

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 435

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 1060, 1062, 1070, 1084, 1095, and 1206 (MCL
600.1060, 600.1062, 600.1070, 600.1084, 600.1095, and 600.1206),
section 1060 as amended by 2006 PA 620, section 1062 as amended by
2010 PA 177, section 1070 as added by 2004 PA 224, section 1084 as
amended by 2013 PA 227, section 1095 as added by 2013 PA 276, and
section 1206 as added by 2012 PA 335, and by adding section 1088.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1060. As used in this chapter:
- 2 (a) "Dating relationship" means that term as defined in
- 3 section 2950.
- 4 (b) "Domestic violence offense" means any crime alleged to

1 have been committed by an individual against his or her spouse or
2 former spouse, an individual with whom he or she has a child in
3 common, an individual with whom he or she has had a dating
4 relationship, or an individual who resides or has resided in the
5 same household.

6 (c) "Drug treatment court" means a court supervised treatment
7 program for individuals who abuse or are dependent upon any
8 controlled substance or alcohol. A drug treatment court shall
9 comply with the 10 key components promulgated by the national
10 association of drug court professionals, which include all of the
11 following essential characteristics:

12 (i) Integration of alcohol and other drug treatment services
13 with justice system case processing.

14 (ii) Use of a nonadversarial approach by prosecution and
15 defense that promotes public safety while protecting any
16 participant's due process rights.

17 (iii) Identification of eligible participants early with
18 prompt placement in the program.

19 (iv) Access to a continuum of alcohol, drug, and other related
20 treatment and rehabilitation services.

21 (v) Monitoring of participants effectively by frequent alcohol
22 and other drug testing to ensure abstinence from drugs or alcohol.

23 (vi) Use of a coordinated strategy with a regimen of graduated
24 sanctions and rewards to govern the court's responses to
25 participants' compliance.

26 (vii) Ongoing close judicial interaction with each participant
27 and supervision of progress for each participant.

1 (viii) Monitoring and evaluation of the achievement of program
2 goals and the program's effectiveness.

3 (ix) Continued interdisciplinary education in order to promote
4 effective drug court planning, implementation, and operation.

5 (x) The forging of partnerships among other drug courts,
6 public agencies, and community-based organizations to generate
7 local support.

8 (d) "Participant" means an individual who is admitted into a
9 drug treatment court.

10 (e) "Prosecutor" means the prosecuting attorney of the county,
11 the city attorney, the village attorney, or the township attorney.

12 (f) "Traffic offense" means a violation of the Michigan
13 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of
14 a local ordinance substantially corresponding to a violation of
15 that act, that involves the operation of a vehicle and, at the time
16 of the violation, is a felony or misdemeanor.

17 (g) "Violent offender" means an individual who ~~meets either of~~
18 ~~the following criteria:~~ **IS CURRENTLY CHARGED WITH OR HAS PLED GUILTY**
19 **TO, OR, IF THE INDIVIDUAL IS A JUVENILE, IS CURRENTLY ALLEGED TO**
20 **HAVE COMMITTED OR HAS ADMITTED RESPONSIBILITY FOR, AN OFFENSE**
21 **INVOLVING THE DEATH OF OR SERIOUS BODILY INJURY TO ANY INDIVIDUAL,**
22 **WHETHER OR NOT ANY OF THE CIRCUMSTANCES ARE AN ELEMENT OF THE**
23 **OFFENSE, OR AN OFFENSE THAT IS CRIMINAL SEXUAL CONDUCT OF ANY**
24 **DEGREE.**

25 ~~—— (i) Is currently charged with or has pled guilty to, or, if a~~
26 ~~juvenile, is currently alleged to have committed or has admitted~~
27 ~~responsibility for, an offense involving the death of or a serious~~

~~1 bodily injury to any individual, or the carrying, possessing, or
2 use of a firearm or other dangerous weapon by that individual,
3 whether or not any of these circumstances are an element of the
4 offense, or is criminal sexual conduct of any degree.~~

~~5 (ii) Has 1 or more prior convictions for, or, if a juvenile,
6 has 1 or more prior findings of responsibility for, a felony
7 involving the use or attempted use of force against another
8 individual with the intent to cause death or serious bodily harm.~~

