

SUBSTITUTE FOR
HOUSE BILL NO. 5162

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 12

SEC. 1200. AS USED IN THIS CHAPTER:

(A) "ARMED FORCES" MEANS THE ARMY, AIR FORCE, NAVY, MARINE
CORPS, COAST GUARD, OR OTHER MILITARY FORCE DESIGNATED BY CONGRESS
AS A PART OF THE ARMED FORCES OF THE UNITED STATES.

(B) "DEPARTMENT OF MILITARY AND VETERANS AFFAIRS" OR "DMVA"
MEANS THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS ESTABLISHED
UNDER SECTION 125 OF THE EXECUTIVE ORGANIZATION ACT OF 1965, 1965
PA 380, MCL 16.225.

(C) "DEPARTMENT OF VETERANS AFFAIRS" OR "VA" MEANS THE UNITED

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STATES DEPARTMENT OF VETERANS AFFAIRS.

(D) "DOMESTIC VIOLENCE OFFENSE" MEANS ANY CRIME ALLEGED TO HAVE BEEN COMMITTED BY AN INDIVIDUAL AGAINST HIS OR HER SPOUSE OR FORMER SPOUSE, AN INDIVIDUAL WITH WHOM HE OR SHE HAS A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM HE OR SHE HAS HAD A DATING RELATIONSHIP, OR AN INDIVIDUAL WHO RESIDES OR HAS RESIDED IN THE SAME HOUSEHOLD.

(E) "L.E.I.N." MEANS THE LAW ENFORCEMENT INFORMATION NETWORK REGULATED UNDER THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL 28.211 TO 28.215.

(F) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY DEMANDS OF LIFE[, INCLUDING, BUT NOT LIMITED TO, POST-TRAUMATIC STRESS DISORDER AND PSYCHIATRIC SYMPTOMS ASSOCIATED WITH TRAUMATIC BRAIN INJURY].

(G) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS ADMITTED INTO A VETERANS TREATMENT COURT.

(H) "PROSECUTOR" MEANS THE PROSECUTING ATTORNEY OF THE COUNTY, THE CITY ATTORNEY, THE VILLAGE ATTORNEY, OR THE TOWNSHIP ATTORNEY.

(I) "TRAFFIC OFFENSE" MEANS A VIOLATION OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A VIOLATION OF THAT ACT, THAT INVOLVES THE OPERATION OF A VEHICLE AND, AT THE TIME OF THE VIOLATION, IS A FELONY OR MISDEMEANOR.

(J) "VETERAN" MEANS ANY OF THE FOLLOWING:

(i) A PERSON WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES FOR A PERIOD OF MORE THAN 180 DAYS AND SEPARATED FROM THE ARMED FORCES IN A MANNER OTHER THAN A DISHONORABLE DISCHARGE.

1 (ii) A PERSON DISCHARGED OR RELEASED FROM ACTIVE DUTY BECAUSE
2 OF A SERVICE-RELATED DISABILITY.

3 (iii) A MEMBER OF A RESERVE BRANCH OF THE ARMED FORCES AT THE
4 TIME HE OR SHE WAS ORDERED TO ACTIVE DUTY DURING A PERIOD OF WAR,
5 OR IN A CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS
6 AUTHORIZED, AND WAS RELEASED FROM ACTIVE DUTY IN A MANNER OTHER
7 THAN A DISHONORABLE DISCHARGE.

8 (K) "VETERAN SERVICE ORGANIZATION" OR "VSO" MEANS AN
9 ORGANIZATION THAT IS ACCREDITED BY THE UNITED STATES DEPARTMENT OF
10 VETERANS AFFAIRS, AS RECOGNIZED UNDER 38 CFR 14.628.

11 (I) "VETERANS TREATMENT COURT" OR "VETERANS COURT" MEANS A
12 COURT ADOPTED OR INSTITUTED UNDER SECTION 1201 THAT PROVIDES A
13 SUPERVISED TREATMENT PROGRAM FOR INDIVIDUALS WHO ARE VETERANS AND
14 WHO ABUSE OR ARE DEPENDENT UPON ANY CONTROLLED SUBSTANCE OR ALCOHOL
15 OR SUFFER FROM A MENTAL ILLNESS.

16 (M) "VIOLENT OFFENDER" MEANS AN INDIVIDUAL WHO IS CURRENTLY
17 CHARGED WITH OR HAS PLED GUILTY TO AN OFFENSE INVOLVING THE DEATH
18 OF, OR A SERIOUS BODILY INJURY TO, ANY INDIVIDUAL, WHETHER OR NOT
19 ANY OF THESE CIRCUMSTANCES ARE AN ELEMENT OF THE OFFENSE, OR IS
20 CRIMINAL SEXUAL CONDUCT IN ANY DEGREE.

21 SEC. 1201. (1) A VETERANS COURT SHALL COMPLY WITH THE MODIFIED
22 VERSION OF THE 10 KEY COMPONENTS OF DRUG TREATMENT COURTS AS
23 PROMULGATED BY THE BUFFALO VETERANS TREATMENT COURT, WHICH INCLUDE
24 ALL OF THE FOLLOWING ESSENTIAL CHARACTERISTICS:

25 (A) INTEGRATION OF ALCOHOL, DRUG TREATMENT, AND MENTAL HEALTH
26 SERVICES WITH JUSTICE SYSTEM CASE PROCESSING.

27 (B) USE OF A NONADVERSARIAL APPROACH; PROSECUTION AND DEFENSE

1 COUNSEL PROMOTE PUBLIC SAFETY WHILE PROTECTING PARTICIPANTS' DUE
2 PROCESS RIGHTS.

3 (C) EARLY AND PROMPT IDENTIFICATION AND PLACEMENT OF ELIGIBLE
4 PARTICIPANTS IN THE VETERANS TREATMENT COURT PROGRAM.

5 (D) PROVISION OF ACCESS TO A CONTINUUM OF ALCOHOL, DRUG,
6 MENTAL HEALTH, AND RELATED TREATMENT AND REHABILITATION SERVICES.

7 (E) MONITORING OF ABSTINENCE BY FREQUENT ALCOHOL AND OTHER
8 DRUG TESTING.

9 (F) A COORDINATED STRATEGY THAT GOVERNS VETERANS TREATMENT
10 COURT RESPONSES TO PARTICIPANTS' COMPLIANCE.

11 (G) ONGOING JUDICIAL INTERACTION WITH EACH VETERAN IS
12 ESSENTIAL.

