

HOUSE BILL NO. 4927

May 26, 2021, Introduced by Reps. Green, Whiteford, Brann, Hammoud, Thanedar, O'Malley, LaFave, Rendon, Marino, Markkanen, Griffin, Meerman, Wozniak, Bezotte, Bellino, Allor, Howell, Aiyash, Camilleri and Puri and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7408a (MCL 333.7408a), as amended by 2020 PA
380.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7408a. (1) Except as otherwise provided in subsection
2 (3), before imposing sentence or entering a juvenile disposition
3 for an attempt to violate, a conspiracy to violate, or a violation
4 of this part or of a local ordinance that prohibits conduct

1 prohibited under this part, the court may order the individual to
2 undergo screening and assessment by a person or agency as
3 designated by ~~a department-designated community mental health~~
4 ~~entity or~~ a community mental health services program under the
5 mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, to
6 determine whether the individual is likely to benefit from
7 rehabilitative services, including alcohol or drug education and
8 alcohol or drug treatment programs. The individual shall pay for
9 the costs of the screening and assessment services.

10 (2) Except as otherwise provided in subsection (3), as part of
11 the sentence or juvenile disposition for an attempt to violate, a
12 conspiracy to violate, or a violation of this part or of a local
13 ordinance that prohibits conduct prohibited under this part, the
14 court may order the individual to do 1 or both of the following:

15 (a) Perform service to the community for not more than 90
16 days. An individual ordered to perform service to the community
17 under this subdivision shall not receive compensation, and shall
18 reimburse the state or appropriate local unit of government for the
19 cost of supervision incurred by the state or local unit of
20 government as a result of the individual's activities in that
21 service.

22 (b) Participate in and successfully complete 1 or more
23 appropriate rehabilitative programs. The individual shall pay for
24 the costs of the rehabilitative services.

25 (3) Subsections (1) and (2) do not apply to an individual who
26 is not eligible for probation under chapter XI of the code of
27 criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a.

28 (4) As used in this section:

29 (a) "Juvenile disposition" means either of the following:

1 (i) A finding of juvenile delinquency under 18 USC 5031 to
2 5043.

3 (ii) The entry of a judgment or order of disposition by a court
4 of another state that states or is based on a finding that a
5 juvenile violated a law of another state that would have been a
6 criminal offense if committed by an adult in that state.

7 (b) "Law of another state" means a law or ordinance enacted by
8 another state or by a local unit of government in another state.