9 Sec. 1062. (1) The circuit court in any judicial circuit or
10 the district court in any judicial district may adopt or institute
11 a drug treatment court, pursuant to statute or court rules.
12 However, if the drug treatment court will include in its program
13 individuals who may be eligible for discharge and dismissal of an
14 offense, delayed sentence, or deviation from the sentencing
15 guidelines, the circuit or district court shall not adopt or
16 institute the drug treatment court unless the circuit or district
17 court enters into a memorandum of understanding with each
18 participating prosecuting attorney in the circuit or district court
19 district, a representative of the criminal defense bar, and a
20 representative or representatives of community treatment providers.
21 The memorandum of understanding also may include other parties
22 considered necessary, such as any other prosecutor in the circuit
23 or district court district, local law enforcement, the probation
24 departments in that circuit or district, the local substance abuse
25 coordinating agency for that circuit or district, a domestic
26 violence service provider program that receives funding from the
27 state domestic **AND SEXUAL** violence prevention and treatment board,

1 and community corrections agencies in that circuit or district. The
2 memorandum of understanding ~~shall~~**MUST** describe the role of each
3 party.

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

1 (3) A court that is adopting a drug treatment court shall
2 participate in training as required by the state court
3 administrative office and the ~~bureau of justice assistance~~ **BUREAU**
4 **OF JUSTICE ASSISTANCE** of the United States ~~department of~~
5 ~~justice~~ **DEPARTMENT OF JUSTICE**.

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

13 (a) The defendant or respondent.

14 (b) The attorney representing the defendant or respondent.

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

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

19 **(5) BEGINNING JANUARY 1, 2018, A DRUG TREATMENT COURT**
20 **OPERATING IN THIS STATE, OR A CIRCUIT COURT IN ANY JUDICIAL CIRCUIT**
21 **OR THE DISTRICT COURT IN ANY JUDICIAL DISTRICT SEEKING TO ADOPT OR**
22 **INSTITUTE A DRUG TREATMENT COURT, MUST BE CERTIFIED BY THE STATE**
23 **COURT ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE OFFICE**
24 **SHALL ESTABLISH THE PROCEDURE FOR CERTIFICATION. APPROVAL AND**
25 **CERTIFICATION UNDER THIS SUBSECTION OF A DRUG TREATMENT COURT BY**
26 **THE STATE COURT ADMINISTRATIVE OFFICE IS REQUIRED TO BEGIN OR TO**
27 **CONTINUE THE OPERATION OF A DRUG TREATMENT COURT UNDER THIS**

1 CHAPTER. THE STATE COURT ADMINISTRATIVE OFFICE SHALL NOT RECOGNIZE
2 AND INCLUDE A DRUG TREATMENT COURT THAT IS NOT CERTIFIED UNDER THIS
3 SUBSECTION ON THE STATEWIDE OFFICIAL LIST OF DRUG TREATMENT COURTS.
4 THE STATE COURT ADMINISTRATIVE OFFICE SHALL INCLUDE A DRUG
5 TREATMENT COURT CERTIFIED UNDER THIS SUBSECTION ON THE STATEWIDE
6 OFFICIAL LIST OF DRUG TREATMENT COURTS. A DRUG TREATMENT COURT THAT
7 IS NOT CERTIFIED UNDER THIS SUBSECTION SHALL NOT PERFORM ANY OF THE
8 FUNCTIONS OF A DRUG TREATMENT COURT, INCLUDING, BUT NOT LIMITED TO,
9 DOING ANY OF THE FOLLOWING:

10 (A) CHARGING A FEE UNDER SECTION 1070.

11 (B) DISCHARGING AND DISMISSING A CASE AS PROVIDED IN SECTION
12 1076.

13 (C) RECEIVING FUNDING UNDER SECTION 1080.

14 (D) CERTIFYING TO THE SECRETARY OF STATE THAT AN INDIVIDUAL IS
15 ELIGIBLE TO RECEIVE A RESTRICTED LICENSE UNDER SECTION 1084 OF THIS
16 ACT AND SECTION 304 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
17 257.304.

18 Sec. 1070. (1) Upon admitting an individual into a drug
19 treatment court, all of the following apply:

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

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

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

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

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

23 (2) ~~The~~ **UNLESS A MEMORANDUM OF UNDERSTANDING MADE PURSUANT TO**
24 **SECTION 1088 BETWEEN A RECEIVING DRUG TREATMENT COURT AND THE COURT**
25 **OF ORIGINAL JURISDICTION PROVIDES OTHERWISE, THE ORIGINAL** court
26 ~~shall maintain~~ **OF JURISDICTION MAINTAINS** jurisdiction over the drug
27 treatment court participant as provided in this act until final

1 disposition of the case, but not longer than the probation period
2 fixed under section 2 of chapter XI of the code of criminal
3 procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile
4 participant, the court may obtain jurisdiction over any parents or
5 guardians of the juvenile in order to assist in ensuring the
6 juvenile's continued participation and successful completion of the
7 drug treatment court, and may issue and enforce any appropriate and
8 necessary order regarding the parent or guardian of a juvenile
9 participant.

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

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

23 (5) The drug treatment court may request that the department
24 of state police provide to the court information contained in the
25 law enforcement information network pertaining to an individual
26 applicant's criminal history for purposes of determining the
27 individual's compliance with all court orders. The department of

1 state police shall provide the information requested by a drug
2 treatment court under this subsection.

3 Sec. 1084. (1) ~~A DWI/sobriety court interlock pilot project is~~
4 ~~created utilizing the DWI/sobriety courts in this state and in~~
5 ~~accordance with the provisions of this chapter. The DWI/sobriety~~
6 ~~court interlock pilot project shall begin on January 1, 2011 and~~
7 ~~shall continue for a period of 4 years after that date. Beginning~~
8 ~~January 1, 2015, the~~ **THE** DWI/sobriety court interlock program shall
9 ~~be~~ **IS** created and shall continue with the same requirements,
10 eligibility criteria, authority, and limitations as those
11 prescribed in this section for the DWI/sobriety court interlock
12 pilot project. An individual who is a participant in a DWI/sobriety
13 court interlock pilot project on December 31, 2014 shall become,
14 automatically, a participant in a DWI/sobriety court interlock
15 program on January 1, 2015, unless the individual's participation
16 in the pilot project ceased by its own terms before January 1,
17 2015. **UNDER THIS SECTION.**

18 (2) All DWI/sobriety courts that participate in the ~~pilot~~
19 ~~project or program~~ shall comply with the 10 guiding principles of
20 DWI courts as promulgated by the ~~national center~~ **NATIONAL CENTER**
21 for DWI ~~courts~~. **COURTS.**

22 (3) **BEGINNING JANUARY 1, 2018, A DWI/SOBRIETY COURT OPERATING**
23 **IN THIS STATE, OR A CIRCUIT COURT IN ANY JUDICIAL CIRCUIT OR THE**
24 **DISTRICT COURT IN ANY JUDICIAL DISTRICT SEEKING TO ADOPT OR**
25 **INSTITUTE A DWI/SOBRIETY COURT, MUST BE CERTIFIED BY THE STATE**
26 **COURT ADMINISTRATIVE OFFICE IN THE SAME MANNER AS REQUIRED FOR A**
27 **DRUG TREATMENT COURT UNDER SECTION 1062(5). A DWI/SOBRIETY COURT**

1 SHALL NOT PERFORM ANY OF THE FUNCTIONS OF A DWI/SOBRIETY COURT,
2 INCLUDING, BUT NOT LIMITED TO, THE FUNCTIONS OF A DRUG TREATMENT
3 COURT DESCRIBED IN SECTION 1062(5) AFTER JANUARY 1, 2018 UNLESS THE
4 COURT HAS BEEN CERTIFIED BY THE STATE COURT ADMINISTRATIVE OFFICE
5 AS PROVIDED IN SECTION 1062(5).