13 (H) MONITORING AND EVALUATION TO MEASURE THE ACHIEVEMENT OF
14 PROGRAM GOALS AND GAUGE EFFECTIVENESS.

15 (I) CONTINUING INTERDISCIPLINARY EDUCATION PROMOTES EFFECTIVE
16 VETERANS TREATMENT COURT PLANNING, IMPLEMENTATION, AND OPERATIONS.

17 (J) FORGING OF PARTNERSHIPS AMONG VETERANS TREATMENT COURT,
18 VETERANS ADMINISTRATION, PUBLIC AGENCIES, AND COMMUNITY-BASED
19 ORGANIZATIONS GENERATES LOCAL SUPPORT AND ENHANCES VETERAN
20 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,

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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. HOWEVER, THE MEMORANDUM OF UNDERSTANDING WILL
5 ONLY BE REQUIRED TO INCLUDE THE PROSECUTING ATTORNEY IF THE
6 VETERANS TREATMENT COURT WILL INCLUDE IN ITS PROGRAM INDIVIDUALS
7 WHO MAY BE ELIGIBLE FOR DISCHARGE AND DISMISSAL OF AN OFFENSE, A
8 DELAYED SENTENCE, <<DEFERRED ENTRY OF JUDGMENT,>> OR A SENTENCE
9 INVOLVING DEVIATION FROM THE
10 SENTENCING GUIDELINES. THE MEMORANDUM OF UNDERSTANDING ALSO MAY
11 INCLUDE OTHER PARTIES CONSIDERED NECESSARY, SUCH AS ANY OTHER
12 PROSECUTOR IN THE CIRCUIT OR DISTRICT COURT DISTRICT, LOCAL LAW
13 ENFORCEMENT, THE PROBATION DEPARTMENTS IN THAT CIRCUIT OR DISTRICT,
14 THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY FOR THAT CIRCUIT OR
15 DISTRICT, A DOMESTIC VIOLENCE SERVICE PROVIDER PROGRAM THAT
16 RECEIVES FUNDING FROM THE STATE DOMESTIC VIOLENCE PREVENTION AND
17 TREATMENT BOARD, [A REPRESENTATIVE OR REPRESENTATIVES OF THE LOCAL COURT
18 FUNDING UNIT,] AND COMMUNITY CORRECTIONS AGENCIES IN THAT CIRCUIT
19 OR DISTRICT. THE MEMORANDUM OF UNDERSTANDING SHALL DESCRIBE THE
20 ROLE OF EACH PARTY, AND THE CONDITIONS FOR WHICH THE MEMORANDUM OF
21 UNDERSTANDING 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
THE RECEIVING JURISDICTION OR THE UNAVAILABILITY OF A VETERANS
TREATMENT COURT IN THE JURISDICTION WHERE THE PARTICIPANT IS

1 CHARGED. THE TRANSFER CAN OCCUR AT ANY TIME DURING THE PROCEEDINGS,
2 INCLUDING, BUT NOT LIMITED TO, PRIOR TO ADJUDICATION. THE RECEIVING
3 COURT SHALL HAVE JURISDICTION TO IMPOSE SENTENCE, INCLUDING, BUT
4 NOT LIMITED TO, SANCTIONS, INCENTIVES, INCARCERATION, AND PHASE
5 CHANGES. A TRANSFER UNDER THIS SUBSECTION IS NOT VALID UNLESS IT IS
6 AGREED TO BY ALL OF THE FOLLOWING:

7 (A) THE DEFENDANT OR RESPONDENT.

8 (B) THE ATTORNEY REPRESENTING THE DEFENDANT OR RESPONDENT.

9 (C) THE JUDGE OF THE TRANSFERRING COURT AND THE PROSECUTOR OF
10 THE CASE.

11 (D) THE JUDGE OF THE RECEIVING VETERANS TREATMENT COURT AND
12 THE PROSECUTOR OF A COURT FUNDING UNIT OF THE VETERANS TREATMENT
13 COURT.

14 SEC. 1202. A VETERANS TREATMENT COURT MAY HIRE OR CONTRACT
15 WITH LICENSED OR ACCREDITED TREATMENT PROVIDERS, IN CONSULTATION
16 AND COOPERATION WITH THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY,
17 AND OTHER APPROPRIATE PERSONS TO ASSIST THE VETERANS TREATMENT
18 COURT IN FULFILLING ITS REQUIREMENTS UNDER THIS CHAPTER, INCLUDING,
19 BUT NOT LIMITED TO, AN INVESTIGATION OF AN INDIVIDUAL'S BACKGROUND
20 OR CIRCUMSTANCES, OR A CLINICAL EVALUATION OF AN INDIVIDUAL, BEFORE
21 THE INDIVIDUAL IS ADMITTED OR PERMITTED TO PARTICIPATE IN A
22 VETERANS TREATMENT COURT. IT IS THE INTENT OF THE LEGISLATURE THAT,
23 SERVICES, INCLUDING, BUT NOT LIMITED TO, CLINICAL EVALUATIONS, DRUG
24 AND ALCOHOL TREATMENT, AND MENTAL HEALTH SERVICES, SHALL BE
25 PROVIDED BY THE VA TO THE EXTENT THAT IS PRACTICAL.

26 SEC. 1203. (1) A VETERANS TREATMENT COURT SHALL DETERMINE
27 WHETHER AN INDIVIDUAL MAY BE ADMITTED TO THE VETERANS TREATMENT

1 COURT. NO INDIVIDUAL HAS A RIGHT TO BE ADMITTED INTO A VETERANS
2 TREATMENT COURT. HOWEVER, AN INDIVIDUAL IS NOT ELIGIBLE FOR
3 ADMISSION INTO A VETERANS TREATMENT COURT IF HE OR SHE IS A VIOLENT
4 OFFENDER. AN INDIVIDUAL IS ELIGIBLE FOR ADMISSION INTO A VETERANS
5 TREATMENT COURT IF HE OR SHE HAS PREVIOUSLY HAD AN OFFENSE
6 DISCHARGED OR DISMISSED AS A RESULT OF PARTICIPATION IN A VETERANS
7 TREATMENT COURT, DRUG TREATMENT COURT, OR OTHER SPECIALTY COURT,
8 BUT HE OR SHE SHALL NOT HAVE A SUBSEQUENT OFFENSE DISCHARGED OR
9 DISMISSED AS A RESULT OF PARTICIPATING IN THE VETERANS TREATMENT
10 COURT.

