

# State Drug Treatment Court Advisory Committee Meeting



Tuesday, May 24, 2011

9:00 a.m.

Legislative Council Conference Room  
Boji Tower ■ 3<sup>rd</sup> Floor  
124 W. Allegan  
Lansing, Michigan

# Regular Meeting Session

State  
Drug  
Treatment  
Court  
Advisory  
Committee



# STATE DRUG TREATMENT COURT ADVISORY COMMITTEE

Tuesday, May 24, 2011 ▪ 9:00 a.m.  
Legislative Council Conference Room ▪ 3<sup>rd</sup> Floor Boji Tower  
124 West Allegan ▪ Lansing, Michigan

## AGENDA

- I. Call to Order
- II. Welcome to New Committee Members
- III. Roll Call
- IV. Election of Chair and Vice-Chair
- V. Approval of January 25, 2011 Minutes
- VI. Committee Appointments
  - Resignation of Kevin Jones (an individual who is a probation officer)
  - Recommendation of Stephanie Drury
- VII. Subcommittee Updates
  - i. Certification Subcommittee (Judge Rush)
  - ii. Confidentiality Issues Subcommittee (Jeff Sauter)
  - iii. Cross Assignment Subcommittee
  - iv. Defense Attorney Participation Subcommittee (Kathleen Brickley)
  - v. Funding Alternative Subcommittee (Judge Hoffman)
  - vi. Juvenile Issues Subcommittee (Pamela Davis)
  - vii. Vision and Evidence-Based Sentencing Subcommittee
- VIII. Funding Update (Richard Woods)
- IX. Legislative Report (Judge Harvey Hoffman)
- X. Public Comment
- XI. Next Meeting: Tuesday, July 26, 2011
- XII. 2011 Strategic Action Plan
- XIII. Adjournment

**No. 27**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2011**

Senate Chamber, Lansing, Tuesday, March 22, 2011.  
10:00 a.m.

The following message was received and read:

March 16, 2011

Pursuant to Public Act 224 of 2004 (MCL 600.108), we make the following appointments to the State Drug Treatment Court Advisory Committee:

- Judge Amy Krause of Lansing, an individual representing domestic violence provider programs for terms from today's date to 6/13/11 and 6/13/11 to 6/13/15.
- Ms. Janette Kolodge of Lake Angelus, an individual who is an advocate for the rights of crime victims for terms from today's date to 6/13/11 and 6/13/11 to 6/13/15.
- Judge Allen Garbrecht of Battle Creek, a circuit court judge who has presided for at least 2 years over a drug treatment court for a term from today's date to 6/13/13.
- Ms. Nadine Issacs of Okemos, an individual who has successfully completed a drug treatment court program for a term from today's date to 6/13/12.
- Mark A. Witte of Grand Rapids, an individual representing a substance abuse coordinating agency for terms from 2/28/11 to 6/13/11 and 6/13/11 to 6/13/15.
- Judge Michael J. Haley of Traverse City, an individual representing the Michigan Association of Drug Court Professionals, for terms from today's date to 6/13/11 and 6/13/11 to 6/13/15.

Sincerely,  
Jase Bolger  
Speaker of the House

Randy Richardville  
Senate Majority Leader

The message was referred to the Secretary for record.

**2011**  
**State Drug Treatment Court Advisory Committee**

**Judge William Rush (Vice Chair)**

Work: 76<sup>th</sup> District Court  
300 N. Main Street  
Mt. Pleasant, MI 48858  
Phone: (989) 772-0911 ext. 271  
Email: [d76@isabellacounty.org](mailto:d76@isabellacounty.org)  
*(a district court judge who has presided for at least 2 years over a drug treatment court)*  
*(4-year term: 06/13/05 to 06/13/09)*  
*(4-year term: 06/13/09 to 06/13/13)*

**Ms. Kathleen Brickley**

Work: 707 Academy Street  
Kalamazoo, MI 49007  
Phone: (269) 345-4127  
Email: [kmb707@aol.com](mailto:kmb707@aol.com)  
*(an individual representing defense attorneys who has worked for at least 2 years with drug or alcohol treatment courts)*  
*(3-year term: 06/13/05 to 06/13/08)*  
*(4-year term: 06/13/08 to 06/13/12)*

**Ms. Sophia Burr**

Work: 1151 Taylor Street, Room 305B  
Detroit, MI 48202  
Phone: (313) 876-4955  
(313) 365-3104 (office)  
Email: [ayara1103@gmail.com](mailto:ayara1103@gmail.com)  
*(an individual who has successfully completed a juvenile drug treatment court program)*  
*(Remainder of 4-year term: 03/11/09 to 06/13/11)*

**Ms. Pamela Davis**

Work: 6<sup>th</sup> Judicial Circuit Court – Family Division  
1200 N. Telegraph Road  
Pontiac, MI 48341  
Phone: (248) 858-0247  
Email: [davispl@oakgov.com](mailto:davispl@oakgov.com)  
*(a court administrator who has worked for at least 2 years with a drug or alcohol treatment court)*  
*(Remainder of 4-year term: 06/10/08 to 06/13/09)*  
*(4-year term: 06/13/09 to 06/13/13)*

