

# HOUSE BILL No. 5162

November 10, 2011, Introduced by Reps. Damrow, Glardon, Ouimet, Haines, Tyler, Callton, Hughes, Darany, Lindberg, Bledsoe, Liss, Cavanagh, Ananich, Smiley, Haugh, Dillon, Geiss, Foster, Price, Pettalia, Bumstead, Lyons, Shirkey, Franz, Lori, LaFontaine, Yonker, Rogers, MacGregor, Agema, Rendon, Jenkins, Gilbert, Heise, Potvin, Muxlow, Forlini, Kowall and Johnson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding chapter 10B.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER 10B

#### SEC. 1090. 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  
STATES DEPARTMENT OF VETERANS AFFAIRS.

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

7 (E) "L.E.I.N." MEANS THE LAW ENFORCEMENT INFORMATION NETWORK  
8 REGULATED UNDER THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL  
9 28.211 TO 28.215.

10 (F) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT  
11 OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY TO  
12 RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY DEMANDS OF  
13 LIFE.

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

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

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

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

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

27 (ii) A PERSON DISCHARGED OR RELEASED FROM ACTIVE DUTY BECAUSE

1 OF A SERVICE-RELATED DISABILITY.

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

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

10 (I) "VETERANS TREATMENT COURT" OR "VETERANS COURT" MEANS A  
11 COURT ADOPTED OR INSTITUTED UNDER SECTION 1091 THAT PROVIDES A  
12 SUPERVISED TREATMENT PROGRAM FOR INDIVIDUALS WHO ARE VETERANS AND  
13 WHO ABUSE OR ARE DEPENDENT UPON ANY CONTROLLED SUBSTANCE OR ALCOHOL  
14 OR SUFFER FROM A MENTAL ILLNESS.

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

20 SEC. 1091. (1) A VETERANS COURT SHALL COMPLY WITH THE MODIFIED  
21 VERSION OF THE 10 KEY COMPONENTS OF DRUG TREATMENT COURTS AS  
22 PROMULGATED BY THE BUFFALO VETERANS TREATMENT COURT, WHICH INCLUDE  
23 ALL OF THE FOLLOWING ESSENTIAL CHARACTERISTICS:

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

26 (B) USE OF A NONADVERSARIAL APPROACH; PROSECUTION AND DEFENSE  
27 COUNSEL PROMOTE PUBLIC SAFETY WHILE PROTECTING PARTICIPANTS' DUE

1   PROCESS RIGHTS.

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

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

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

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

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

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

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

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

20          (2) THE CIRCUIT COURT IN ANY JUDICIAL CIRCUIT OR THE DISTRICT  
21   COURT IN ANY JUDICIAL DISTRICT MAY ADOPT OR INSTITUTE A VETERANS  
22   TREATMENT COURT BY STATUTE OR COURT RULE IF THE CIRCUIT OR DISTRICT  
23   COURT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH EACH  
24   PARTICIPATING PROSECUTING ATTORNEY IN THE CIRCUIT OR DISTRICT COURT  
25   DISTRICT, A REPRESENTATIVE OF THE CRIMINAL DEFENSE BAR, A  
26   REPRESENTATIVE OR REPRESENTATIVES OF COMMUNITY TREATMENT PROVIDERS,  
27   A REPRESENTATIVE OR REPRESENTATIVES OF VETERANS SERVICE

1 ORGANIZATIONS IN THE CIRCUIT OR DISTRICT COURT DISTRICT, AND A  
2 REPRESENTATIVE OR REPRESENTATIVES OF THE UNITED STATES DEPARTMENT  
3 OF VETERANS AFFAIRS. HOWEVER, THE MEMORANDUM OF UNDERSTANDING WILL  
4 ONLY BE REQUIRED TO INCLUDE THE PROSECUTING ATTORNEY IF THE  
5 VETERANS TREATMENT COURT WILL INCLUDE IN ITS PROGRAM INDIVIDUALS  
6 WHO MAY BE ELIGIBLE FOR DISCHARGE AND DISMISSAL OF AN OFFENSE, A  
7 DELAYED SENTENCE, OR A SENTENCE INVOLVING DEVIATION FROM THE  
8 SENTENCING GUIDELINES. THE MEMORANDUM OF UNDERSTANDING ALSO MAY  
9 INCLUDE OTHER PARTIES CONSIDERED NECESSARY, SUCH AS ANY OTHER  
10 PROSECUTOR IN THE CIRCUIT OR DISTRICT COURT DISTRICT, LOCAL LAW  
11 ENFORCEMENT, THE PROBATION DEPARTMENTS IN THAT CIRCUIT OR DISTRICT,  
12 THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY FOR THAT CIRCUIT OR  
13 DISTRICT, A DOMESTIC VIOLENCE SERVICE PROVIDER PROGRAM THAT  
14 RECEIVES FUNDING FROM THE STATE DOMESTIC VIOLENCE PREVENTION AND  
15 TREATMENT BOARD, AND COMMUNITY CORRECTIONS AGENCIES IN THAT CIRCUIT  
16 OR DISTRICT. THE MEMORANDUM OF UNDERSTANDING SHALL DESCRIBE THE  
17 ROLE OF EACH PARTY, AND THE CONDITIONS FOR WHICH THE MEMORANDUM OF  
18 UNDERSTANDING MUST BE RENEWED AND AMENDED.

19 (3) A COURT THAT IS ADOPTING A VETERANS TREATMENT COURT SHALL  
20 PARTICIPATE IN TRAINING AS REQUIRED BY THE STATE COURT  
21 ADMINISTRATIVE OFFICE.

22 (4) A COURT THAT HAS ADOPTED A VETERANS TREATMENT COURT UNDER  
23 THIS SECTION MAY ACCEPT PARTICIPANTS FROM ANY OTHER JURISDICTION IN  
24 THIS STATE BASED UPON EITHER THE RESIDENCE OF THE PARTICIPANT IN  
25 THE RECEIVING JURISDICTION OR THE UNAVAILABILITY OF A VETERANS  
26 TREATMENT COURT IN THE JURISDICTION WHERE THE PARTICIPANT IS  
27 CHARGED. THE TRANSFER CAN OCCUR AT ANY TIME DURING THE PROCEEDINGS,

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

6 (A) THE DEFENDANT OR RESPONDENT.

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

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

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

13 SEC. 1092. A VETERANS TREATMENT COURT MAY HIRE OR CONTRACT  
14 WITH LICENSED OR ACCREDITED TREATMENT PROVIDERS, IN CONSULTATION  
15 AND COOPERATION WITH THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY,  
16 AND OTHER APPROPRIATE PERSONS TO ASSIST THE VETERANS TREATMENT  
17 COURT IN FULFILLING ITS REQUIREMENTS UNDER THIS CHAPTER, INCLUDING,  
18 BUT NOT LIMITED TO, AN INVESTIGATION OF AN INDIVIDUAL'S BACKGROUND  
19 OR CIRCUMSTANCES, OR A CLINICAL EVALUATION OF AN INDIVIDUAL, BEFORE  
20 THE INDIVIDUAL IS ADMITTED OR PERMITTED TO PARTICIPATE IN A  
21 VETERANS TREATMENT COURT. IT IS THE INTENT OF THE LEGISLATURE THAT,  
22 SERVICES, INCLUDING, BUT NOT LIMITED TO, CLINICAL EVALUATIONS, DRUG  
23 AND ALCOHOL TREATMENT, AND MENTAL HEALTH SERVICES, SHALL BE  
24 PROVIDED BY THE VA TO THE EXTENT THAT IS PRACTICAL.

25 SEC. 1093. (1) A VETERANS TREATMENT COURT SHALL DETERMINE  
26 WHETHER AN INDIVIDUAL MAY BE ADMITTED TO THE VETERANS TREATMENT  
27 COURT. NO INDIVIDUAL HAS A RIGHT TO BE ADMITTED INTO A VETERANS

1 TREATMENT COURT. HOWEVER, AN INDIVIDUAL IS NOT ELIGIBLE FOR  
2 ADMISSION INTO A VETERANS TREATMENT COURT IF HE OR SHE IS A VIOLENT  
3 OFFENDER. AN INDIVIDUAL IS ELIGIBLE FOR ADMISSION INTO A VETERANS  
4 TREATMENT COURT IF HE OR SHE HAS PREVIOUSLY HAD AN OFFENSE  
5 DISCHARGED OR DISMISSED AS A RESULT OF PARTICIPATION IN A VETERANS  
6 TREATMENT COURT, DRUG TREATMENT COURT, OR OTHER SPECIALTY COURT,  
7 BUT HE OR SHE SHALL NOT HAVE A SUBSEQUENT OFFENSE DISCHARGED OR  
8 DISMISSED AS A RESULT OF PARTICIPATING IN THE VETERANS TREATMENT  
9 COURT.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

8 SEC. 1094. BEFORE AN INDIVIDUAL IS ADMITTED INTO A VETERANS  
9 TREATMENT COURT, THE COURT SHALL FIND ON THE RECORD OR PLACE A  
10 STATEMENT IN THE COURT FILE ESTABLISHING ALL OF THE FOLLOWING:

11 (A) THAT THE INDIVIDUAL IS A VETERAN.