11 (2) IN ADDITION TO ADMISSION TO A VETERANS TREATMENT COURT
12 UNDER THIS ACT, AN INDIVIDUAL WHO IS ELIGIBLE FOR ADMISSION UNDER
13 THIS ACT MAY ALSO BE ADMITTED TO A VETERANS TREATMENT COURT UNDER
14 ANY OF THE FOLLOWING CIRCUMSTANCES:

15 (A) THE INDIVIDUAL HAS BEEN ASSIGNED THE STATUS OF YOUTHFUL
16 TRAINEE UNDER SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
17 PROCEDURE, 1927 PA 175, MCL 762.11.

18 (B) THE INDIVIDUAL HAS HAD CRIMINAL PROCEEDINGS AGAINST HIM OR
19 HER DEFERRED AND HAS BEEN PLACED ON PROBATION UNDER ANY OF THE
20 FOLLOWING:

21 (i) SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
22 333.7411, OR A LOCAL ORDINANCE OR ANOTHER LAW OF THIS STATE,
23 ANOTHER STATE, OR THE UNITED STATES THAT IS SUBSTANTIALLY SIMILAR
24 TO THAT SECTION.

25 (ii) SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL
26 PROCEDURE, 1927 PA 175, MCL 769.4A, OR A LOCAL ORDINANCE OR ANOTHER
27 LAW OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES THAT IS

1 SUBSTANTIALLY SIMILAR TO THAT SECTION.

2 (iii) SECTION 350A OR 430 OF THE MICHIGAN PENAL CODE, 1931 PA
3 328, MCL 750.350A AND 750.430, OR A LOCAL ORDINANCE OR ANOTHER LAW
4 OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES THAT IS
5 SUBSTANTIALLY SIMILAR TO THOSE SECTIONS.

6 (3) TO BE ELIGIBLE FOR ADMISSION TO A VETERANS TREATMENT
7 COURT, AN INDIVIDUAL SHALL COOPERATE WITH AND COMPLETE A
8 PREADMISSIONS SCREENING AND EVALUATION ASSESSMENT AND SHALL AGREE
9 TO COOPERATE WITH ANY FUTURE EVALUATION ASSESSMENT AS DIRECTED BY
10 THE VETERANS TREATMENT COURT. A PREADMISSION SCREENING AND
11 EVALUATION ASSESSMENT SHALL INCLUDE ALL OF THE FOLLOWING:

12 (A) A DETERMINATION OF THE INDIVIDUAL'S VETERAN STATUS. A
13 REVIEW OF THE DD FORM 214 "CERTIFICATE OF RELEASE OR DISCHARGE FROM
14 ACTIVE DUTY" SATISFIES THE REQUIREMENT OF THIS SUBDIVISION.

15 (B) A COMPLETE REVIEW OF THE INDIVIDUAL'S CRIMINAL HISTORY AND
16 WHETHER THE INDIVIDUAL HAS BEEN ADMITTED TO, HAS PARTICIPATED IN,
17 OR IS CURRENTLY PARTICIPATING IN A VETERANS TREATMENT COURT, DRUG
18 TREATMENT COURT, OR OTHER SPECIALTY COURT, WHETHER ADMITTED UNDER
19 THIS ACT OR A LAW LISTED UNDER SUBSECTION (2), AND THE RESULTS OF
20 THE INDIVIDUAL'S PARTICIPATION. A REVIEW OF THE L.E.I.N. SATISFIES
21 THE REQUIREMENTS OF THIS SUBDIVISION UNLESS A FURTHER REVIEW IS
22 WARRANTED. THE COURT MAY ACCEPT OTHER VERIFIABLE AND RELIABLE
23 INFORMATION FROM THE PROSECUTION OR DEFENSE TO COMPLETE ITS REVIEW
24 AND MAY REQUIRE THE INDIVIDUAL TO SUBMIT A STATEMENT AS TO WHETHER
25 OR NOT HE OR SHE HAS PREVIOUSLY BEEN ADMITTED TO A VETERANS
26 TREATMENT COURT, DRUG TREATMENT COURT, OR OTHER SPECIALTY COURT,
27 AND THE RESULTS OF HIS OR HER PARTICIPATION IN THE PRIOR PROGRAM OR

1 PROGRAMS.

2 (C) AN ASSESSMENT OF THE RISK OF DANGER OR HARM TO THE
3 INDIVIDUAL, OTHERS, OR THE COMMUNITY.

4 (D) A REVIEW OF THE INDIVIDUAL'S HISTORY REGARDING THE USE OR
5 ABUSE OF ANY CONTROLLED SUBSTANCE OR ALCOHOL AND AN ASSESSMENT OF
6 WHETHER THE INDIVIDUAL ABUSES CONTROLLED SUBSTANCES OR ALCOHOL OR
7 IS DRUG OR ALCOHOL DEPENDENT. IT IS THE INTENT OF THE LEGISLATURE
8 THAT, TO THE EXTENT PRACTICABLE, AN ASSESSMENT UNDER THIS
9 SUBDIVISION SHALL BE A CLINICAL ASSESSMENT COMPLETED BY THE VA.

10 (E) A REVIEW OF THE INDIVIDUAL'S MENTAL HEALTH HISTORY. IT IS
11 THE INTENT OF THE LEGISLATURE THAT, TO THE EXTENT PRACTICABLE, THIS
12 ASSESSMENT SHALL BE A CLINICAL ASSESSMENT COMPLETED BY THE VA.

13 (F) A REVIEW OF ANY SPECIAL NEEDS OR CIRCUMSTANCES OF THE
14 INDIVIDUAL THAT MAY POTENTIALLY AFFECT THE INDIVIDUAL'S ABILITY TO
15 RECEIVE SUBSTANCE ABUSE TREATMENT AND FOLLOW THE COURT'S ORDERS.

16 (4) EXCEPT AS OTHERWISE PERMITTED IN THIS ACT, ANY STATEMENT
17 OR OTHER INFORMATION OBTAINED AS A RESULT OF AN INDIVIDUAL'S
18 PARTICIPATION IN A PREADMISSION SCREENING AND EVALUATION ASSESSMENT
19 UNDER SUBSECTION (3) IS CONFIDENTIAL, IS EXEMPT FROM DISCLOSURE
20 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
21 15.246, AND SHALL NOT BE USED IN A CRIMINAL PROSECUTION, EXCEPT FOR
22 A STATEMENT OR INFORMATION THAT REVEALS CRIMINAL ACTS OTHER THAN
23 PERSONAL DRUG USE.