**Judge William T. Ervin**

Work: Isabella County Probate Court  
300 N. Main Street  
Mt. Pleasant, MI 48858  
Phone: (989) 772-0911 ext. 275  
Email: [p37@isabellacounty.org](mailto:p37@isabellacounty.org)  
*(a judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug court program)*  
*(Remainder of 4-year term: 12/13/07 to 06/13/09)*  
*(4-year term: 06/13/09 to 06/13/13)*

**Judge Allen Garbrecht**

Work: 37<sup>th</sup> Circuit Court Judge  
Calhoun County Justice Center  
161 E. Michigan Avenue  
Battle Creek, MI 49014  
Phone: (269) 969-6506  
Email: [AGarbrecht@calhouncountymi.gov](mailto:AGarbrecht@calhouncountymi.gov)  
*(a circuit court judge who has presided for at least 2 years over a drug treatment court)*  
*(Remainder of 4-yr: 03/18/11 to 06/13/13)*

**Judge Michael J. Haley**

Work: 86<sup>th</sup> District Court Judge  
Robert P. Griffin Hall of Justice  
280 Washington Street  
Traverse City, MI 49684  
Phone: (231)922-4588  
Email: [mhaley@grandtraverse.org](mailto:mhaley@grandtraverse.org)  
*(an individual representing the Michigan Association of Drug Court Professionals)*  
*(4-year term: 03/18/11 to 06/13/11)*  
*(4-year term: 06/13/11 to 06/13/15)*

**Ms. Nadine Issacs**

Work: 4737 Marsh Road  
Okemos, MI 48864  
Phone: (517) 349-2624 (wk)  
(517) 290-5472 (cell)  
*(an individual who successfully completed a drug treatment court program)*  
*(Remainder of 4-year term: 03/18/11 to 6/13/12)*

**Ms. Janette Kolodge**

Work: State Executive Director  
Mothers Against Drunk Driving  
625 E. Big Beaver  
Troy, MI 48083  
Phone: (248)528-1745  
Email: [janette.kolodge@madd.org](mailto:janette.kolodge@madd.org)  
*(an individual who is an advocate for the rights of crime victims)*  
*(Remainder of 4-yr: 03/18/11 to 06/13/11)*  
*(4-year term: 6/13/11 to 6/13/15)*

**Mr. Andrew Konwiak**

Work: Eastwood Clinics  
28000 DeQuindre  
Warren, MI 48092  
Phone: (586) 753-0402  
Email: [andrew.konwiak@stjohn.org](mailto:andrew.konwiak@stjohn.org)  
*(an individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court)*  
*(3-year term: 06/13/05 to 06/13/08)*  
*(4-year term: 06/13/08 to 06/13/12)*

**Judge Amy Ronayne Krause**

Work: Michigan Court of Appeals  
925 W. Ottawa Street  
Lansing, MI 48909-7522  
Phone: (517) 373-0683  
Email: [akrause@courts.mi.gov](mailto:akrause@courts.mi.gov)  
*(an individual representing domestic violence provider programs)*  
*(Remainder of 4-yr: 03/18/11 to 06/13/11)*  
*(4-year term: 06/13/11 to 06/13/15)*

**Mr. Christopher M. Luty**

Work: MI State Troopers Assn.  
1715 Abbey Road, Suite B  
East Lansing, MI 48823  
Phone: (517) 336-7782  
Email: [cluty@mspta.net](mailto:cluty@mspta.net)  
*(an individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years)*  
*(Remainder of 4-year term: 03/11/09 to 06/13/12)*

**Judge Brian MacKenzie**

Work: Chief Judge Pro Tempore  
52<sup>nd</sup> District Court  
48150 Grand River Ave  
Novi, MI 48374  
Phone: (248) 305-6080  
Email: [mackenzieb@co.oakland.mi.us](mailto:mackenzieb@co.oakland.mi.us)  
*(a circuit or district court judge who has presided at least 2 years over an alcohol treatment court)*  
*(4-year term: 06/13/05 to 06/13/09)*  
*(4-year term: 06/13/09 to 06/13/13)*

**Mr. Jeffrey Sauter**

Work: Eaton Co. Prosecuting Attorney  
1045 Independence Blvd.  
Charlotte, MI 48813  
Phone: (517) 543-7500 ext. 1400  
Email: [jsauter@eatoncounty.org](mailto:jsauter@eatoncounty.org)  
*(a prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court)*  
*(3-year term: 06/13/05 to 06/13/08)*  
*(4-year term: 06/13/08 to 06/13/12)*

**Mr. Mark A. Witte**

Work: Planning Director  
Substance Use Disorder Division  
Network180  
790 Fuller NE  
Grand Rapids, MI 49503  
Phone: (616)855-5238  
Email: [mark.witte@network180.org](mailto:mark.witte@network180.org)  
*(an individual representing a substance abuse coordinating agency)*  
*(Remainder of 4-yr: 3/18/11 to 06/13/11)*  
*(4-year term: 06/13/11 to 06/11/15)*

**Mr. Richard Woods**

Work: Deputy Director of Trial  
Court Services  
Michigan Supreme Court  
State Court Admin. Office  
925 W. Ottawa Street  
P.O. Box 30048  
Lansing, MI 48909  
Phone: (517) 373-5623  
Email: [woods@courts.mi.gov](mailto:woods@courts.mi.gov)  
*(SCAO Designee –no specific term)*

**Vacancy created by Kevin Jones 3/17/11**  
*(an individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court)*  
*(Remainder of 4-yr term: 06/10/08 to 08/04/11)*

# Proposed Minutes

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## State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, January 25, 2011

Legislative Council Conference Room • Boji Tower

Lansing, MI

### Members Present:

Judge Patrick Bowler, Chair  
Judge William Rush, Vice Chair  
Pamela Davis  
Judge William T. Ervin  
Andrew Konwiak  
Dennis Priess  
Jeff Sauter  
Richard Woods

### Members Absent:

Kathleen Brickley  
Sophia Burr  
Kevin Jones  
Chris Luty  
Judge Brian MacKenzie

### I. Call to Order

The Chair called the meeting to order at 9:30 a.m.

