family division of circuit court
10 enters into a memorandum or agreement of understanding with the
11 prosecutor, a representative or representatives of community
12 treatment providers, and probation departments in that circuit.
13 The agreement also may include other parties considered
14 necessary, such as local law enforcement, defense counsel, the
15 local substance abuse coordinating agency for that circuit, and
16 community corrections agencies in that circuit. The agreement
17 shall describe the role of each party. A juvenile drug treatment
18 court is subject to the same procedures and requirements provided
19 in this chapter for drug treatment courts created under
20 subsection (1), except as specifically provided otherwise in this
21 chapter.

22 (3) A court that is adopting a drug treatment court shall
23 participate in training as required by the state court
24 administrative office and the bureau of justice assistance of the
25 United States department of justice.

26 Sec. 1063. A drug treatment court may hire or contract with
27 licensed treatment providers, in consultation and cooperation

1 with the local substance abuse coordinating agency, and other
2 such appropriate persons to assist the drug treatment court in
3 fulfilling its requirements under this chapter, such as the
4 investigation of an individual's background or circumstances, or
5 the clinical evaluation of an individual, for his or her
6 admission into or participation in a drug treatment court.

7 Sec. 1064. (1) Each drug treatment court shall determine
8 whether an individual may be admitted to the drug treatment
9 court. No individual has a right to be admitted into a drug
10 treatment court. However, an individual is not eligible for
11 admission into a drug treatment court if he or she is a violent
12 offender.

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

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

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

23 (i) Section 7411 of the public health code, 1978 PA 368, MCL
24 333.7411.

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

27 (iii) Section 430 of the Michigan penal code, 1931 PA 328,

1 MCL 750.430.

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

4 (3) To be admitted to a drug treatment court, an individual
5 must cooperate with and complete a preadmissions screening and
6 evaluation assessment and must agree to cooperate with any future
7 evaluation assessment as directed by the drug treatment court. A
8 preadmission screening and evaluation assessment shall include
9 all of the following:

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

1 been admitted to a drug treatment court and the results of his or
2 her participation in the prior program or programs.

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

5 (c) As much as practicable, a complete review of the
6 individual's history regarding the use or abuse of any controlled
7 substance or alcohol and an assessment of whether the individual
8 abuses controlled substances or alcohol or is drug or alcohol
9 dependent. It is the intent of the legislature that this
10 assessment should be a clinical assessment as much as
11 practicable.

12 (d) A review of any special needs or circumstances of the
13 individual that may potentially affect the individual's ability
14 to receive substance abuse treatment and follow the court's
15 orders.

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

19 (4) Except as otherwise permitted in this act, any statement
20 or other information obtained as a result of participating in an
21 evaluation or assessment for a drug treatment court is
22 confidential and is exempt from disclosure under the freedom of
23 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
24 be used in a criminal prosecution, unless it reveals criminal
25 acts other than, or inconsistent with, personal drug use.

26 (5) The court may request that the department of state police
27 provide to the court information contained in the law enforcement

1 information network pertaining to an individual applicant's
2 criminal history for the purposes of determining an individual's
3 admission into the drug treatment court and general criminal
4 history review, including whether the individual has previously
5 been admitted to and participated in a drug treatment court under
6 this act, or under section 11 of chapter II of the code of
7 criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the
8 public health code, 1978 PA 368, MCL 333.7411, section 4a of
9 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
10 769.4a, section 1 of chapter XI of the code of criminal
11 procedure, 1927 PA 175, MCL 771.1, 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, and the results of
14 the individual's participation. The department of state police
15 shall provide the information requested by a drug treatment court
16 under this subsection.

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

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

23 (b) The individual understands the consequences of entering
24 the drug treatment court and agrees to comply with all court
25 orders and requirements of the court's program and treatment
26 providers.

27 (c) The individual is not an unwarranted or substantial risk

1 to the safety of the public or any individual, based upon the
2 screening and assessment or other information presented to the
3 court.

4 (d) The individual meets the requirements of section 1064(3)
5 or, if applicable, section 7411 of the public health code, 1978
6 PA 368, MCL 333.7411, section 11 of chapter II of the code of
7 criminal procedure, 1927 PA 175, MCL 762.11, section 4a of
8 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
9 769.4a, section 1 of chapter XI of the code of criminal
10 procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan
11 penal code, 1931 PA 328, MCL 750.350a, or section 430 of the
12 Michigan penal code, 1931 PA 328, MCL 750.430.

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

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

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

26 (b) The individual, if an adult, must plead guilty to the
27 charge or charges on the record. The individual, if a juvenile,

1 must admit responsibility for the violation or violations that he
2 or she is accused of having committed.

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

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

9 (2) The prosecutor must approve of the guilty plea or, in the
10 case of a juvenile, the admission of responsibility. The
11 prosecutor also must approve of the admission of the individual
12 into the drug treatment court and the agreement for disposition
13 upon completion or termination of the drug treatment court
14 program.

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

19 (4) The drug treatment court must permit any victim of the
20 offense or offenses of which the individual is charged, any
21 victim of a prior offense of which that individual was convicted,
22 and members of the community in which either the offenses were
23 committed or in which the defendant resides to submit a written
24 statement to the court regarding the advisability of admitting
25 the individual into the 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 criminal charges for
14 which he or she was admitted into the drug treatment court, the
15 court shall do either of the following:

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

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

1 guilt or, in the case of a juvenile, shall enter an adjudication
2 of responsibility.

3 (c) Pursuant to the agreement with the individual and the
4 prosecuting attorney, the court may either defer further
5 proceedings as provided in section 1 of chapter XI of the code of
6 criminal procedure, 1927 PA 175, MCL 771.1, or proceed to
7 sentencing, as applicable in that case pursuant to that
8 agreement, and place the individual on probation or other court
9 supervision in the drug treatment court program with terms and
10 conditions according to the agreement and as deemed necessary by
11 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 fee of not more than \$500.00.
4 The clerk of the drug treatment court shall transmit the fees
5 collected to the treasurer of the local funding unit at the end
6 of each month.

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

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

16 (a) Consistent, continual, and close monitoring of
17 participant and interaction between court, treatment providers,
18 probation, and participant.

19 (b) Mandatory periodic and random testing for the presence of
20 any controlled substance or alcohol in a participant's blood,
21 urine, or breath, using best common practices of the industry and
22 accepted scientifically valid methods.

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

25 (d) A regimen or strategy of appropriate and graduated but
26 immediate rewards for compliance and sanctions for noncompliance,
27 including, but not limited to, the possibility of incarceration

1 or confinement.

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

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

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

15 (a) Pay all court ordered fines, costs, or fees pursuant to
16 subsection (2).

17 (b) Pay all court ordered restitution or crime victims rights
18 assessments under section 5 of 1989 PA 196, MCL 780.905.

19 (c) Comply with all court orders, violations of which may be
20 sanctioned according to the court's discretion.

21 (d) Not be charged with, or convicted of, any new crime. A
22 violation of this subdivision shall be sanctioned according to
23 the agreement with the participant.

24 (2) The court shall require that a participant pay for all
25 fines and the drug treatment court fee allowed under section
26 1070(3) and pay all, or make substantial contributions toward
27 payment of, the costs of the treatment and the drug court program

1 services provided to the participant, including, but not limited
2 to, the costs of urinalysis and such testing or any counseling
3 provided. However, if the court determines that the payment of
4 fines, fees, or costs of treatment under this subsection would be
5 a substantial hardship for the individual or would interfere with
6 the individual's substance abuse treatment, the court may waive
7 all or part of those fines, fees, or costs.

8 Sec. 1076. (1) Upon completion or termination of the drug
9 treatment court program, the court shall find on the record or
10 place a written statement in the court file as to whether the
11 participant completed the program successfully or whether the
12 individual's participation in the program was terminated and, if
13 it was terminated, the reason for the termination.

14 (2) For a participant who successfully completes probation or
15 other court supervision and whose proceedings were deferred or
16 who was sentenced pursuant to section 1070, the court shall
17 comply with the agreement made with the participant upon
18 admission into the drug treatment court, or the agreement as it
19 was altered after admission by the court with approval of the
20 participant and the prosecutor for that jurisdiction as provided
21 in subsections (3) to (7).