24 (5) THE COURT MAY REQUEST THAT THE DEPARTMENT OF STATE POLICE
25 PROVIDE TO THE COURT INFORMATION CONTAINED IN THE L.E.I.N.
26 PERTAINING TO AN INDIVIDUAL APPLICANT'S CRIMINAL HISTORY FOR THE
27 PURPOSES OF DETERMINING AN INDIVIDUAL'S ADMISSION INTO THE VETERANS

1 TREATMENT COURT AND GENERAL CRIMINAL HISTORY REVIEW, INCLUDING
2 WHETHER THE INDIVIDUAL HAS PREVIOUSLY BEEN ADMITTED TO AND
3 PARTICIPATED IN A VETERANS TREATMENT COURT, DRUG TREATMENT COURT,
4 OR OTHER SPECIALTY COURT UNDER THIS ACT OR UNDER A STATUTE LISTED
5 UNDER SUBSECTION (2), AND THE RESULTS OF THE INDIVIDUAL'S
6 PARTICIPATION. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE
7 INFORMATION REQUESTED BY A VETERANS TREATMENT COURT UNDER THIS
8 SUBSECTION.

9 SEC. 1204. BEFORE AN INDIVIDUAL IS ADMITTED INTO A VETERANS
10 TREATMENT COURT, THE COURT SHALL FIND ON THE RECORD OR PLACE A
11 STATEMENT IN THE COURT FILE ESTABLISHING ALL OF THE FOLLOWING:

12 (A) THAT THE INDIVIDUAL IS A VETERAN.

13 (B) THAT THE INDIVIDUAL IS DEPENDENT UPON OR ABUSING DRUGS OR
14 ALCOHOL, OR SUFFERS FROM A MENTAL ILLNESS, AND IS AN APPROPRIATE
15 CANDIDATE FOR PARTICIPATION IN THE VETERANS TREATMENT COURT.

16 (C) THAT THE INDIVIDUAL UNDERSTANDS THE CONSEQUENCES OF
17 ENTERING THE VETERANS TREATMENT COURT AND AGREES TO COMPLY WITH ALL
18 COURT ORDERS AND REQUIREMENTS OF THE COURT'S PROGRAM AND TREATMENT
19 PROVIDERS.

20 (D) THAT THE INDIVIDUAL IS NOT AN UNWARRANTED OR SUBSTANTIAL
21 RISK TO THE SAFETY OF THE PUBLIC OR ANY INDIVIDUAL, BASED UPON THE
22 SCREENING AND ASSESSMENT OR OTHER INFORMATION PRESENTED TO THE
23 COURT.

24 (E) THAT THE INDIVIDUAL IS NOT A VIOLENT OFFENDER.

25 (F) THAT THE INDIVIDUAL HAS COMPLETED A PREADMISSION SCREENING
26 AND EVALUATION ASSESSMENT UNDER SECTION 1203(3) AND HAS AGREED TO
27 COOPERATE WITH ANY FUTURE EVALUATION ASSESSMENT AS DIRECTED BY THE

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1 VETERANS TREATMENT COURT.

2 (G) THAT THE INDIVIDUAL MEETS THE REQUIREMENTS, IF APPLICABLE,
3 OF A STATUTE LISTED UNDER SECTION 1203(2).

4 (H) THE TERMS, CONDITIONS, AND DURATION OF THE AGREEMENT
5 BETWEEN THE PARTIES, AND THE OUTCOME FOR THE PARTICIPANT OF THE
6 VETERANS TREATMENT COURT UPON SUCCESSFUL COMPLETION BY THE
7 PARTICIPANT OR TERMINATION OF PARTICIPATION.

8 SEC. 1205. (1) IF THE INDIVIDUAL BEING CONSIDERED FOR
9 ADMISSION TO A VETERANS TREATMENT COURT IS CHARGED IN A CRIMINAL
10 CASE, HIS OR HER ADMISSION IS SUBJECT TO ALL OF THE FOLLOWING
11 CONDITIONS:

12 (A) THE OFFENSE OR OFFENSES ALLEGEDLY COMMITTED BY THE
13 INDIVIDUAL ARE GENERALLY RELATED TO THE MILITARY SERVICE OF THE
14 INDIVIDUAL, INCLUDING THE ABUSE, ILLEGAL USE, OR POSSESSION OF A
15 CONTROLLED SUBSTANCE OR ALCOHOL, OR MENTAL ILLNESS THAT ARISES AS A
16 RESULT OF SERVICE.

17 (B) THE INDIVIDUAL PLEADS GUILTY TO THE CHARGE OR CHARGES ON
18 THE RECORD.

19 (C) THE INDIVIDUAL WAIVES IN WRITING THE RIGHT TO A SPEEDY
20 TRIAL, THE RIGHT TO REPRESENTATION BY AN ATTORNEY AT VETERANS
21 TREATMENT COURT REVIEW HEARINGS, AND, WITH THE AGREEMENT OF THE
22 PROSECUTOR, THE RIGHT TO A PRELIMINARY EXAMINATION.

23 (D) THE INDIVIDUAL SIGNS A WRITTEN AGREEMENT TO PARTICIPATE IN
24 THE VETERANS TREATMENT COURT.

25 (2) AN INDIVIDUAL WHO MAY BE ELIGIBLE FOR DISCHARGE AND
26 DISMISSAL OF AN OFFENSE, DELAYED SENTENCE, <<DEFERRED ENTRY OF
27 JUDGMENT,>> OR DEVIATION FROM THE SENTENCING GUIDELINES SHALL NOT BE ADMITTED TO A VETERANS TREATMENT

1 COURT UNLESS THE PROSECUTOR FIRST APPROVES THE ADMISSION OF THE
2 INDIVIDUAL INTO THE VETERANS TREATMENT COURT IN CONFORMITY WITH THE
3 MEMORANDUM OF UNDERSTANDING UNDER SECTION 1201(2).

4 (3) AN INDIVIDUAL SHALL NOT BE ADMITTED TO, OR REMAIN IN, A
5 VETERANS TREATMENT COURT UNDER AN AGREEMENT THAT WOULD PERMIT THE
6 DISCHARGE OR DISMISSAL OF A TRAFFIC OFFENSE UPON SUCCESSFUL
7 COMPLETION OF THE VETERANS TREATMENT COURT PROGRAM.