### II. Roll Call

The Chair asked the clerk to call the roll. A quorum was present and absent members were excused.

### III. Approval of Minutes of October 26, 2010

The Chair asked members to review the minutes of the October 26, 2010 meeting. **Judge Rush moved, supported by Ms. Davis, to approve the proposed minutes of the October 26, 2010 State Drug Treatment Court Advisory Committee meeting. There was no further discussion. The minutes were unanimously approved.**

### IV. Committee Appointments

The Chair noted that since there is a new Senate Majority Leader and a new Speaker of the House, a letter to the new leadership from the Committee will be prepared to recommend candidates for the vacant positions. He then announced his plans to resign from the Committee as soon as a replacement is appointed. He also reported that Mr. Priess has submitted his resignation effective February 28, 2011. The candidates the Committee will recommend for the six vacancies are as follows:

**Ms. Janette Kolodge**—for the advocate for the rights of crime victims position. Ms. Kolodge is the Michigan executive director of "Mothers Against Drunk Driving" (MADD).

**Judge Allen Garbrecht**—for the circuit court judge position. Judge Garbrecht is the Chief Circuit Court Judge of the 37<sup>th</sup> Circuit.

**Ms. Nadine Issacs** of Okemos, Michigan—for the individual who has successfully completed an adult drug treatment court program position. Ms. Issacs is a graduate of the 54-A District Court drug treatment court program and was recommended by Judge Louise Alderson.

**Judge Amy Krause**—for the domestic violence provider program position. Judge Krause has a strong background in domestic violence issues and is currently appointed to the 54-A District Court in Lansing.

**Judge Michael J. Haley**—for the individual representing the Michigan Association of Drug Court Professionals position.

**Mark A. Witte**—for the individual representing a substance abuse coordinating agency position.

## **V. Changes to Treatment Services**

The Chair asked that a summary of the earlier discussion of possible changes to the delivery of substance abuse treatment services in Michigan be included in the minutes and the topic be included as an agenda item for future meetings. He will invite Jim Haveman to attend a future meeting to find out more about what changes are being discussed.

Notes on earlier discussion: The Chair called on Mr. Priess to provide an update on treatment services. Mr. Priess explained he has learned that a number of significant changes are in the works by the administration including eliminating coordinating agencies in Michigan and moving ahead with the early doctor program which extends Medicaid coverage to people at or below 133% of the poverty level. The federal government is also planning to transition the federal block grant which means the elimination of one of the major sources of funding for treatment services in Michigan. He added that it looks like treatment services will be financed primarily through Medicaid and administered by a prepaid inpatient health plan (PIHP). Mr. Konwiak added that even though the new Medicaid eligibility level will bring in more people, single males will not be as easily eligible and this means that the most common population served in drug courts will not be covered for treatment by Medicaid. He noted it will be a real challenge if the advocacy role the coordinating agencies have played for almost forty years disappears. The issue of whether anyone has put out a primer on what the changes are and what they could mean to specialty courts was then discussed. Mr. Woods shared that he and a work group have been working on a letter of agreement regarding screenings and assessment. He found it interesting that the issue of the elimination of coordinating agencies may tie into why the work group has not heard back from the Department of Community Health regarding the form. Judge Rush suggested that Mr. Priess and Mr. Konwiak collaborate on putting together an information piece on how things will be changed. The Chair will distribute the information through MAACP.

## **VI. Subcommittees Updates**

Certification Subcommittee: Judge Rush asked Mr. Woods to provide the update. Mr. Woods reported that at the State Drug Treatment Coordinators' meeting held last year, there was a consensus that the states and the statutes that govern drug courts were different enough that it is almost impossible to come up with a set of credentialing standards and criteria that would meet the needs of every state. As a result, the decision was made to work with the NADCP to help provide the state drug court coordinators with guides on how to go into local courts within their states to verify the courts are operating drug courts in compliance with the 10 key components or, if it is a juvenile program, the 16 strategies. NADCP will identify resources and work with the state drug court coordinators to come up with a checklist to use when onsite reviews are conducted. Mr. Woods continued that there is some concern among the state drug court coordinators that there will be funding implications tied to certification and if there is no financial benefit for certification then there would be no incentive for courts to pursue it. Mr. Woods noted that Michigan is ahead of most other states and the requirements needed to be on the official list of drug courts are tied to the 10 key components. When the national product is completed, Mr. Woods will make sure the members receive a draft copy immediately.

Confidentiality Issues Subcommittee: Mr. Sauter reported that Mr. Woods has discovered that in 2008 a Florida Supreme Court Task Force had taken the position that 42CFR does not apply in a broad sense to drug treatment courts because they are not treatment agencies. He and Mr. Woods will try to get a copy of the task force report for the Committee members.

