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BILL ANALYSIS



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House Bill 5159 (as reported without amendment)
House Bill 5162 (Substitute H-1 as reported without amendment)
Sponsor: Representative Wayne Schmidt (H.B. 5159)
Representative Kurt Damrow (H.B. 5162)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 5162 (H-1) would add Chapter 12 to the Revised Judicature Act (RJA) to authorize circuit and district courts to establish veterans treatment courts, which would provide a treatment program for veterans who are substance abusers or mentally ill. The bill would do the following:

- Require a veterans treatment court to comply with the modified version of the 10 key components of drug treatment courts.
- Require a court that adopted a veterans treatment court to enter into a memorandum of understanding with certain parties.
- Require a veterans treatment court to participate in training required by the State Court Administrative Office.
- Provide for participation of veterans from outside of the court's jurisdiction, under certain circumstances.
- Establish requirements for a person's admission to a veterans treatment court, and allow admission of an eligible participant who was subject to discharge and dismissal under another provision of law.
- Require a preadmission screening and period evaluations of veterans treatment court participants.
- Provide for the confidentiality of a statement or other information obtained as result of an individual's participation in preadmission screening or a veterans treatment court program.
- Require the State Police, upon request, to give the court certain information contained in the Law Enforcement Information Network.
- Require a veterans treatment court to accept the guilty plea of an individual admitted to the court, and allow deferral of proceedings.
- Require a veterans treatment court to maintain jurisdiction over a participant until final disposition of the case.
- Specify services that a veterans treatment court would have to provide to a participant.
- Require a participant to pay certain costs and fees, but allow the court to waive all or part of them under certain circumstances.
- Establish requirements for the adjudication and sentencing of participants, or the discharge and dismissal of charges, as applicable.
- Establish data collection and reporting requirements.
- Authorize the Supreme Court to spend State funds for the establishment and operation of veterans treatment courts, and require the distribution of Federal funds provided to the State for the operation of the courts.

The bill includes a number of statements of legislative intent that the U.S. Department of Veterans Affairs should provide certain services, including clinical evaluations of drug and alcohol treatment and mental health services.

House Bill 5159 would amend Chapter 10A (Drug Treatment Courts) of the RJA to require the State Drug Treatment Court Advisory Committee to monitor the effectiveness of veterans treatment courts and present annual recommendations regarding them to the Legislature and Supreme Court. The bill also would add a circuit or district court judge who had presided over a veterans treatment court to the Advisory Committee.

The bills are tie-barred.

MCL 600.1082 (H.B. 5159)
Proposed MCL 600.1200-600.1212 (H.B. 5162)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5159 would have no fiscal impact on State or local government.

House Bill 5162 (H-1) would have an indeterminate fiscal impact on State and local government. The State of Michigan currently has five Veterans' Courts and at least one more is in the development process. By establishing a uniform framework for Veterans' Courts, the bill could result in expansion beyond the current participants. However, the bill would not explicitly create or fund any additional Veterans' Courts, so it is also possible that there would be no fiscal impact on either State or local government. Whether additional Veterans' Courts were created would depend on the willingness of local court judges and prosecutors to take the initiative to do so; many local jurisdictions that have chosen to begin programs so far have a special interest in veterans, either because the local area has a high concentration of veterans, or because the judges or prosecutors are veterans themselves.

Currently, the funding for Veterans' Courts comes from a variety of sources, but no funding currently comes from State resources. Generally, local courts provide their employees' time as an in-kind contribution to the program operations. However, some courts have set up a 501(c)(3) account to attempt to gain additional funding via grants or private sources. Once a veteran who has committed a crime becomes involved in the Veterans' Court process, the U.S. Department of Veterans Affairs generally covers the cost of services such as substance abuse treatment, health care, and job training. In most cases, veterans were already eligible for many of these resources, but had not taken advantage of them or been properly connected; the administrative processes within the Veterans' Courts ensures that the connection is made. To the extent that they have the financial capability, some veterans in the programs also pay fees that cover the cost of their own drug testing or other services. Another key component of the structure of the programs is volunteers' making in-kind contributions of their time.

The bill would authorize the State Court Administrative Office to provide grants to support Veterans' Courts as the SCAO does to support other specialty courts such as drug courts and mental health courts; however, whether such grants (and thereby fiscal costs to the State) would occur is likely contingent on future appropriations. Any potential expansion of the programs could generate long-term savings due to diverting individuals from prison and reducing the chances of recidivism. There have been no specific studies of the effectiveness of Veterans' Courts, but similar specialty and therapeutic courts (such as drug courts and mental health courts) have been demonstrated to be effective in reducing recidivism and thereby reducing the jail and prison populations.

Date Completed: 7-23-12

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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.