



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 435 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 436 (as reported by the Committee of the Whole)
Senate Bills 437 and 438 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

Senate Bills 435 (S-1), 437, and 438 would amend the Revised Judicature Act to require drug treatment and DWI/sobriety courts, mental health courts, and veterans treatment courts, respectively, and circuit or district courts that sought to adopt or institute those types of specialty courts, beginning January 1, 2018, to be certified by the State Court Administrative Office (SCAO); and prohibit those courts from performing certain functions or receiving funding unless they were certified.

Senate Bill 435 (S-1) also would amend the definition of "violent offender" as used in Chapter 10A of the Act (Drug Treatment Courts). (Under Chapter 10A, a violent offender may not be admitted to a drug treatment court.) Currently, "violent offender" means an individual who meets either of the following: a) is currently charged with or has pleaded guilty to, or, if a juvenile, is currently alleged to have committed or has admitted responsibility for, an offense that involves the death of or a serious bodily injury to any individual, or the carrying, possession, 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 that is criminal sexual conduct of any degree; or b) has one or more prior convictions for, or, if a juvenile, has one 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.

Under the bill, "violent offender" would mean an individual who is currently charged with or has pleaded 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, whether or not any of these circumstances are an element of the offense, or an offense that is criminal sexual conduct of any degree.

Senate Bill 436 would amend the Michigan Vehicle Code to modify the definition of "DWI/sobriety court" (in a section governing the issuance of a restricted license) to specify that, beginning January 1, 2018, the term would include only a DWI/sobriety court that was certified by the SCAO).

The Code specifies that a restricted license allows the individual to whom it is issued to operate only the vehicle equipped with an ignition interlock device, to take any driving skills test required by the Secretary of State, and to drive to and from the following combinations of locations or events: a) in the course of the individual's employment if his or her employment does not require a commercial driver license; or b) to and from any combination of the individual's residence, work location, an alcohol or drug treatment program, court-ordered self-help programs (such as Alcoholics Anonymous), court hearings, court-ordered community

service, an educational institution at which the individual is a student, medical treatment, alcohol or drug testing, or an ignition interlock provider.

The bill also would allow, at the discretion of a judge, the custodian of a minor child (an individual under 18) to drive to and from the facilities of a day care services provider at which his or her child was enrolled, or an educational institution at which the custodian's minor child was enrolled as a student for the purposes of classes, academic meetings, or conferences, and athletic or other extracurricular activities sanctioned by the educational institution in which the child was a participant.

MCL 600.1062 et al. (S.B. 435)
257.304 (S.B. 436)
600.1091 (S.B. 437)
600.1201 (S.B. 438)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bills 435 (S-1), 437, and 438 would have no significant fiscal impact on State or local government. Specialty court certification would require some additional administrative costs, including increased travel and staff time. The State Court Administrative Office estimates the additional cost at approximately \$60,000 per year, which would be provided for within existing appropriations.

Senate Bill 436 would have no fiscal impact on State or local government.

Date Completed: 9-12-17

Fiscal Analyst: Ryan Bergan

SAS\Floor\sb435a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.