Cross-Assignment Subcommittee: Mr. Woods distributed a draft Agreement and Order of Transfer form. Since the statute does not give much guidance, he proposed making the form optional for a pilot period of a year allowing for feedback on how it is used by the courts. He commented that until JIS is able to come up with a transfer code to tag transfer cases, SCAO is recommending that a transfer be treated just like a courtesy probation supervision case where the file stays open in the originating court, the originating court also enters a final disposition, and the defendant submits all payments of fines, costs, and restitution directly to the originating court. Program participation fees and any other fees associated with participation in the drug treatment court program are to be payable to the receiving court. After some discussion, the Chair

noted that, after the 1-year trial period, the Committee may need to recommend to the Legislature that the statute be clarified that jurisdiction stays with the original court and supervision is the only thing that is transferred. Ms. Davis shared that the biggest issue is the payment of treatment costs, but her judges are fine with the fact that the transfer of a case is optional.

Defense Attorney Participation Subcommittee: Ms. Brickley was absent from today's meeting but wanted members to know that she is working with CDAM (Criminal Defense Attorneys of Michigan) on putting a presentation on the agenda for their fall conference. The topic would cover the role of the defense attorney in specialty courts. She asked that if anyone has any names of persons who may be interested in speaking, either defense attorney or judge, she would appreciate their contact information. Mr. Sauter suggested Tom Dutcher who is a defense attorney from Charlotte and was the original prosecutor when the statute was being drafted. The Chair will relay this information to Ms. Brickley. A discussion of the history of the establishment of drug treatment courts followed.

Funding Alternative Subcommittee: The Chair shared an update from Judge Hoffman which included information that 1) MADCP has been asked to participate in a work group dealing with legislation on the medical marijuana law and he has solicited ideas from the members of the MADCP Board, and 2) the language that was worked on last session (to amend the diversion statute to create uniform language to make all diversions effective on the date of the plea rather than at the end of probation) was nearly complete, but they ran out of time. He hopes this issue will start moving in the next few weeks. Judge Rush added that his only concern is that the legislation not interfere with any of the judicial discretions that are currently in place. The Chair noted that no action is necessary by this Committee, but asked that the Committee continue to follow these issues and keep the topic on the agenda for future action. Mr. Woods then provided an update on the mental health services for drug court participant program.

Juvenile Issues Subcommittee: Ms. Davis reported that the Juvenile Drug Court Forum held on November 19 was very successful and shared some of the highlights of the event.

Prosecutor Gatekeeper Subcommittee: Mr. Sauter noted that Public Act 177 of 2010 addressed the gatekeeper issue and he asked that a copy of the public act be attached to these minutes. He suggested that there is no further need for the subcommittee. **Ms. Davis moved, supported by Judge Rush, to dissolve the Prosecutor Gatekeeper Subcommittee. There was no objection and the motion prevailed by unanimous consent.**

Vision & Evidence-Based Sentencing Subcommittee: The Chair noted that his report is the adoption by reference to a report entitled, *Research on the Effects of Drug Courts and Other Problem-Solving Courts*, that will be given by Dr. Douglas Marlowe at the upcoming MADCP Annual meeting.

## **VII. MADCP Annual Meeting**

The Chair pointed out that there will be a roundtable discussion of the drug court statute at the MADCP annual meeting. The statute and the SDTCAC Annual Report will be made part of the CD and some strategic plan handouts will be part of the session as well. He asked that any feedback be brought back to the Committee. Mr. Woods noted that there is also a session on the ignition interlock legislation.

## **VIII. Public Comment**

The Chair asked for public comment. There were no comments.

## **IX. Adjournment**

**Judge Rush moved, supported by Judge Ervin, that the meeting be adjourned. There was no further discussion and the motion was unanimously adopted.** The meeting was adjourned at 11:20 a.m.

## **NEXT MEETING DATE**

The Chair announced that the next meeting is tentatively scheduled for **Tuesday, March 22, 2011.**

Act No. 177  
Public Acts of 2010  
Approved by the Governor  
September 30, 2010  
Filed with the Secretary of State  
September 30, 2010  
EFFECTIVE DATE: September 30, 2010

**STATE OF MICHIGAN**

**95TH LEGISLATURE**

**REGULAR SESSION OF 2010**

**Introduced by Senators Switalski, Cherry and Bishop**

**ENROLLED SENATE BILL No. 1354**

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

*The People of the State of Michigan enact:*

Sec. 1062. (1) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the circuit or district court shall not adopt or institute the drug treatment court unless the circuit or district court enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party.

(2) The family division of circuit court in any judicial circuit may adopt or institute a juvenile drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its

program individuals who may be eligible for discharge or dismissal of an offense, or a delayed sentence, the family division of circuit court shall not adopt or institute a juvenile drug treatment court unless the family division of circuit court enters into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar specializing in juvenile law, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit, the local substance abuse coordinating agency for that circuit, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit. The memorandum of understanding shall describe the role of each party. A juvenile drug treatment court is subject to the same procedures and requirements provided in this chapter for drug treatment courts created under subsection (1), except as specifically provided otherwise in this chapter.

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

(4) A court that has adopted a drug treatment court pursuant to this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a drug treatment court in the jurisdiction where the participant is charged. The transfer is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent.

(b) The attorney representing the defendant or respondent.

(c) The judge of the transferring court and the prosecutor of the case.

(d) The judge of the receiving drug treatment court and the prosecutor of a court funding unit of the drug treatment court.