22 (3) If an individual is participating in a drug treatment
23 court under section 11 of chapter II of the code of criminal
24 procedure, 1927 PA 175, MCL 762.11, section 7411 of the public
25 health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX
26 of the code of criminal procedure, 1927 PA 175, MCL 769.4a,
27 section 350a of the Michigan penal code, 1931 PA 328, MCL

1 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,
2 MCL 750.430, the court shall proceed pursuant to the applicable
3 section of law. There may only be 1 discharge or dismissal under
4 this subsection.

5 (4) The court may discharge and dismiss the proceedings
6 against an individual who meets all of the following criteria:

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

9 (b) The individual is not required by law to be sentenced to
10 a correctional facility for the crimes to which he or she has
11 pled guilty.

12 (c) The individual is not currently charged with and has not
13 pled guilty to a traffic offense.

14 (d) The individual has not previously been subject to more
15 than 1 of any of the following:

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

19 (ii) The dismissal of criminal proceedings against him or her
20 under section 7411 of the public health code, 1978 PA 368, MCL
21 333.7411, section 4a of chapter IX of the code of criminal
22 procedure, 1927 PA 175, MCL 769.4a, section 350a of the Michigan
23 penal code, 1931 PA 328, MCL 750.350a, or section 430 of the
24 Michigan penal code, 1931 PA 328, MCL 750.430.

25 (5) A discharge and dismissal under subsection (4) shall be
26 without adjudication of guilt or, for a juvenile, without
27 adjudication of responsibility and are not a conviction or a

1 finding of responsibility for purposes of this section or for
2 purposes of disqualifications or disabilities imposed by law upon
3 conviction of a crime or, for a juvenile, a finding of
4 responsibility. There may only be 1 discharge and dismissal
5 under subsection (4) for an individual. The court shall send a
6 record of the discharge and dismissal to the criminal justice
7 information center of the department of state police, and the
8 department of state police shall enter that information into the
9 law enforcement information network with an indication of
10 participation by the individual in a drug treatment court. All
11 records of the proceedings regarding the participation of the
12 individual in the drug treatment court pursuant to subsection (4)
13 are closed to public inspection, and are exempt from public
14 disclosure under the freedom of information act, 1976 PA 442, MCL
15 15.231 to 15.246, but shall be open to the courts of this state,
16 another state, or the United States, the department of
17 corrections, law enforcement personnel, and prosecutors only for
18 use in the performance of their duties or to determine whether an
19 employee has violated his or her conditions of employment or
20 whether an applicant meets criteria for employment. The records
21 and identifications division of the department of state police
22 shall retain a nonpublic record of an arrest and conviction under
23 this subsection.

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

27 (a) If the court has not already entered an adjudication of

1 guilt or responsibility, enter an adjudication of guilt or, in
2 the case of a juvenile, enter a finding or adjudication of
3 responsibility.

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

7 (c) Send a record of the conviction and sentence or the
8 finding or adjudication of responsibility and disposition to the
9 criminal justice information center of the department of state
10 police. The department of state police shall enter that
11 information into the law enforcement information network with an
12 indication of successful participation by the individual in a
13 drug treatment court.

14 (7) For an individual who has been adjudicated guilty or, in
15 the case of a juvenile, found responsible under subsection (6)
16 and has been admitted to a drug treatment court for the first
17 time, who has not been adjudicated guilty of a traffic offense as
18 defined in section 11 of chapter II of the code of criminal
19 procedure, 1927 PA 175, MCL 762.11, and who is not required by
20 law to be sentenced to a correctional facility for the crimes to
21 which he or she has pled guilty, the court may, if allowed under
22 the agreement with the individual, order that all records of
23 proceedings regarding the disposition of the criminal charge and
24 participation in drug treatment court be closed to public
25 inspection and be exempt from disclosure under the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246. However,
27 those records shall be open to the courts of this state or

1 another state, the department of corrections, law enforcement
2 personnel, and prosecutors only for use in the performance of
3 their duties or to determine whether an employee has violated his
4 or her conditions of employment or whether an applicant meets
5 criteria for employment. If the records of the proceedings are
6 ordered by the court to be closed to the public as part of the
7 agreement, the records and identifications division of the
8 department of state police shall retain a nonpublic record of an
9 arrest and conviction for an individual described in this
10 subsection.