8 (4) IN ADDITION TO RIGHTS ACCORDED A VICTIM UNDER THE WILLIAM
9 VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751
10 TO 780.834, THE VETERANS TREATMENT COURT SHALL PERMIT ANY VICTIM OF
11 THE OFFENSE OR OFFENSES OF WHICH THE INDIVIDUAL IS CHARGED, ANY
12 VICTIM OF A PRIOR OFFENSE OF WHICH THAT INDIVIDUAL WAS CONVICTED,
13 AND MEMBERS OF THE COMMUNITY IN WHICH THE OFFENSES WERE COMMITTED
14 OR IN WHICH THE DEFENDANT RESIDES TO SUBMIT A WRITTEN STATEMENT TO
15 THE COURT REGARDING THE ADVISABILITY OF ADMITTING THE INDIVIDUAL
16 INTO THE VETERANS TREATMENT COURT.

17 (5) AN INDIVIDUAL WHO HAS WAIVED HIS OR HER RIGHT TO A
18 PRELIMINARY EXAMINATION AND HAS PLED GUILTY AS PART OF HIS OR HER
19 APPLICATION TO A VETERANS TREATMENT COURT AND WHO IS NOT ADMITTED
20 TO A VETERANS TREATMENT COURT SHALL BE PERMITTED TO WITHDRAW HIS OR
21 HER PLEA AND IS ENTITLED TO A PRELIMINARY EXAMINATION.

22 SEC. 1206. (1) ALL OF THE FOLLOWING CONDITIONS APPLY TO AN
23 INDIVIDUAL ADMITTED TO A VETERANS TREATMENT COURT:

24 (A) FOR AN INDIVIDUAL WHO IS ADMITTED TO A VETERANS TREATMENT
25 COURT BASED UPON HAVING A CRIMINAL CHARGE CURRENTLY FILED AGAINST
26 HIM OR HER, THE COURT SHALL ACCEPT THE INDIVIDUAL'S PLEA OF GUILTY.

27 (B) ONE OF THE FOLLOWING APPLIES TO AN INDIVIDUAL WHO PLED

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1 GUILTY TO A CRIMINAL CHARGE FOR WHICH HE OR SHE WAS ADMITTED TO A
2 VETERANS TREATMENT COURT, AS APPLICABLE:

3 (i) IF THE INDIVIDUAL PLED GUILTY TO AN OFFENSE THAT IS NOT A
4 TRAFFIC OFFENSE AND MAY BE ELIGIBLE FOR DISCHARGE AND DISMISSAL
5 UNDER THE AGREEMENT WITH THE COURT AND PROSECUTOR UPON SUCCESSFUL
6 COMPLETION OF THE VETERANS TREATMENT COURT PROGRAM, THE COURT SHALL
7 NOT ENTER A JUDGMENT OF GUILT.

8 (ii) IF THE INDIVIDUAL PLED GUILTY TO A TRAFFIC OFFENSE OR
9 ANOTHER OFFENSE BUT IS NOT ELIGIBLE FOR DISCHARGE AND DISMISSAL
10 UNDER THE AGREEMENT WITH THE COURT AND PROSECUTOR UPON SUCCESSFUL
11 COMPLETION OF THE VETERANS TREATMENT COURT PROGRAM, THE COURT SHALL
12 ENTER A JUDGMENT OF GUILT.

13 (C) UNDER THE AGREEMENT WITH THE INDIVIDUAL AND THE
14 PROSECUTOR, THE COURT MAY <<DELAY OR>> DEFER FURTHER PROCEEDINGS AS
15 PROVIDED IN SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL
16 PROCEDURE, 1927 PA 175, MCL 771.1, OR PROCEED TO SENTENCING, AS
17 APPLICABLE IN THAT CASE UNDER THAT AGREEMENT, AND PLACE THE
18 INDIVIDUAL ON PROBATION OR OTHER COURT SUPERVISION IN THE VETERANS
19 TREATMENT COURT PROGRAM WITH TERMS AND CONDITIONS ACCORDING TO THE
20 AGREEMENT AND AS CONSIDERED NECESSARY BY THE COURT.

21 (2) THE COURT SHALL MAINTAIN JURISDICTION OVER THE VETERANS
22 TREATMENT COURT PARTICIPANT AS PROVIDED IN THIS ACT UNTIL FINAL
23 DISPOSITION OF THE CASE, BUT NOT LONGER THAN THE PROBATION PERIOD
24 FIXED UNDER SECTION 2 OF CHAPTER XI OF THE CODE OF CRIMINAL
25 PROCEDURE, 1927 PA 175, MCL 771.2.

26 (3) THE VETERANS TREATMENT COURT SHALL COOPERATE WITH, AND ACT
27 IN A COLLABORATIVE MANNER WITH, THE PROSECUTOR, DEFENSE COUNSEL,

1 TREATMENT PROVIDERS, THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY
2 FOR THAT CIRCUIT OR DISTRICT, PROBATION DEPARTMENTS, THE UNITED
3 STATES DEPARTMENT OF VETERANS AFFAIRS, LOCAL VSOS IN THAT CIRCUIT
4 OR DISTRICT, AND, TO THE EXTENT POSSIBLE, LOCAL LAW ENFORCEMENT,
5 THE DEPARTMENT OF CORRECTIONS, AND COMMUNITY CORRECTIONS AGENCIES.

6 (4) THE VETERANS TREATMENT COURT MAY REQUIRE AN INDIVIDUAL
7 ADMITTED INTO THE COURT TO PAY A VETERANS TREATMENT COURT FEE THAT
8 IS REASONABLY RELATED TO THE COST TO THE COURT FOR ADMINISTERING
9 THE VETERANS TREATMENT COURT PROGRAM AS PROVIDED IN THE MEMORANDUM
10 OF UNDERSTANDING UNDER SECTION 1201(2). THE CLERK OF THE VETERANS
11 TREATMENT COURT SHALL TRANSMIT THE FEES COLLECTED TO THE TREASURER
12 OF THE LOCAL FUNDING UNIT AT THE END OF EACH MONTH.

13 (5) THE VETERANS TREATMENT COURT MAY REQUEST THAT THE
14 DEPARTMENT OF STATE POLICE PROVIDE TO THE COURT INFORMATION
15 CONTAINED IN THE L.E.I.N. PERTAINING TO AN INDIVIDUAL APPLICANT'S
16 CRIMINAL HISTORY FOR PURPOSES OF DETERMINING THE INDIVIDUAL'S
17 COMPLIANCE WITH ALL COURT ORDERS. THE DEPARTMENT OF STATE POLICE
18 SHALL PROVIDE THE INFORMATION REQUESTED BY A VETERANS TREATMENT
19 COURT UNDER THIS SUBSECTION.

