

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7408a Licensing sanctions.

Sec. 7408a.

(1) Except as otherwise provided in subsection (3), before imposing sentence or entering a juvenile disposition for an attempt to violate, a conspiracy to violate, or a violation of this part or of a local ordinance that prohibits conduct prohibited under this part, the court may order the individual to undergo screening and assessment by a person or agency as designated by a department-designated community mental health entity or a community mental health services program under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. The individual shall pay for the costs of the screening and assessment services.

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

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

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

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

(4) As used in this section:

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

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

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

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

History: Add. 1993, Act 361, Eff. Sept. 1, 1994 ;-- Am. 1999, Act 74, Eff. Oct. 1, 1999 ;-- Am. 1999, Act 144, Eff. Jan. 21, 2000 ;-- Am. 2012, Act 501, Eff. Jan. 1, 2013 ;-- Am. 2020, Act 380, Eff. Oct. 1, 2021

Compiler's Notes: Enacting section 2 of Act 380 of 2020 provides: "Enacting section 2. This amendatory act does not take effect unless both of the following occur: (a) House Concurrent Resolution No. 29 of the 100th Legislature is adopted by a majority of the members elected and serving in each house of the legislature. (b) The governor submits a certification to the United States Secretary of Transportation stating both of the following: (i) The governor is opposed to the enactment or enforcement of a law requiring driver license suspension for drug offenses as set forth in 23 USC 159(a)(3)(A). (ii) Both houses of the legislature have adopted a concurrent resolution expressing their opposition to the enactment or enforcement of this federal mandate in accordance with 23 USC 159." On September 24, 2020, the House adopted House Concurrent Resolution No. 29 and on December 10, 2020, the Senate adopted House Concurrent Resolution No. 29. And, on January 11, 2021, the United States Department of Transportation Division Office received the certification from the Governor regarding the requirements of 23 U.S.C. 159 and attached copy of the House Concurrent Resolution.

Popular Name: Act 368