

Legislative Analysis



DRUG COURTS: PROSECUTOR APPROVALS AND MEMORANDUMS OF UNDERSTANDING

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1354 (Substitute H-1)
Sponsor: Sen. Michael Switalski
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 9-13-10

A SUMMARY OF SENATE BILL 1354 AS REPORTED BY COMMITTEE ON 9-8-10

The bill would amend provisions dealing with drug treatment courts in the Revised Judicature Act (MCL 600.1062 and 600.1068). Under the bill, current provisions that require a memorandum of understanding between certain parties and require prosecutor approval of participants would only apply in situations where individuals are eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

Currently, under state law or court rules, any circuit court, district court, or family division of circuit court may adopt or institute a drug treatment court. To do so, the court must first enter into a memorandum of understanding (MOU) with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and at least one representative of community treatment providers. The MOU describes the role of each party. Under Senate Bill 1354, the requirement to have an MOU would apply only to a drug treatment court that included in its program individuals who may be eligible for discharge and dismissal of an offense or delayed sentence, or, for a drug treatment court of a circuit or district court, individuals eligible for deviation from the sentencing guidelines.

In addition, if the individual being considered for admission to a drug treatment court is charged in a criminal case, or charged as a juvenile for an activity that would constitute a criminal act if committed by an adult, the RJA requires the prosecutor to approve the individual's admission into the drug treatment court in conformity with the MOU. The bill would require conformity with an MOU only for those cases involving an individual eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

FISCAL IMPACT:

House Bill 1354 would have an indeterminate fiscal impact on the judicial branch. Any fiscal impact would be the result of a change in the number of participants or drug treatment courts under the provisions of the bill. The bill would have no fiscal impact on the level of funding received by the drug treatment court program throughout the state.

POSITIONS:

The Michigan Association of Drug Court Professionals indicated support for the bill. (9-8-10)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.