6 (4) ~~(3)~~—In order to be considered for placement in the ~~pilot~~
7 ~~project or program~~, an individual must have been convicted of
8 either of the following:

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

14 (b) One conviction for violating section 625(1) or (3) of the
15 Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local
16 ordinance of this state substantially corresponding to section
17 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL
18 257.625, preceded by 1 or more convictions for violating a local
19 ordinance or law of another state substantially corresponding to
20 section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA
21 300, MCL 257.625, or a law of the United States substantially
22 corresponding to section 625(1), (3), or (6) of the Michigan
23 vehicle code, 1949 PA 300, MCL 257.625.

24 (5) ~~(4)~~—Each year, all DWI/sobriety courts that participate in
25 the ~~pilot project or program~~, in cooperation with the state court
26 administrative office, shall provide to the legislature, the
27 secretary of state, and the supreme court documentation as to

1 participants' compliance with court ordered conditions. Best
2 practices available ~~shall~~**MUST** be used in the research in question,
3 as resources allow, so as to provide statistically reliable data as
4 to the impact of the ~~pilot project or program~~ on public safety and
5 the improvement of life conditions for participants. The topics
6 documented ~~shall~~**MUST** include, but not be limited to, all of the
7 following:

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

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

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

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

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

19 (f) Relevant treatment information as to participants.

20 (g) The percentage of participants convicted of a new offense
21 under section 625(1) or (3) of the Michigan vehicle code, 1949 PA
22 300, MCL 257.625.

23 (h) Any other information found to be relevant.

24 **(6)** ~~(5)~~ Before the secretary of state issues a restricted
25 license to a ~~pilot project or program~~ participant under section 304
26 of the Michigan vehicle code, 1949 PA 300, MCL 257.304, the
27 DWI/sobriety court judge shall certify to the secretary of state

1 that the individual seeking the restricted license has been
2 admitted into the ~~pilot project or program~~ and that an interlock
3 device has been placed on each motor vehicle owned or operated, or
4 both, by the individual.

5 (7) ~~(6)~~—If any of the following occur, the DWI/sobriety court
6 judge shall immediately inform the secretary of state of that
7 occurrence:

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

11 (b) The court becomes aware that a **PROGRAM** participant
12 operates a motor vehicle that is not equipped with an interlock
13 device or that a **PROGRAM** participant tampers with, circumvents, or
14 removes a court-ordered interlock device without prior court
15 approval.

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

18 (8) ~~(7)~~—The receipt of notification by the secretary of state
19 under subsection ~~(6)~~ shall ~~(7)~~ **MUST** result in summary revocation or
20 suspension of the restricted license under section 304 of the
21 Michigan vehicle code, 1949 PA 300, MCL 257.304.

22 (9) ~~(8)~~—As used in this section:

23 (a) "DWI/sobriety ~~courts~~" **COURT** means the specialized court
24 docket and programs established within judicial circuits and
25 districts throughout this state that are designed to reduce
26 recidivism among alcohol offenders and that comply with the 10
27 guiding principles of DWI courts as promulgated by the ~~national~~

1 ~~center for DWI courts.~~ **NATIONAL CENTER FOR DWI COURTS.**

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

4 ~~— (c) "Pilot project" means the DWI/sobriety court interlock
5 pilot project created under subsection (1) on September 2, 2010 and
6 authorized to operate for 4 years beginning January 1, 2011.~~

7 (C) ~~(d)~~ "Program" means the DWI/sobriety court interlock
8 program created ~~on the effective date of the amendatory act that
9 added this subdivision and authorized to operate beginning January
10 1, 2015.~~ **UNDER THIS SECTION.**

11 **SEC. 1088. (1) BEGINNING JANUARY 1, 2018, A CASE MAY BE**
12 **TRANSFERRED TOTALLY FROM 1 COURT TO ANOTHER COURT FOR THE**
13 **DEFENDANT'S PARTICIPATION IN A STATE-CERTIFIED TREATMENT COURT. A**
14 **TOTAL TRANSFER MAY OCCUR PRIOR TO OR AFTER ADJUDICATION, BUT MUST**
15 **NOT BE CONSUMMATED UNTIL THE COMPLETION AND EXECUTION OF A**
16 **MEMORANDUM OF UNDERSTANDING THAT MUST INCLUDE, BUT NEED NOT BE**
17 **LIMITED TO, ALL OF THE FOLLOWING:**

18 (A) A DETAILED STATEMENT OF HOW ALL FUNDS ASSESSED TO
19 DEFENDANT WILL BE ACCOUNTED FOR, INCLUDING, BUT NOT NECESSARILY
20 LIMITED TO, THE NEED FOR A RECEIVING STATE-CERTIFIED TREATMENT
21 COURT TO COLLECT FUNDS AND REMIT THEM TO THE COURT OF ORIGINAL
22 JURISDICTION.