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

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

(b) The individual, if an adult, must plead guilty to the charge or charges on the record. The individual, if a juvenile, must admit responsibility for the violation or violations that he or she is accused of having committed.

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

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

(2) In the case of an individual who will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the prosecutor must approve of the admission of the individual into the drug treatment court in conformity with the memorandum of understanding under section 1062.

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

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

(5) An individual who has waived his or her right to a preliminary examination and has pled guilty or, in the case of a juvenile, has admitted responsibility, as part of his or her application to a drug treatment court and who is not admitted to a drug treatment court, shall be permitted to withdraw his or her plea and is entitled to a preliminary examination or, in the case of a juvenile, shall be permitted to withdraw his or her admission of responsibility.

This act is ordered to take immediate effect.

Secretary of the Senate

Clerk of the House of Representatives

Approved

Governor

The Honorable Patrick Bowler,

I unfortunately have to resign from the State Drug Treatment Court Advisory Committee due to accepting a position with the Michigan Department of Corrections-Pontiac Parole. With my new duties in Parole I will no longer be able to participate with the Committee. I am no longer with the Adult Treatment Court (Drug Court) in the 6<sup>th</sup> Circuit Court. I enjoyed my time that I spent on the Committee.

My replacement in the Drug Court, Stephanie Drury, has been working with the Drug Court now for almost 2 years in Oakland County, and I would recommend her to replace me on the committee. Below is here contact information:

Stephanie Drury  
248-858-0308  
[Drurysa1@michigan.gov](mailto:Drurysa1@michigan.gov)

Respectfully,

Kevin C. Jones

# Strategic Planning Session

State  
Drug  
Treatment  
Court  
Advisory  
Committee

## STATE DRUG TREATMENT COURT ADVISORY COMMITTEE

Strategic Action Plan (05/2010 – 5/2011)

**Mission Statement:** The mission of the State Drug Treatment Court Advisory Committee is to monitor and advocate for the effectiveness of drug treatment courts in Michigan.

Goal	Objective(s)	Action Step(s)	Assignment	Time Frame	
1	<b>Monitor Effectiveness of the State Drug Treatment Court Advisory Committee</b>	<ol style="list-style-type: none"> <li>1. Conduct Strategic Planning</li> <li>2. Conduct S.W.O.T.T. Analysis</li> </ol>	<ol style="list-style-type: none"> <li>1. Schedule sub-committee meetings as needed</li> <li>2. Prepare written report and submit to DTCAC Chair</li> <li>3. SDTCAC shall approve annual legislative report prior to submission to legislature</li> </ol>	<ul style="list-style-type: none"> <li>▪ SDTCAC Chair</li> <li>▪ Each Sub-committee Chair</li> </ul>	Annually
2	<b>Monitor the Qualitative Effectiveness of Michigan Drug Treatment Courts</b>	<ol style="list-style-type: none"> <li>1. Review reports and data regarding Michigan Drug Treatment Courts</li> <li>2. Coordinate efforts with MADCP</li> <li>3. Coordinate efforts with NADCP</li> </ol>	<ol style="list-style-type: none"> <li>1. Review SCAO annual report</li> <li>2. Invite MADCP and NADCP to review collected data and participate in annual strategic planning</li> </ol>	<ul style="list-style-type: none"> <li>▪ Each Sub-committee Chair</li> <li>▪ SDTCAC</li> </ul>	Ongoing
3	<b>Advocate for Drug Treatment Courts in Michigan</b>	<ol style="list-style-type: none"> <li>1. Expand and coordinate efforts with stakeholders</li> <li>2. Increase Legislative, Judicial and Executive awareness, understanding and knowledge of Drug Treatment Courts</li> <li>3. Promote Drug Treatment Courts as a Funding Priority</li> </ol>	<ol style="list-style-type: none"> <li>1. Identify stakeholders and secure input</li> <li>2. Identify other types of problem-solving courts and secure input as needed</li> <li>3. Provide testimony to appropriate legislative bodies</li> <li>4. Maintain contact with appropriate Executive agencies</li> <li>5. Disseminate information and data to Executive, Legislative and Judicial branches</li> <li>6. Provide input to SCAO, MJI and MADCP on funding issues</li> </ol>	<ul style="list-style-type: none"> <li>▪ Vision Sub-committee</li> <li>▪ Funding Alternative Sub-committee</li> <li>▪ SDTCAC</li> <li>▪ Evidence-based Practices Sub-committee</li> </ul>	Ongoing
4	<b>Improve Michigan Drug Treatment Court Statute</b>	<ol style="list-style-type: none"> <li>1. Submit report and recommendations to Legislature</li> </ol>	<ol style="list-style-type: none"> <li>1. Review the statute for improvements</li> <li>2. Recommend legislative changes</li> <li>3. Invite other stakeholders to</li> </ol>	<ul style="list-style-type: none"> <li>▪ SDTCAC</li> <li>▪ SDTCAC</li> </ul>	Annually

		<p>2. Address legislative issues specific to the operations of all drug treatment courts.</p>	<p>make suggested legislative changes (MADCP, PAAM, MASACA, etc.)</p> <p>4. Solicit feedback regarding proposed changes to all appropriate drug court contacts and MADCP</p> <p>5. Prioritize changes and identify best method to make those changes</p> <p>6. Develop plan for facilitating proposed changes</p> <p>7. Submit final proposed changes to SDTCAC and if necessary, Supreme Court and legislature</p>	<ul style="list-style-type: none"> <li>▪ SDTCAC</li> <li>▪ SCAO</li> <li>▪ Legislative Sub-committee</li> <li>▪ SDTCAC</li> <li>▪ SDTCAC</li> </ul>	
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**REVISED JUDICATURE ACT OF 1961 (EXCERPT)**  
**Act 236 of 1961**  
**Chapter 10A.**  
**DRUG TREATMENT COURTS**

**600.1060 Definitions.**

Sec. 1060.