20 SEC. 1207. (1) A VETERANS TREATMENT COURT SHALL PROVIDE AN
21 INDIVIDUAL ADMITTED TO THE COURT WITH ALL OF THE FOLLOWING:

22 (A) CONSISTENT, CONTINUAL, AND CLOSE MONITORING AND
23 INTERACTION WITH THE COURT, TREATMENT PROVIDERS, PROBATION, AND THE
24 PARTICIPANT.

25 (B) A MENTORSHIP RELATIONSHIP WITH ANOTHER VETERAN WHO CAN
26 OFFER THE PARTICIPANT SUPPORT, GUIDANCE, AND ADVICE. IT IS THE
27 INTENT OF THE LEGISLATURE THAT, WHERE PRACTICABLE, THE ASSIGNED

1 MENTOR SHOULD BE AS SIMILAR TO THE INDIVIDUAL AS POSSIBLE IN TERMS
2 OF AGE, GENDER, BRANCH OF SERVICE, MILITARY RANK, AND PERIOD OF
3 MILITARY SERVICE.

4 (C) MANDATORY PERIODIC AND RANDOM TESTING FOR THE PRESENCE OF
5 ANY CONTROLLED SUBSTANCE OR ALCOHOL IN A PARTICIPANT'S BLOOD,
6 URINE, OR BREATH, USING, TO THE EXTENT PRACTICABLE, THE BEST
7 AVAILABLE, ACCEPTED, AND SCIENTIFICALLY VALID METHODS.

8 (D) PERIODIC EVALUATION ASSESSMENTS OF THE PARTICIPANT'S
9 CIRCUMSTANCES AND PROGRESS IN THE PROGRAM.

10 (E) A REGIMEN OR STRATEGY OF APPROPRIATE AND GRADUATED BUT
11 IMMEDIATE REWARDS FOR COMPLIANCE AND SANCTIONS FOR NONCOMPLIANCE,
12 INCLUDING, BUT NOT LIMITED TO, THE POSSIBILITY OF INCARCERATION OR
13 CONFINEMENT.

14 (F) SUBSTANCE ABUSE TREATMENT SERVICES, RELAPSE PREVENTION
15 SERVICES, EDUCATION, AND VOCATIONAL OPPORTUNITIES AS APPROPRIATE
16 AND PRACTICABLE. IT IS THE INTENT OF THE LEGISLATURE THAT, WHERE
17 PRACTICABLE, THESE SERVICES SHALL BE PROVIDED BY THE VA.

18 (G) MENTAL HEALTH TREATMENT SERVICES AS APPROPRIATE AND
19 PRACTICABLE. IT IS THE INTENT OF THE LEGISLATURE THAT, WHERE
20 PRACTICABLE, THESE SERVICES SHALL BE PROVIDED BY THE VA.

21 (2) ANY STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
22 PARTICIPATING IN ASSESSMENT, TREATMENT, OR TESTING WHILE IN A
23 VETERANS TREATMENT COURT IS CONFIDENTIAL AND IS EXEMPT FROM
24 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
25 15.231 TO 15.246, AND SHALL NOT BE USED IN A CRIMINAL PROSECUTION,
26 EXCEPT FOR A STATEMENT OR INFORMATION THAT REVEALS CRIMINAL ACTS
27 OTHER THAN, OR INCONSISTENT WITH, PERSONAL DRUG USE.

House Bill No. 5162 (H-1) as amended May 23, 2012

1 SEC. 1208. (1) IN ORDER TO CONTINUE TO PARTICIPATE IN AND
2 SUCCESSFULLY COMPLETE A VETERANS TREATMENT COURT PROGRAM, AN
3 INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

4 (A) PAY ALL COURT-ORDERED FINES AND COSTS, INCLUDING MINIMUM
5 STATE COSTS.

6 (B) PAY THE VETERANS TREATMENT COURT FEE ALLOWED UNDER SECTION
7 1206(4).

8 (C) PAY ALL COURT-ORDERED RESTITUTION.

9 (D) PAY ALL CRIME VICTIMS' RIGHTS ASSESSMENTS UNDER SECTION 5
10 OF 1989 PA 196, MCL 780.905.

11 (E) COMPLY WITH ALL COURT ORDERS. VIOLATIONS OF A COURT ORDER
12 MAY BE SANCTIONED WITHIN THE COURT'S DISCRETION.

13 [(F) MEET WITH A MEMBER OF A VETERAN SERVICE ORGANIZATION OR A
14 COUNTY VETERAN COUNSELOR TO DISCUSS AVAILABLE VETERANS BENEFIT PROGRAMS
15 FOR WHICH THE INDIVIDUAL MAY QUALIFY.]

16 (2) THE VETERANS TREATMENT COURT SHALL BE NOTIFIED IF THE
17 VETERANS TREATMENT COURT PARTICIPANT IS ACCUSED OF A NEW CRIME, AND
18 THE JUDGE SHALL CONSIDER WHETHER TO TERMINATE THE PARTICIPANT'S
19 PARTICIPATION IN THE VETERANS TREATMENT COURT PROGRAM IN CONFORMITY
20 WITH THE MEMORANDUM OF UNDERSTANDING UNDER SECTION 1201(2). IF THE
21 PARTICIPANT IS CONVICTED OF A FELONY FOR AN OFFENSE THAT OCCURRED
22 AFTER THE DEFENDANT IS ADMITTED TO THE VETERANS TREATMENT COURT,
23 THE JUDGE SHALL TERMINATE THE PARTICIPANT'S PARTICIPATION IN THE
24 VETERANS TREATMENT COURT.

25 (3) THE COURT SHALL REQUIRE THAT A PARTICIPANT PAY ALL FINES,
26 COSTS, THE FEE, RESTITUTION, AND ASSESSMENTS DESCRIBED IN
27 SUBSECTION (1) (A) TO (D) AND PAY ALL, OR MAKE SUBSTANTIAL
CONTRIBUTIONS TOWARD PAYMENT OF, THE COSTS OF THE TREATMENT AND THE
VETERANS TREATMENT COURT PROGRAM SERVICES PROVIDED TO THE
PARTICIPANT, INCLUDING, BUT NOT LIMITED TO, THE COSTS OF URINALYSIS

1 AND SUCH TESTING OR ANY COUNSELING PROVIDED. HOWEVER, IF THE COURT
2 DETERMINES THAT THE PAYMENT OF FINES, THE FEE, OR COSTS OF
3 TREATMENT UNDER THIS SUBSECTION WOULD BE A SUBSTANTIAL HARDSHIP FOR
4 THE INDIVIDUAL OR WOULD INTERFERE WITH THE INDIVIDUAL'S SUBSTANCE
5 ABUSE OR MENTAL HEALTH TREATMENT, THE COURT MAY WAIVE ALL OR PART
6 OF THOSE FINES, THE FEE, OR COSTS OF TREATMENT.