23 (B) A STATEMENT PROVIDING WHICH COURT IS RESPONSIBLE FOR
24 PROVIDING INFORMATION TO THE DEPARTMENT OF STATE POLICE, AS
25 REQUIRED UNDER SECTION 3 OF 1925 PA 289, MCL 28.243, AND FORWARDING
26 AN ABSTRACT TO THE SECRETARY OF STATE FOR INCLUSION ON THE
27 DEFENDANT'S DRIVING RECORD.

1 (C) A STATEMENT PROVIDING WHERE JAIL SANCTIONS OR
2 INCARCERATION SENTENCES WOULD BE SERVED, AS APPLICABLE.

3 (D) A STATEMENT THAT THE DEFENDANT HAS BEEN DETERMINED
4 ELIGIBLE BY AND WILL BE ACCEPTED INTO THE STATE-CERTIFIED TREATMENT
5 COURT UPON TRANSFER.

6 (E) THE APPROVAL OF ALL OF THE FOLLOWING:

7 (i) THE CHIEF JUDGE AND ASSIGNED JUDGE OF THE RECEIVING STATE-
8 CERTIFIED TREATMENT COURT AND THE COURT OF ORIGINAL JURISDICTION.

9 (ii) A PROSECUTING ATTORNEY FROM THE RECEIVING STATE-CERTIFIED
10 TREATMENT COURT AND THE COURT OF ORIGINAL JURISDICTION.

11 (iii) THE DEFENDANT.

12 (2) AS USED IN THIS SECTION, "STATE-CERTIFIED TREATMENT COURT"
13 INCLUDES THE TREATMENT COURTS CERTIFIED BY THE STATE COURT
14 ADMINISTRATIVE OFFICE AS PROVIDED IN SECTION 1062, 1084, 1091, OR
15 1201.

16 Sec. 1095. (1) Upon admitting an individual into a mental
17 health court, all of the following apply:

18 (a) For an individual who is admitted to a mental health court
19 based upon having criminal charges currently filed against him or
20 her and who has not already pled guilty or no contest or, in the
21 case of a juvenile, has not admitted responsibility, the court
22 shall accept the plea of guilty or no contest or, in the case of a
23 juvenile, the admission of responsibility.

24 (b) For an individual who pled guilty or no contest to, or
25 admitted responsibility for, criminal charges for which he or she
26 was admitted into the mental health court, the court shall do
27 either of the following:

1 (i) In the case of an individual who pled guilty or no contest
2 to criminal offenses that are not traffic offenses and who may be
3 eligible for discharge and dismissal under the agreement for which
4 he or she was admitted into mental health court upon successful
5 completion of the mental health court program, the court shall not
6 enter a judgment of guilt or, in the case of a juvenile, shall not
7 enter an adjudication of responsibility.

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

15 (iii) Pursuant to the agreement with the individual and the
16 prosecutor, the court may either delay further proceedings as
17 provided in section 1 of chapter XI of the code of criminal
18 procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as
19 applicable, and place the individual on probation or other court
20 supervision in the mental health court program with terms and
21 conditions according to the agreement and as considered necessary
22 by the court.