As used in this chapter:

- (a) "Dating relationship" means that term as defined in section 2950.
- (b) "Domestic violence offense" means any crime alleged to have been committed by an individual against his or her spouse or former spouse, an individual with whom he or she has a child in common, an individual with whom he or she has had a dating relationship, or an individual who resides or has resided in the same household.
- (c) "Drug treatment court" means a court supervised treatment program for individuals who abuse or are dependent upon any controlled substance or alcohol. A drug treatment court shall comply with the 10 key components promulgated by the national association of drug court professionals, which include all of the following essential characteristics:
  - (i) Integration of alcohol and other drug treatment services with justice system case processing.
  - (ii) Use of a nonadversarial approach by prosecution and defense that promotes public safety while protecting any participant's due process rights.
  - (iii) Identification of eligible participants early with prompt placement in the program.
  - (iv) Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
  - (v) Monitoring of participants effectively by frequent alcohol and other drug testing to ensure abstinence from drugs or alcohol.
  - (vi) Use of a coordinated strategy with a regimen of graduated sanctions and rewards to govern the court's responses to participants' compliance.
  - (vii) Ongoing close judicial interaction with each participant and supervision of progress for each participant.
  - (viii) Monitoring and evaluation of the achievement of program goals and the program's effectiveness.
  - (ix) Continued interdisciplinary education in order to promote effective drug court planning, implementation, and operation.
  - (x) The forging of partnerships among other drug courts, public agencies, and community-based organizations to generate local support.
- (d) "Participant" means an individual who is admitted into a drug treatment court.
- (e) "Prosecutor" means the prosecuting attorney of the county, the city attorney, the village attorney, or the township attorney.
- (f) "Traffic offense" means a violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of a local 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.
- (g) "Violent offender" means an individual who meets either of the following criteria:
  - (i) Is currently charged with or has pled guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense involving the death of or a serious bodily injury to any individual, or the carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense, or is criminal sexual conduct of any degree.

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005 ;-- Am. 2006, Act 620, Imd. Eff. Jan. 3, 2007

**600.1061 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.**

**Compiler's Notes:** The repealed section pertained to protections provided by circuit court commissioners for infants and mentally incompetent persons.

**600.1062 Drug treatment court; adoption by circuit or district court; memorandum of understanding; parties; adoption by family division of circuit court; training; transfer of participant from another jurisdiction.**

Sec. 1062.

(1) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the circuit or district court shall not adopt or institute the drug treatment court unless the circuit or district court enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit or district. The memorandum of understanding shall describe the role of each party.

(2) The family division of circuit court in any judicial circuit may adopt or institute a juvenile drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its program individuals who may be eligible for discharge or dismissal of an offense, or a delayed sentence, the family division of circuit court shall not adopt or institute a juvenile drug treatment court unless the family division of circuit court enters into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar specializing in juvenile law, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit, the local substance abuse coordinating agency for that circuit, a domestic violence service provider program that receives funding from the state domestic violence prevention and treatment board, and community corrections agencies in that circuit. The memorandum of understanding shall describe the role of each party. A juvenile drug treatment court is subject to the same procedures and requirements provided in this chapter for drug treatment courts created under subsection (1), except as specifically provided otherwise in this chapter.

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

(4) A court that has adopted a drug treatment court pursuant to this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a drug treatment court in the jurisdiction where the participant is charged. The transfer is not valid unless it is agreed to by all of the following:

(a) The defendant or respondent.

(b) The attorney representing the defendant or respondent.

(c) The judge of the transferring court and the prosecutor of the case.

(d) The judge of the receiving drug treatment court and the prosecutor of a court funding unit of the drug treatment court.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005 ;-- Am. 2006, Act 620, Imd. Eff. Jan. 3, 2007 ;-- Am. 2010, Act 177, Imd. Eff. Sept. 30, 2010

**600.1063 Hiring or contracting with treatment providers.**

Sec. 1063.

A drug treatment court may hire or contract with licensed or accredited treatment providers, in consultation and cooperation with the local substance abuse coordinating agency, and other such appropriate persons to assist the drug treatment court in fulfilling its requirements

under this chapter, such as the investigation of an individual's background or circumstances, or the clinical evaluation of an individual, for his or her admission into or participation in a drug treatment court.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**600.1064 Admission to drug treatment court; confidentiality of information obtained from preadmission screening and evaluation assessment; criminal history contained in L.E.I.N.**

Sec. 1064.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The court may request that the department of state police provide to the court information contained in the law enforcement information network pertaining to an individual applicant's criminal history for the purposes of determining an individual's admission into the drug treatment court and general criminal history review, including whether the individual has previously been admitted to and participated in a drug treatment court under this act, or under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430, and the results of the individual's participation. The department of state police shall provide the information requested by a drug treatment court under this subsection.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**Compiler's Notes:** Former MCL 600.1064, which pertained to signature by clerks of circuit court commissioners, was repealed by Act 297 of 1974, Eff. Apr. 1, 1975.

