

HOUSE BILL No. 5159

November 10, 2011, Introduced by Reps. Wayne Schmidt, Damrow, Hughes, Foster, Johnson, Zorn, Rendon, Kurtz and Jenkins and referred to the Committee on Judiciary.

(As amended May, 23, 2012)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1082 (MCL 600.1082), as added by 2004 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1082. (1) A state drug treatment court advisory committee
2 is created in the legislative council. The state drug treatment
3 court advisory committee consists of the following members:

4 (a) The state court administrator or his or her designee.

5 (b) [~~Sixteen~~ SEVENTEEN] members appointed jointly by the speaker of
6 the house of representatives and the senate majority leader, as
7 follows:

8 (i) A circuit court judge who has presided for at least 2 years
9 over a drug treatment court.

10 (ii) A district court judge who has presided for at least 2

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1 years over a drug treatment court.

2 (iii) A judge of the family division of circuit court who has
3 presided for at least 2 years over a juvenile drug treatment court
4 program.

5 (iv) A circuit or district court judge who has presided for at
6 least 2 years over an alcohol treatment court.

7 (v) **A CIRCUIT OR DISTRICT COURT JUDGE WHO HAS PRESIDED OVER A**
8 **VETERANS TREATMENT COURT.**

9 (vi) ~~(v)~~—A court administrator who has worked for at least 2
10 years with a drug or alcohol treatment court.

11 (vii) ~~(vi)~~—A prosecuting attorney who has worked for at least 2
12 years with a drug or alcohol treatment court.

13 (viii) ~~(vii)~~—An individual representing law enforcement in a
14 jurisdiction that has had a drug or alcohol treatment court for at
15 least 2 years.

16 (ix) ~~(viii)~~—An individual representing drug treatment providers
17 who has worked at least 2 years with a drug or alcohol treatment
18 court.

19 (x) ~~(ix)~~—An individual representing **[CRIMINAL]** defense attorneys,
who has
20 worked for at least 2 years with drug or alcohol treatment courts.

21 (xi) ~~(x)~~—An individual who has successfully completed a drug
22 treatment court program.

23 (xii) ~~(xi)~~—An individual who has successfully completed a
24 juvenile drug treatment court program.

25 (xiii) ~~(xii)~~—An individual who is an advocate for the rights of
26 crime victims.

27 (xiv) ~~(xiii)~~—An individual representing the Michigan association

1 of drug court professionals.

2 **(xv)** ~~(xiv)~~—An individual who is a probation officer and has
3 worked for at least 2 years for a drug or alcohol treatment court.

4 **(xvi)** ~~(xv)~~—An individual representing a substance abuse
5 coordinating agency.

6 **(xvii)** ~~(xvi)~~—An individual representing domestic violence service
7 provider programs that receive funding from the state domestic
8 violence prevention and treatment board.

9 (2) Members of the advisory committee shall serve without
10 compensation. However, members of the advisory committee may be
11 reimbursed for their actual and necessary expenses incurred in the
12 performance of their duties as members of the advisory committee.

13 (3) Members of the advisory committee shall serve for terms of
14 4 years each, except that the members first appointed shall serve
15 terms as follows:

16 (a) The members appointed under subsection (1) (b) (i) to ~~(v)~~ **(vi)**
17 shall serve terms of 4 years each.

18 (b) The members appointed under subsection ~~(1) (b) (vi)~~
19 **(1) (B) (vii)** to ~~(x)~~ **(xi)** shall serve terms of 3 years each.

20 (c) The members appointed under subsection ~~(1) (b) (xi)~~
21 **(1) (B) (xii)** to ~~(xvi)~~ **(xvii)** shall serve terms of 2 years each.

22 (4) If a vacancy occurs in an appointed membership on the
23 advisory committee, the appointing authority shall make an
24 appointment for the unexpired term in the same manner as the
25 original appointment.

26 (5) The appointing authority may remove an appointed member of
27 the advisory committee for incompetency, dereliction of duty,

1 malfeasance, misfeasance, or nonfeasance in office, or any other
2 good cause.

3 (6) The first meeting of the advisory committee shall be
4 called by the speaker of the house of representatives and the
5 senate majority leader. At the first meeting, the advisory
6 committee shall elect from among its members a chairperson and
7 other officers as it considers necessary or appropriate. After the
8 first meeting, the advisory committee shall meet at least
9 quarterly, or more frequently at the call of the chairperson or if
10 requested by 9 or more members.

11 (7) A majority of the members of the advisory committee
12 constitute a quorum for the transaction of business at a meeting of
13 the advisory committee. A majority of the members present and
14 serving are required for official action of the advisory committee.

15 (8) The business that the advisory committee may perform shall
16 be conducted at a public meeting of the advisory committee held in
17 compliance with the open meetings act, 1976 PA 267, MCL 15.261 to
18 15.275.

19 (9) A writing prepared, owned, used, in the possession of, or
20 retained by the advisory committee in the performance of an
21 official function is subject to the freedom of information act,
22 1976 PA 442, MCL 15.231 to 15.246.

23 (10) The advisory committee shall monitor the effectiveness of
24 drug treatment courts **AND VETERANS TREATMENT COURTS** and the
25 availability of funding for those courts and shall present annual
26 recommendations to the legislature and supreme court regarding
27 proposed statutory changes regarding ~~drug treatment~~ **THOSE** courts.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 5162 (request no.
3 04154'11) of the 96th Legislature is enacted into law.