11 (8) For a participant whose participation is terminated or
12 who fails to successfully complete the drug treatment court
13 program, the court shall enter an adjudication of guilt, or, in
14 the case of a juvenile, a finding of responsibility, if the
15 entering of guilt or adjudication of responsibility was deferred
16 pursuant to section 1070, and shall then proceed to sentencing or
17 disposition of the individual for the original charges to which
18 the individual pled guilty or, if a juvenile, to which the
19 juvenile admitted responsibility prior to admission to the drug
20 treatment court. Upon sentencing or disposition of the
21 individual, the court shall send a record of that sentence or
22 disposition and the individual's unsuccessful participation in
23 the drug treatment court to the criminal justice information
24 center of the department of state police, and the department of
25 state police shall enter that information into the law
26 enforcement information network, with an indication that the
27 individual unsuccessfully participated in a drug treatment

1 court.

2 (9) Upon completion or termination of the drug treatment
3 court for a participant, and for a period of 3 years after that
4 date, the court must continue to provide for statistical analyses
5 by monitoring the former participant's criminal history through
6 the law enforcement information network system to determine, as
7 part of its overall program evaluations, if there is any relapse
8 or continued substance abuse or other related criminality, as
9 directed under section 1078. The court may request that the
10 department of state police provide to the court information
11 contained in the law enforcement information network pertaining
12 to a participant's criminal history during and after his or her
13 participation in the drug court program. This monitoring of a
14 former participant's criminal history is not an extension of the
15 court's jurisdiction over the individual. The information shall
16 be used by the court to evaluate that individual's participation
17 in the program and to evaluate the effectiveness of the drug
18 court program. The department of state police shall provide the
19 information requested by a drug treatment court under this
20 subsection.

21 Sec. 1078. (1) Each drug treatment court shall collect and
22 provide data on each individual applicant and participant and the
23 entire program as required by the state court administrative
24 office.

25 (2) Each drug treatment court shall maintain files or
26 databases on each individual applicant or referral who is denied
27 or refused admission to the program, including the reasons for

1 the denial or rejection, the criminal history of the applicant,
2 the preadmission evaluation and assessment, and other demographic
3 information as required by the state court administrative
4 office.

5 (3) Each drug treatment court shall maintain files or
6 databases on each individual participant in the program for
7 review and evaluation as well as treatment, as directed by the
8 state court administrative office. The information collected for
9 evaluation purposes must include a minimum standard data set
10 developed and specified by the state court administrative
11 office. This information should be maintained in the court files
12 or otherwise accessible by the courts and the state court
13 administrative office and, as much as practicable, should include
14 all of the following:

15 (a) Location and contact information for each individual
16 participant, both upon admission and termination or completion of
17 the program for follow-up reviews, and third party contact
18 information.

19 (b) Significant transition point dates, including dates of
20 referral, enrollment, new court orders, violations, detentions,
21 changes in services or treatments provided, discharge for
22 completion or termination, any provision of after-care, and
23 after-program recidivism.

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

27 (d) Treatments provided, including intensity of care or

1 dosage, and their outcomes.

2 (e) Other services or opportunities provided to the
3 individual and resulting use by the individual, such as education
4 or employment and the participation of and outcome for that
5 individual.

6 (f) Reasons for discharge, completion, or termination of the
7 program.

8 (4) As directed by the state court administrative office,
9 after an individual is discharged either upon completion or
10 termination of the program, the drug treatment court should
11 conduct, as much as practicable, follow-up contacts with and
12 reviews of participants for key outcome indicators, such as drug
13 use, recidivism, and employment, as frequently and for a period
14 of time determined by the state court administrative office based
15 upon the nature of the drug treatment court and the nature of the
16 participant. These follow-up contacts and reviews of former
17 participants are not extensions of the court's jurisdiction over
18 the individuals.

19 (5) Each drug treatment court shall provide to the state
20 court administrative office all information requested by the
21 state court administrative office.

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

26 (a) The state court administrative office shall provide an
27 annual review of the performance of drug treatment courts in this

1 state to the minority and majority party leaders in the senate
2 and house of representatives, the state drug treatment court
3 advisory board created under section 1082, the governor, and the
4 supreme court.