23 (2) ~~The~~ **UNLESS A MEMORANDUM OF UNDERSTANDING MADE PURSUANT TO**
24 **SECTION 1088 BETWEEN A RECEIVING MENTAL HEALTH COURT AND THE COURT**
25 **OF ORIGINAL JURISDICTION PROVIDES OTHERWISE, THE ORIGINAL** court
26 ~~shall maintain~~ **OF JURISDICTION MAINTAINS** jurisdiction over the
27 mental health court participant as provided in this chapter until

1 final disposition of the case, but not longer than the probation
2 period fixed under section 2 of chapter XI of the code of criminal
3 procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile
4 participant, the court may obtain jurisdiction over the juvenile's
5 parents or guardians in order to assist in ensuring the juvenile's
6 continued participation and successful completion of the mental
7 health court and may issue and enforce any appropriate and
8 necessary order regarding the parent or guardian.

9 (3) The mental health court may require an individual admitted
10 into the court to pay a reasonable mental health court fee that is
11 reasonably related to the cost to the court for administering the
12 mental health court program as provided in the memorandum of
13 understanding. The clerk of the mental health court shall transmit
14 the fees collected to the treasurer of the local funding unit at
15 the end of each month.

16 Sec. 1206. (1) All of the following conditions apply to an
17 individual admitted to a veterans treatment court:

18 (a) For an individual who is admitted to a veterans treatment
19 court based upon having a criminal charge currently filed against
20 him or her, the court shall accept the individual's plea of guilty.

21 (b) One of the following applies to an individual who pled
22 guilty to a criminal charge for which he or she was admitted to a
23 veterans treatment court, as applicable:

24 (i) If the individual pled guilty to an offense that is not a
25 traffic offense and may be eligible for discharge and dismissal
26 under the agreement with the court and prosecutor upon successful
27 completion of the veterans treatment court program, the court shall

1 not enter a judgment of guilt.

2 (ii) If the individual pled guilty to a traffic offense or
3 another offense but is not eligible for discharge and dismissal
4 under the agreement with the court and prosecutor upon successful
5 completion of the veterans treatment court program, the court shall
6 enter a judgment of guilt.

7 (c) Under the agreement with the individual and the
8 prosecutor, the court may delay or defer further proceedings as
9 provided in section 1 of chapter XI of the code of criminal
10 procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as
11 applicable in that case under that agreement, and place the
12 individual on probation or other court supervision in the veterans
13 treatment court program with terms and conditions according to the
14 agreement and as considered necessary by the court.

15 (2) ~~The~~ **UNLESS A MEMORANDUM OF UNDERSTANDING MADE PURSUANT TO**
16 **SECTION 1088 BETWEEN A RECEIVING VETERANS TREATMENT COURT AND THE**
17 **COURT OF ORIGINAL JURISDICTION PROVIDES OTHERWISE, THE ORIGINAL**
18 ~~court shall maintain~~ **OF JURISDICTION MAINTAINS** jurisdiction over
19 the veterans treatment court participant as provided in this act
20 until final disposition of the case, but not longer than the
21 probation period fixed under section 2 of chapter XI of the code of
22 criminal procedure, 1927 PA 175, MCL 771.2.

23 (3) The veterans treatment court shall cooperate with, and act
24 in a collaborative manner with, the prosecutor, defense counsel,
25 treatment providers, the local substance abuse coordinating agency
26 for that circuit or district, probation departments, the United
27 States ~~department of veterans affairs,~~ **DEPARTMENT OF VETERANS**

1 **AFFAIRS**, local VSOs in that circuit or district, and, to the extent
2 possible, local law enforcement, the department of corrections, and
3 community corrections agencies.

4 (4) The veterans treatment court may require an individual
5 admitted into the court to pay a veterans treatment court fee that
6 is reasonably related to the cost to the court for administering
7 the veterans treatment court program as provided in the memorandum
8 of understanding under section 1201(2). The clerk of the veterans
9 treatment court shall transmit the fees collected to the treasurer
10 of the local funding unit at the end of each month.

11 (5) The veterans treatment court may request that the
12 department of state police provide to the court information
13 contained in the L.E.I.N. pertaining to an individual applicant's
14 criminal history for purposes of determining the individual's
15 compliance with all court orders. The department of state police
16 shall provide the information requested by a veterans treatment
17 court under this subsection.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect
21 unless all of the following bills of the 99th Legislature are
22 enacted into law:

- 23 (a) Senate Bill No. 436.
24 (b) Senate Bill No. 437.
25 (c) Senate Bill No. 438.