#### **600.1066 Placement of findings or statement in court file.**

Sec. 1066.

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

- (a) The individual is dependent upon or abusing drugs or alcohol and is an appropriate candidate for participation in the drug treatment court.
- (b) The individual understands the consequences of entering the drug treatment court and agrees to comply with all court orders and requirements of the court's program and treatment providers.
- (c) The individual is not an unwarranted or substantial risk to the safety of the public or any individual, based upon the screening and assessment or other information presented to the court.
- (d) The individual is not a violent offender.
- (e) The individual has completed a preadmission screening and evaluation assessment under section 1064(3) and has agreed to cooperate with any future evaluation assessment as directed by the drug treatment court.
- (f) The individual meets the requirements, if applicable, under section 7411 of the public health code, 1978 PA 368, MCL 333.7411, section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11, section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430.
- (g) The terms, conditions, and the duration of the agreement between the parties, especially as to the outcome for the participant of the drug treatment court upon successful completion by the participant or termination of participation.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**Compiler's Notes:** Former MCL 600.1066, which pertained to appointment of bailiffs by circuit court commissioners, was repealed by Act 194 of 1972, Eff. July 1, 1975.

#### **600.1067 Repealed. 1974, Act 297, Eff. Apr. 1, 1975.**

**Compiler's Notes:** The repealed section pertained to salary of circuit court commissioner.

#### **600.1068 Individual charged in criminal case; factors for admission to drug treatment court.**

Sec. 1068.

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

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

(b) The individual, if an adult, must plead guilty to the charge or charges on the record. The individual, if a juvenile, must admit responsibility for the violation or violations that he or she is accused of having committed.

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

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

(2) In the case of an individual who will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the prosecutor must approve of the admission of the individual into the drug treatment court in conformity with the memorandum of understanding under section 1062.

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

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

(5) An individual who has waived his or her right to a preliminary examination and has pled guilty or, in the case of a juvenile, has admitted responsibility, as part of his or her application to a drug treatment court and who is not admitted to a drug treatment court, shall be permitted to withdraw his or her plea and is entitled to a preliminary examination or, in the case of a juvenile, shall be permitted to withdraw his or her admission of responsibility.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005 ;-- Am. 2010, Act 177, Imd. Eff. Sept. 30, 2010

#### **600.1070 Admission of individual into drug treatment court; requirements.**

Sec. 1070.

(1) Upon admitting an individual into a drug treatment court, all of the following apply:

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

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

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

(ii) In the case of an individual who pled guilty to a traffic offense or who pled guilty to an offense but may not be eligible for discharge and dismissal pursuant to the agreement with the court and prosecutor upon successful completion of the drug treatment court program, the court shall enter a judgment of guilt or, in the case of a juvenile, shall enter an adjudication of responsibility.

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

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

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

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

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**600.1071 Repealed. 1972, Act 194, Eff. July 1, 1975.**

**Compiler's Notes:** The repealed section pertained to service of process by bailiffs.

**600.1072 Monitoring, testing, and assessments to be provided to participants.**

Sec. 1072.

(1) A drug treatment court shall provide a drug court participant with all of the following:

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

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

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

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

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

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**Compiler's Notes:** Former MCL 600.1072, which pertained to application for appointment as bailiff, was repealed by Act 194 of 1972, Eff. July 1, 1975.

**600.1073 Repealed. 1972, Act 194, Eff. July 1, 1975.**

**Compiler's Notes:** The repealed section pertained to eligibility, number, and vacancies of bailiffs.

**600.1074 Continuing and completing drug treatment court program; requirements.**

Sec. 1074.

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

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

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

- (c) Pay all court ordered restitution.
- (d) Pay all crime victims rights assessments under section 5 of 1989 PA 196, MCL 780.905.
- (e) Comply with all court orders, violations of which may be sanctioned according to the court's discretion.

(2) The drug treatment court must be notified if the participant is accused of a new crime, and the judge shall consider whether to terminate the participant's participation in the drug treatment program in conformity with the memorandum of understanding under section 1062. If the participant is convicted of a felony for an offense that occurred after the defendant is admitted to drug treatment court, the judge shall terminate the participant's participation in the program.

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**Compiler's Notes:** Former MCL 600.1074, which pertained to oath, surety bond, and powers of bailiff, was repealed by Act 194 of 1972, Eff. July 1, 1975.

**600.1075 Repealed. 1972, Act 194, Eff. July 1, 1975.**

**Compiler's Notes:** The repealed section pertained to rotation of process among bailiffs, writs of restitution, and service of process.

**600.1076 Completion or termination of drug treatment program; discharge and dismissal of proceedings; effect of termination.**

Sec. 1076.

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

(2) For a participant who successfully completes probation or other court supervision and whose proceedings were deferred or who was sentenced pursuant to section 1070, the court shall comply with the agreement made with the participant upon admission into the drug treatment court, or the agreement as it was altered after admission by the court with approval of the participant and the prosecutor for that jurisdiction as provided in subsections (3) to (8).