7 SEC. 1209. (1) UPON COMPLETION OR TERMINATION OF THE VETERANS
8 TREATMENT COURT PROGRAM, THE COURT SHALL FIND ON THE RECORD OR
9 PLACE A WRITTEN STATEMENT IN THE COURT FILE AS TO WHETHER THE
10 PARTICIPANT COMPLETED THE PROGRAM SUCCESSFULLY OR WHETHER THE
11 INDIVIDUAL'S PARTICIPATION IN THE PROGRAM WAS TERMINATED AND, IF IT
12 WAS TERMINATED, THE REASON FOR THE TERMINATION.

13 (2) IF A PARTICIPANT SUCCESSFULLY COMPLETES PROBATION OR OTHER
14 COURT SUPERVISION AND THE PARTICIPANT'S PROCEEDINGS WERE DEFERRED
15 OR THE PARTICIPANT WAS SENTENCED UNDER SECTION 1206, THE COURT
16 SHALL COMPLY WITH THE AGREEMENT MADE WITH THE PARTICIPANT UPON
17 ADMISSION INTO THE VETERANS TREATMENT COURT, OR THE AGREEMENT AS IT
18 WAS ALTERED AFTER ADMISSION BY THE COURT WITH APPROVAL OF THE
19 PARTICIPANT AND THE PROSECUTOR FOR THAT JURISDICTION AS PROVIDED IN
20 SUBSECTIONS (3) TO (8).

21 (3) IF AN INDIVIDUAL IS PARTICIPATING IN A VETERANS TREATMENT
22 COURT UNDER A STATUTE LISTED IN SECTION 1203(2), THE COURT SHALL
23 PROCEED UNDER THE APPLICABLE SECTION OF LAW. THERE SHALL BE NOT
24 MORE THAN 1 DISCHARGE OR DISMISSAL UNDER THIS SUBSECTION.

25 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT, WITH THE
26 AGREEMENT OF THE PROSECUTOR AND IN CONFORMITY WITH THE TERMS AND
27 CONDITIONS OF THE MEMORANDUM OF UNDERSTANDING UNDER SECTION

1 1201(2), MAY DISCHARGE AND DISMISS THE PROCEEDINGS AGAINST AN
2 INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING CRITERIA:

3 (A) THE INDIVIDUAL HAS PARTICIPATED IN A VETERANS TREATMENT
4 COURT FOR THE FIRST TIME.

5 (B) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE TERMS AND
6 CONDITIONS OF THE VETERANS TREATMENT COURT PROGRAM.

7 (C) THE INDIVIDUAL IS NOT REQUIRED BY LAW TO BE SENTENCED TO A
8 CORRECTIONAL FACILITY FOR THE CRIMES TO WHICH HE OR SHE HAS PLED
9 GUILTY.

10 (D) THE INDIVIDUAL IS NOT CURRENTLY CHARGED WITH AND HAS NOT
11 PLED GUILTY TO A TRAFFIC OFFENSE.

12 (E) THE INDIVIDUAL HAS NOT PREVIOUSLY BEEN SUBJECT TO MORE
13 THAN 1 OF ANY OF THE FOLLOWING:

14 (i) ASSIGNMENT TO THE STATUS OF YOUTHFUL TRAINEE UNDER SECTION
15 11 OF CHAPTER II OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
16 MCL 762.11.

17 (ii) THE DISMISSAL OF CRIMINAL PROCEEDINGS AGAINST HIM OR HER
18 UNDER SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
19 333.7411, SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL
20 PROCEDURE, 1927 PA 175, MCL 769.4A, OR SECTION 350A OR 430 OF THE
21 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.350A AND 750.430.

22 (5) THE COURT MAY GRANT A DISCHARGE AND DISMISSAL OF A
23 DOMESTIC VIOLENCE OFFENSE ONLY IF ALL OF THE FOLLOWING
24 CIRCUMSTANCES APPLY:

25 (A) THE INDIVIDUAL HAS NOT PREVIOUSLY HAD PROCEEDINGS
26 DISMISSED UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL
27 PROCEDURE, 1927 PA 175, MCL 769.4A.

1 (B) THE DOMESTIC VIOLENCE OFFENSE IS ELIGIBLE TO BE DISMISSED
2 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
3 1927 PA 175, MCL 769.4A.

4 (C) THE INDIVIDUAL FULFILLS THE TERMS AND CONDITIONS IMPOSED
5 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
6 1927 PA 175, MCL 769.4A, AND THE DISCHARGE AND DISMISSAL OF
7 PROCEEDINGS ARE PROCESSED AND REPORTED UNDER SECTION 4A OF CHAPTER
8 IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.4A.

9 (6) A DISCHARGE AND DISMISSAL UNDER SUBSECTION (4) SHALL BE
10 WITHOUT ADJUDICATION OF GUILT AND IS NOT A CONVICTION FOR PURPOSES
11 OF THIS SECTION OR FOR PURPOSES OF DISQUALIFICATIONS OR
12 DISABILITIES IMPOSED BY LAW UPON CONVICTION OF A CRIME. THERE SHALL
13 BE NOT MORE THAN 1 DISCHARGE AND DISMISSAL UNDER SUBSECTION (4) FOR
14 AN INDIVIDUAL. THE COURT SHALL SEND A RECORD OF THE DISCHARGE AND
15 DISMISSAL TO THE CRIMINAL JUSTICE INFORMATION CENTER OF THE
16 DEPARTMENT OF STATE POLICE, AND THE DEPARTMENT OF STATE POLICE
17 SHALL ENTER THAT INFORMATION INTO THE L.E.I.N. WITH AN INDICATION
18 OF PARTICIPATION BY THE INDIVIDUAL IN A VETERANS TREATMENT COURT.
19 ALL RECORDS OF THE PROCEEDINGS REGARDING THE PARTICIPATION OF THE
20 INDIVIDUAL IN THE VETERANS TREATMENT COURT UNDER SUBSECTION (4) ARE
21 CLOSED TO PUBLIC INSPECTION AND ARE EXEMPT FROM PUBLIC DISCLOSURE
22 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
23 15.246, BUT SHALL BE OPEN TO THE COURTS OF THIS STATE, ANOTHER
24 STATE, OR THE UNITED STATES, THE DEPARTMENT OF CORRECTIONS, LAW
25 ENFORCEMENT PERSONNEL, AND PROSECUTORS ONLY FOR USE IN THE
26 PERFORMANCE OF THEIR DUTIES OR TO DETERMINE WHETHER AN EMPLOYEE OF
27 THE COURT, DEPARTMENT, LAW ENFORCEMENT AGENCY, OR PROSECUTOR'S

