

Act No. 164
Public Acts of 2017
Approved by the Governor
November 9, 2017
Filed with the Secretary of State
November 13, 2017
EFFECTIVE DATE: February 11, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 438

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 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

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 process rights.
- (c) Early and prompt identification and placement of eligible participants in the veterans treatment court program.
- (d) Provision of access to a continuum of alcohol, drug, mental health, and related treatment and rehabilitation services.
- (e) Monitoring of abstinence by frequent alcohol and other drug testing.
- (f) A coordinated strategy that governs veterans treatment court responses to participants’ compliance.
- (g) Ongoing judicial interaction with each veteran.

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

(i) Continuing interdisciplinary education that promotes effective veterans treatment court planning, implementation, and operations.

(j) Forging of partnerships among veterans treatment court, veterans administration, public agencies, and community-based organizations to generate local support and enhance veteran treatment court effectiveness.

(2) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a veterans treatment court by statute or court rule if 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, a representative or representatives of community treatment providers, a representative or representatives of veterans service organizations in the circuit or district court district, and a representative or representatives of the United States Department of Veterans Affairs. However, the memorandum of understanding will only be required to include the prosecuting attorney if the veterans treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, a delayed sentence, deferred entry of judgment, or a sentence involving deviation from the sentencing guidelines. 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, a representative or representatives of the local court funding unit, and community corrections agencies in that circuit or district. The memorandum of understanding must describe the role of each party, and the conditions for which the memorandum of understanding must be renewed and amended.

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

(4) A court that has adopted a veterans treatment court under 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 veterans treatment court in the jurisdiction where the participant is charged. The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection 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 veterans treatment court and the prosecutor of a court funding unit of the veterans treatment court.

(5) Beginning January 1, 2018, a veterans treatment court operating in this state, or a circuit court in any judicial circuit or the district court in any judicial district seeking to adopt or institute a veterans treatment court, must be certified by the state court administrative office. The state court administrative office shall establish the procedure for certification. Approval and certification under this subsection of a veterans treatment court is required to begin or to continue the operation of a veterans treatment court under this chapter. The state court administrative office shall not recognize and include a veterans treatment court that is not certified under this subsection on the statewide official list of veterans treatment courts. The state court administrative office shall include a veterans treatment court certified under this subsection on the statewide official list of veterans treatment courts. A veterans treatment court that is not certified under this subsection shall not perform any of the functions of a veterans treatment court, including, but not limited to, any of the following functions:

(a) Charging a fee under section 1206.

(b) Discharging and dismissing a case as provided in section 1209.

(c) Receiving funding under section 1211.

(d) Certifying to the secretary of state that an individual is eligible to receive a restricted license under section 1084 of this act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

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

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

(a) Senate Bill No. 435.

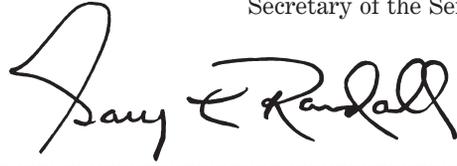
(b) Senate Bill No. 436.

(c) Senate Bill No. 437.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor