

SENATE BILL No. 438

June 7, 2017, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1201 (MCL 600.1201), as added by 2012 PA 335, and by amending the heading of chapter 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 12

~~JURORS~~ **VETERANS TREATMENT COURTS**

Sec. 1201. (1) A veterans court shall comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo veterans treatment court, which include all of the following essential characteristics:

(a) Integration of alcohol, drug treatment, and mental health services with justice system case processing.

(b) Use of a nonadversarial approach; prosecution and defense counsel promote public safety while protecting participants' due

1 process rights.

2 (c) Early and prompt identification and placement of eligible
3 participants in the veterans treatment court program.

4 (d) Provision of access to a continuum of alcohol, drug,
5 mental health, and related treatment and rehabilitation services.

6 (e) Monitoring of abstinence by frequent alcohol and other
7 drug testing.

8 (f) A coordinated strategy that governs veterans treatment
9 court responses to participants' compliance.

10 (g) Ongoing judicial interaction with each veteran. ~~is~~
11 ~~essential.~~

12 (h) Monitoring and evaluation to measure the achievement of
13 program goals and gauge effectiveness.

14 (i) Continuing interdisciplinary education **THAT** promotes
15 effective veterans treatment court planning, implementation, and
16 operations.

17 (j) Forging of partnerships among veterans treatment court,
18 veterans administration, public agencies, and community-based
19 organizations ~~generates~~ **TO GENERATE** local support and ~~enhances~~
20 **ENHANCE** veteran treatment court effectiveness.

21 (2) The circuit court in any judicial circuit or the district
22 court in any judicial district may adopt or institute a veterans
23 treatment court by statute or court rule if the circuit or district
24 court enters into a memorandum of understanding with each
25 participating prosecuting attorney in the circuit or district court
26 district, a representative of the criminal defense bar, a
27 representative or representatives of community treatment providers,

1 a representative or representatives of veterans service
2 organizations in the circuit or district court district, and a
3 representative or representatives of the United States ~~department~~
4 ~~of veterans affairs.~~ **DEPARTMENT OF VETERANS AFFAIRS.** However, the
5 memorandum of understanding will only be required to include the
6 prosecuting attorney if the veterans treatment court will include
7 in its program individuals who may be eligible for discharge and
8 dismissal of an offense, a delayed sentence, deferred entry of
9 judgment, or a sentence involving deviation from the sentencing
10 guidelines. The memorandum of understanding also may include other
11 parties considered necessary, such as any other prosecutor in the
12 circuit or district court district, local law enforcement, the
13 probation departments in that circuit or district, the local
14 substance abuse coordinating agency for that circuit or district, a
15 domestic violence service provider program that receives funding
16 from the state domestic violence prevention and treatment board, a
17 representative or representatives of the local court funding unit,
18 and community corrections agencies in that circuit or district. The
19 memorandum of understanding ~~shall~~ **MUST** describe the role of each
20 party, and the conditions for which the memorandum of understanding
21 must be renewed and amended.

22 (3) A court that is adopting a veterans treatment court shall
23 participate in training as required by the state court
24 administrative office.

25 (4) A court that has adopted a veterans treatment court under
26 this section may accept participants from any other jurisdiction in
27 this state based upon either the residence of the participant in

1 the receiving jurisdiction or the unavailability of a veterans
2 treatment court in the jurisdiction where the participant is
3 charged. The transfer can occur at any time during the proceedings,
4 including, but not limited to, prior to adjudication. The receiving
5 court shall have jurisdiction to impose sentence, including, but
6 not limited to, sanctions, incentives, incarceration, and phase
7 changes. A transfer under this subsection is not valid unless it is
8 agreed to by all of the following:

9 (a) The defendant or respondent.

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

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

13 (d) The judge of the receiving veterans treatment court and
14 the prosecutor of a court funding unit of the veterans treatment
15 court.

16 (5) BEGINNING JANUARY 1, 2018, A VETERANS TREATMENT COURT
17 OPERATING IN THIS STATE, OR A CIRCUIT COURT IN ANY JUDICIAL CIRCUIT
18 OR THE DISTRICT COURT IN ANY JUDICIAL DISTRICT SEEKING TO ADOPT OR
19 INSTITUTE A VETERANS TREATMENT COURT, MUST BE CERTIFIED BY THE
20 STATE COURT ADMINISTRATIVE OFFICE. THE STATE COURT ADMINISTRATIVE
21 OFFICE SHALL ESTABLISH THE PROCEDURE FOR CERTIFICATION. APPROVAL
22 AND CERTIFICATION UNDER THIS SUBSECTION OF A VETERANS TREATMENT
23 COURT IS REQUIRED TO BEGIN OR TO CONTINUE THE OPERATION OF A
24 VETERANS TREATMENT COURT UNDER THIS CHAPTER. THE STATE COURT
25 ADMINISTRATIVE OFFICE SHALL NOT RECOGNIZE AND INCLUDE A VETERANS
26 TREATMENT COURT THAT IS NOT CERTIFIED UNDER THIS SUBSECTION ON THE
27 STATEWIDE OFFICIAL LIST OF VETERANS TREATMENT COURTS. THE STATE

1 COURT ADMINISTRATIVE OFFICE SHALL INCLUDE A VETERANS TREATMENT
2 COURT CERTIFIED UNDER THIS SUBSECTION ON THE STATEWIDE OFFICIAL
3 LIST OF VETERANS TREATMENT COURTS. A VETERANS TREATMENT COURT THAT
4 IS NOT CERTIFIED UNDER THIS SUBSECTION SHALL NOT PERFORM ANY OF THE
5 FUNCTIONS OF A VETERANS TREATMENT COURT, INCLUDING, BUT NOT LIMITED
6 TO, ANY OF THE FOLLOWING FUNCTIONS:

7 (A) CHARGING A FEE UNDER SECTION 1206.

8 (B) DISCHARGING AND DISMISSING A CASE AS PROVIDED IN SECTION
9 1209.

10 (C) RECEIVING FUNDING UNDER SECTION 1211.

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

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

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

20 (a) Senate Bill No. 435.

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22 (b) Senate Bill No. 436.

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24 (c) Senate Bill No. 437.

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