5 (b) The state court administrative office shall provide
6 standards for drug treatment courts in this state including, but
7 not limited to, developing a list of approved measurement
8 instruments and indicators for data collection and evaluation.
9 These standards must provide comparability between programs and
10 their outcomes.

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

15 (7) The information collected under this section regarding
16 individual applicants to drug treatment court programs for the
17 purpose of application to that program and participants who have
18 successfully completed drug treatment courts shall be exempt from
19 disclosure under the freedom of information act, 1976 PA 442, MCL
20 15.231 to 15.246.

21 Sec. 1080. (1) The supreme court is responsible for the
22 expenditure of state funds for the establishment and operation of
23 drug treatment courts. Federal funds provided to the state for
24 the operation of drug treatment courts shall be distributed by
25 the department of community health or the appropriate state
26 agency as otherwise provided by law.

27 (2) The state treasurer may receive money or other assets

1 from any source for deposit into the appropriate state fund or
2 funds for the purposes described in subsection (1).

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

7 Sec. 1082. (1) A state drug treatment court advisory
8 committee is created in the legislative council. The state drug
9 treatment court advisory committee consists of the following
10 members:

11 (a) The director of the department of corrections or his or
12 her designee.

13 (b) The director of the office of drug control policy in the
14 department of community health or his or her designee.

15 (c) The state court administrator or his or her designee.

16 (d) Fourteen members appointed jointly by the speaker of the
17 house of representatives and the senate majority leader, as
18 follows:

19 (i) A district court judge who has presided for at least 2
20 years over a drug treatment court.

21 (ii) A circuit court judge who has presided for at least 2
22 years over a drug treatment court.

23 (iii) A judge of the family division of circuit court who has
24 presided for at least 2 years over a juvenile drug treatment
25 court program.

26 (iv) A circuit or district court judge who has presided for
27 at least 2 years over an alcohol treatment court.

1 (v) A prosecuting attorney who has worked for at least 2
2 years with a drug or alcohol treatment court.

3 (vi) An individual representing law enforcement in a
4 jurisdiction that has had a drug or alcohol treatment court for a
5 least 2 years.

6 (vii) An individual representing drug treatment providers.

7 (viii) An individual representing defense attorneys, who has
8 worked for at least 2 years with drug or alcohol treatment
9 courts.

10 (ix) An individual who has successfully completed a drug
11 treatment court program.

12 (x) An individual who has successfully completed a juvenile
13 drug treatment court program.

14 (xi) An individual who is an advocate for the rights of crime
15 victims.

16 (xii) An individual representing the Michigan association of
17 drug court professionals.

18 (xiii) An individual who is a probation officer and has
19 worked for at least 2 years for a drug or alcohol treatment
20 court.

21 (xiv) An individual representing a substance abuse
22 coordinating agency.

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

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

4 (a) The members appointed under subsection (1) (d) (i) to (iv)
5 shall serve terms of 4 years each.

6 (b) The members appointed under subsection (1) (d) (v) to
7 (viii) shall serve terms of 3 years each.

8 (c) The members appointed under subsection (1) (d) (ix) to
9 (xii) shall serve terms of 2 years each.

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

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

18 (6) The first meeting of the advisory committee shall be
19 called by the speaker of the house of representatives and the
20 senate majority leader. At the first meeting, the advisory
21 committee shall elect from among its members a chairperson and
22 other officers as it considers necessary or appropriate. After
23 the first meeting, the advisory committee shall meet at least
24 quarterly, or more frequently at the call of the chairperson or
25 if requested by 7 or more members.

26 (7) A majority of the members of the advisory committee
27 constitute a quorum for the transaction of business at a meeting

1 of the advisory committee. A majority of the members present and
2 serving are required for official action of the advisory
3 committee.

4 (8) The business that the advisory committee may perform
5 shall be conducted at a public meeting of the advisory committee
6 held in compliance with the open meetings act, 1976 PA 267, MCL
7 15.261 to 15.275.

8 (9) A writing prepared, owned, used, in the possession of, or
9 retained by the advisory committee in the performance of an
10 official function is subject to the freedom of information act,
11 1976 PA 442, MCL 15.231 to 15.246.

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