House Bill No. 5162 as amended September 11, 2012

1 OFFICE HAS VIOLATED HIS OR HER CONDITIONS OF EMPLOYMENT OR WHETHER
2 AN APPLICANT MEETS CRITERIA FOR EMPLOYMENT WITH THE COURT,
3 DEPARTMENT, LAW ENFORCEMENT AGENCY, OR PROSECUTOR'S OFFICE. THE
4 RECORDS AND IDENTIFICATIONS DIVISION OF THE DEPARTMENT OF STATE
5 POLICE SHALL RETAIN A NONPUBLIC RECORD OF AN ARREST AND THE
6 DISCHARGE AND DISMISSAL UNDER THIS SUBSECTION.

7 (7) EXCEPT AS PROVIDED IN SUBSECTION (3), (4), OR (5), IF AN
8 INDIVIDUAL HAS SUCCESSFULLY COMPLETED PROBATION OR OTHER COURT
9 SUPERVISION, THE COURT SHALL DO THE FOLLOWING:

10 (A) IF THE COURT HAS NOT ALREADY ENTERED AN ADJUDICATION OF
11 GUILT OR RESPONSIBILITY, ENTER AN ADJUDICATION OF GUILT.

12 (B) IF THE COURT HAS NOT ALREADY SENTENCED THE INDIVIDUAL,
13 PROCEED TO SENTENCING.

14 (C) SEND A RECORD OF THE CONVICTION AND SENTENCE OR THE
15 FINDING OR ADJUDICATION OF RESPONSIBILITY AND DISPOSITION TO THE
16 CRIMINAL JUSTICE INFORMATION CENTER OF THE DEPARTMENT OF STATE
17 POLICE. THE DEPARTMENT OF STATE POLICE SHALL ENTER THAT INFORMATION
18 INTO THE L.E.I.N. WITH AN INDICATION OF SUCCESSFUL PARTICIPATION BY
19 THE INDIVIDUAL IN A VETERANS TREATMENT COURT.

20 (8) FOR A PARTICIPANT WHOSE PARTICIPATION IS TERMINATED OR WHO
21 FAILS TO SUCCESSFULLY COMPLETE THE VETERANS TREATMENT COURT
22 PROGRAM, THE COURT SHALL ENTER AN ADJUDICATION OF GUILT IF THE
23 ENTERING OF GUILT WAS DEFERRED <<OR SENTENCING WAS DELAYED>> UNDER
24 SECTION 1206 AND SHALL THEN
25 PROCEED TO SENTENCING OR DISPOSITION OF THE INDIVIDUAL FOR THE
26 ORIGINAL CHARGES TO WHICH THE INDIVIDUAL PLED GUILTY PRIOR TO
27 ADMISSION TO THE VETERANS TREATMENT COURT. UPON SENTENCING OR
DISPOSITION OF THE INDIVIDUAL, THE COURT SHALL SEND A RECORD OF

1 THAT SENTENCE OR DISPOSITION AND THE INDIVIDUAL'S UNSUCCESSFUL
2 PARTICIPATION IN THE VETERANS TREATMENT COURT TO THE CRIMINAL
3 JUSTICE INFORMATION CENTER OF THE DEPARTMENT OF STATE POLICE, AND
4 THE DEPARTMENT OF STATE POLICE SHALL ENTER THAT INFORMATION INTO
5 THE L.E.I.N., WITH AN INDICATION THAT THE INDIVIDUAL UNSUCCESSFULLY
6 PARTICIPATED IN A VETERANS TREATMENT COURT.

7 SEC. 1210. EACH VETERANS TREATMENT COURT SHALL COLLECT AND
8 PROVIDE DATA ON EACH INDIVIDUAL APPLICANT AND PARTICIPANT AND THE
9 ENTIRE PROGRAM AS REQUIRED BY THE STATE COURT ADMINISTRATIVE
10 OFFICE.

11 SEC. 1211. (1) WHERE PRACTICABLE, THE SUPREME COURT HAS
12 AUTHORITY TO EXPEND STATE FUNDS FOR THE ESTABLISHMENT AND OPERATION
13 OF VETERANS TREATMENT COURTS. FEDERAL FUNDS PROVIDED TO THE STATE
14 FOR THE OPERATION OF VETERANS TREATMENT COURTS SHALL BE DISTRIBUTED
15 BY THE DEPARTMENT OF COMMUNITY HEALTH OR THE APPROPRIATE STATE
16 AGENCY AS OTHERWISE PROVIDED BY LAW. NOTHING IN THIS SUBSECTION
17 PREVENTS A LOCAL UNIT OF GOVERNMENT OR CIRCUIT OR DISTRICT COURT
18 FROM EXPENDING FUNDS FOR THE ESTABLISHMENT AND OPERATION OF
19 VETERANS TREATMENT COURTS.

20 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
21 ANY SOURCE FOR DEPOSIT INTO THE APPROPRIATE STATE FUND OR FUNDS FOR
22 THE PURPOSES DESCRIBED IN SUBSECTION (1).

23 (3) EACH VETERANS TREATMENT COURT SHALL REPORT QUARTERLY TO
24 THE STATE COURT ADMINISTRATIVE OFFICE ON THE FUNDS RECEIVED AND
25 EXPENDED BY THAT VETERANS TREATMENT COURT IN A MANNER PRESCRIBED BY
26 THE STATE COURT ADMINISTRATIVE OFFICE.

27 SEC. 1212. THE STATE DRUG TREATMENT COURT ADVISORY COMMITTEE

1 CREATED UNDER SECTION 1082 SHALL MONITOR THE EFFECTIVENESS OF
2 VETERANS TREATMENT COURTS AND THE AVAILABILITY OF FUNDING AND
3 PRESENT ANNUAL RECOMMENDATIONS TO THE LEGISLATURE AND SUPREME COURT
4 REGARDING STATUTORY CHANGES REGARDING VETERANS TREATMENT COURTS.

5 Enacting section 1. This amendatory act does not take effect
6 unless House Bill No. 5159 of the 96th Legislature is enacted into
7 law.