

Legislative Analysis



SPECIALTY TREATMENT COURTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5482 as introduced
Sponsor: Rep. Gary Howell

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5483 as introduced
Sponsor: Rep. David LaGrand

House Bill 5484 as introduced
Sponsor: Rep. Tenisha Yancey

House Bill 5512 as introduced
Sponsor: Rep. Julie Calley

Committee: Judiciary
Revised 3-4-22

SUMMARY:

House Bills 5482 and 5483 would amend the Revised Judicature Act (RJA) to allow a violent offender to participate in a drug treatment court or mental health court, respectively, with the consent of the judge and prosecutor (in consultation with any known victim). House Bill 5484 would amend the RJA to allow participation in a drug treatment court to continue after a participant is convicted of a new felony offense under certain conditions. House Bill 5512 would amend the Michigan Medical Marihuana Act to provide that, in case of a conflict, provisions of that act are superseded by those of the RJA pertaining to certain specialty courts.

House Bills 5482 and 5484 would each amend Chapter 10A (Drug Treatment Courts) of the RJA. Currently, among other things, before an individual is admitted into a drug treatment court, the court must find on the record, or place a statement in the court file, that the individual is not a *violent offender*.

For purposes of Chapter 10A, *violent offender* means an individual who is currently charged with or has pled guilty to (or, if the individual is a juvenile, is currently alleged to have committed or has admitted responsibility for) an offense involving the death of or serious bodily injury to any individual, whether or not any of the circumstances are an element of the offense, or an offense that is criminal sexual conduct of any degree.

Under **House Bill 5482**, before an individual is admitted into a drug treatment court, the court would have to find on the record, or place a statement in the file, *either* that the offender is not a violent offender *or* that the drug treatment court judge and the prosecuting attorney in consultation with any known victim in the instant case consent to the violent offender's being admitted to the drug treatment court. [**Note:** Section 1064(1) of the RJA specifically provides that an individual is not eligible for admission into a drug treatment court if he or she is a violent offender.]

Chapter 10A also provides that if a drug court participant is convicted of a felony for an offense that occurred after the defendant is admitted to drug treatment court, the judge must terminate the participant's participation in the program. **House Bill 5484** would amend this to provide that the participant's participation must be terminated unless, after consultation with the

treatment team and after the agreement of the prosecuting attorney, the judge decides to continue the participant in the program.

MCL 600.1066 (HB 5482)

MCL 600.1074 (HB 5484)

House Bill 5483 would make an amendment to Chapter 10B (Mental Health Court) of the RJA that is similar to that proposed by House Bill 5382. Currently, in no case can a violent offender be admitted into a mental health court. The bill would provide that, unless the mental health court judge and the prosecuting attorney in consultation with any known victim in the instant case consent, a *violent offender* must not be admitted into mental health court.

For purposes of Chapter 10B, *violent offender* means an individual who is currently charged with, or has been convicted of, an offense involving the death of, or a serious bodily injury to, any individual, whether or not any of these circumstances are an element of the offense, or with criminal sexual conduct in any degree.

MCL 600.1093

House Bill 5512 would amend the Michigan Medical Marihuana Act to provide that provisions in the parts of the RJA that deal with drug treatment courts, mental health courts, juvenile mental health courts, and veterans treatment courts apply if there is a conflict between those provisions and the Michigan Medical Marihuana Act.

The Michigan Medical Marihuana Act provides that all other acts and parts of acts that are inconsistent with it do not apply to the medical use of marijuana as provided for by it.

The bill would add an exception to provide that if the Michigan Medical Marihuana Act is inconsistent with any part of the following chapters of the RJA, that part applies:

- Chapter 10A (Drug Treatment Courts).
- Chapter 10B (Mental Health Court).
- Chapter 10C (Juvenile Mental Health Courts).
- Chapter 12 (Veterans Treatment Courts).

MCL 333.26427

Effective dates

House Bills 5482, 5483, and 5484 each would take effect 90 days after enactment.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local courts that administer drug treatment courts and mental health courts. Under the bills, violent offenders would be allowed to participate in drug treatment courts or mental health courts if judges, prosecuting attorneys, and victims agreed to their participation. The fiscal impact would depend on the extent to which provisions of the bills increase drug treatment court or mental health court caseloads. As of December 1, 2021, there were 135 drug treatment and 40 mental health courts operating in the state. Local court funding units and the State Court

Administrative Office provide funding for the planning and operation of the courts. Grant funding appropriated by the state in the FY 2021-22 budget totaled \$12.5 million for drug treatment courts and \$5.6 million for mental health courts

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