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

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

- (a) The individual has participated in a drug treatment court for the first time.
- (b) The individual has successfully completed the terms and conditions of the drug treatment court program.
- (c) The individual is not required by law to be sentenced to a correctional facility for the crimes to which he or she has pled guilty.
- (d) The individual is not currently charged with and has not pled guilty to a traffic offense.
- (e) The individual has not previously been subject to more than 1 of any of the following:
  - (i) Assignment to the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

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

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

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

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

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

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

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

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

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

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

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**Compiler's Notes:** Former MCL 600.1076, which pertained to meetings, records of appointments and removals of bailiffs, and records of rules, regulations, and actions of circuit court commissioners, was repealed by Act 194 of 1972, Eff. July 1, 1975.

**600.1077 Repealed. 1972, Act 194, Eff. July 1, 1975.**

**Compiler's Notes:** The repealed section pertained to bailiffs as peace officers.

**600.1078 Collection and maintenance of information.**

Sec. 1078.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**600.1080 Disposition of funds.**

Sec. 1080.

- (1) The supreme court is responsible for the expenditure of state funds for the establishment and operation of drug treatment courts. Federal funds provided to the state for the operation of drug treatment courts shall be distributed by the department of community health or the appropriate state agency as otherwise provided by law.
- (2) The state treasurer may receive money or other assets from any source for deposit into the appropriate state fund or funds for the purposes described in subsection (1).
- (3) Each drug treatment court shall report quarterly to the state court administrative office on the funds received and expended by that drug treatment court, in a manner prescribed by the state court administrative office.

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**600.1082 Drug treatment court advisory committee.**

Sec. 1082.

- (1) A state drug treatment court advisory committee is created in the legislative council. The state drug treatment court advisory committee consists of the following members:
  - (a) The state court administrator or his or her designee.
  - (b) Sixteen members appointed jointly by the speaker of the house of representatives and the senate majority leader, as 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.
    - (iii) A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
    - (iv) A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
    - (v) A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
    - (vi) A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
    - (vii) An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
    - (viii) An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
    - (ix) An individual representing defense attorneys, who has worked for at least 2 years with drug or alcohol treatment courts.
    - (x) An individual who has successfully completed a drug treatment court program.
    - (xi) An individual who has successfully completed a juvenile drug treatment court program.
    - (xii) An individual who is an advocate for the rights of crime victims.
    - (xiii) An individual representing the Michigan association of drug court professionals.
    - (xiv) An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.

(xv) An individual representing a substance abuse coordinating agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

**History:** Add. 2004, Act 224, Eff. Jan. 1, 2005

**600.1084 DWI/sobriety court interlock pilot project; definitions.**

Sec. 1084.

(1) A DWI/sobriety court interlock pilot project is created utilizing the DWI/sobriety courts in this state and in accordance with the provisions of this chapter. The DWI/sobriety court interlock pilot project shall begin on January 1, 2011 and shall continue for a period of 3 years after that date.

(2) All DWI/sobriety courts that participate in the DWI/sobriety court interlock pilot project shall comply with the 10 guiding principles of DWI courts as promulgated by the national center for DWI courts.

(3) In order to be considered for placement in the DWI/sobriety court program, an individual must have been convicted of either of the following:

(a) Two or more convictions for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(b) One conviction for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, preceded by 1 or more convictions for violating a local ordinance or law of another state substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a law of the United States substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(4) Each year, all DWI/sobriety courts that participate in the DWI/sobriety court interlock pilot project, in cooperation with the state court administrative office, shall provide to the legislature, the secretary of state, and the supreme court documentation as to program participants' compliance with court ordered conditions. Best practices available shall be used in the research in question, as resources allow, so as to provide statistically reliable data as to the impact of the pilot project on public safety and the improvement of life conditions for program participants. The topics documented shall include, but not be limited to, all of the following:

(a) The percentage of those program participants ordered to place interlock devices on their vehicles who actually comply with the order.

(b) The percentage of program participants who remove court-ordered interlocks from their vehicles without court approval.

(c) The percentage of program participants who consume alcohol or controlled substances.

(d) The percentage of program participants found to have tampered with court-ordered interlocks.

(e) The percentage of program participants who operated a motor vehicle not equipped with an interlock.

(f) Relevant treatment information as to program participants.

(g) The percentage of program participants convicted of a new offense under section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(h) Any other information found to be relevant.

(5) Before the secretary of state issues a restricted license to a program participant under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304, the DWI/sobriety court judge shall certify to the secretary of state that the individual seeking the restricted license has been admitted into the DWI/sobriety court program and that an interlock device has been placed on each motor vehicle owned or operated, or both, by the individual.

(6) If any of the following occur, the DWI/sobriety court judge shall immediately inform the secretary of state of that occurrence:

(a) The court orders that a program participant be removed from the DWI/sobriety court pilot program before he or she successfully completes it.

(b) The court becomes aware that a program participant operates a motor vehicle that is not equipped with an interlock device or that a program participant tampers with, circumvents, or removes a court-ordered interlock device without prior court approval.

(c) A program participant is charged with a new violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(7) The receipt of notification by the secretary of state under subsection (6) shall result in summary revocation or suspension of the restricted license under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

(8) As used in this section:

(a) "DWI/sobriety courts" means the specialized court programs established within judicial circuits and districts throughout this state that are designed to reduce recidivism among alcohol offenders and that comply with the 10 guiding principles of DWI courts as promulgated by the national center for DWI courts.

(b) "Ignition interlock device" means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

**History:** Add. 2010, Act 154, Imd. Eff. Sept. 2, 2010