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

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

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

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

24 (F) THAT THE INDIVIDUAL HAS COMPLETED A PREADMISSION SCREENING  
25 AND EVALUATION ASSESSMENT UNDER SECTION 1093(3) AND HAS AGREED TO  
26 COOPERATE WITH ANY FUTURE EVALUATION ASSESSMENT AS DIRECTED BY THE  
27 VETERANS TREATMENT COURT.

1 (G) THAT THE INDIVIDUAL MEETS THE REQUIREMENTS, IF APPLICABLE,  
2 OF A STATUTE LISTED UNDER SECTION 1093(2).

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

7 SEC. 1095. (1) IF THE INDIVIDUAL BEING CONSIDERED FOR  
8 ADMISSION TO A VETERANS TREATMENT COURT IS CHARGED IN A CRIMINAL  
9 CASE, HIS OR HER ADMISSION IS SUBJECT TO ALL OF THE FOLLOWING  
10 CONDITIONS:

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

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

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

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

24 (2) AN INDIVIDUAL WHO MAY BE ELIGIBLE FOR DISCHARGE AND  
25 DISMISSAL OF AN OFFENSE, DELAYED SENTENCE, OR DEVIATION FROM THE  
26 SENTENCING GUIDELINES SHALL NOT BE ADMITTED TO A VETERANS TREATMENT  
27 COURT UNLESS THE PROSECUTOR FIRST APPROVES THE ADMISSION OF THE

1 INDIVIDUAL INTO THE VETERANS TREATMENT COURT IN CONFORMITY WITH THE  
2 MEMORANDUM OF UNDERSTANDING UNDER SECTION 1091(2).

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

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

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

21 SEC. 1096. (1) ALL OF THE FOLLOWING CONDITIONS APPLY TO AN  
22 INDIVIDUAL ADMITTED TO A VETERANS TREATMENT COURT:

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

26 (B) ONE OF THE FOLLOWING APPLIES TO AN INDIVIDUAL WHO PLED  
27 GUILTY TO A CRIMINAL CHARGE FOR WHICH HE OR SHE WAS ADMITTED TO A

1 VETERANS TREATMENT COURT, AS APPLICABLE:

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

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

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

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

25 (3) THE VETERANS TREATMENT COURT SHALL COOPERATE WITH, AND ACT  
26 IN A COLLABORATIVE MANNER WITH, THE PROSECUTOR, DEFENSE COUNSEL,  
27 TREATMENT PROVIDERS, THE LOCAL SUBSTANCE ABUSE COORDINATING AGENCY

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

5 (4) THE VETERANS TREATMENT COURT MAY REQUIRE AN INDIVIDUAL  
6 ADMITTED INTO THE COURT TO PAY A VETERANS TREATMENT COURT FEE THAT  
7 IS REASONABLY RELATED TO THE COST TO THE COURT FOR ADMINISTERING  
8 THE VETERANS TREATMENT COURT PROGRAM AS PROVIDED IN THE MEMORANDUM  
9 OF UNDERSTANDING UNDER SECTION 1091(2). THE CLERK OF THE VETERANS  
10 TREATMENT COURT SHALL TRANSMIT THE FEES COLLECTED TO THE TREASURER  
11 OF THE LOCAL FUNDING UNIT AT THE END OF EACH MONTH.

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

19 SEC. 1097. (1) A VETERANS TREATMENT COURT SHALL PROVIDE AN  
20 INDIVIDUAL ADMITTED TO THE COURT WITH ALL OF THE FOLLOWING:

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

24 (B) A MENTORSHIP RELATIONSHIP WITH ANOTHER VETERAN WHO CAN  
25 OFFER THE PARTICIPANT SUPPORT, GUIDANCE, AND ADVICE. IT IS THE  
26 INTENT OF THE LEGISLATURE THAT, WHERE PRACTICABLE, THE ASSIGNED  
27 MENTOR SHOULD BE AS SIMILAR TO THE INDIVIDUAL AS POSSIBLE IN TERMS

1 OF AGE, GENDER, BRANCH OF SERVICE, MILITARY RANK, AND PERIOD OF  
2 MILITARY SERVICE.

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

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

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

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

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

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

27 SEC. 1098. (1) IN ORDER TO CONTINUE TO PARTICIPATE IN AND

1 SUCCESSFULLY COMPLETE A VETERANS TREATMENT COURT PROGRAM, AN  
2 INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

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

5 (B) PAY THE VETERANS TREATMENT COURT FEE ALLOWED UNDER SECTION  
6 1096(4).

7 (C) PAY ALL COURT-ORDERED RESTITUTION.

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

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

12 (2) THE VETERANS TREATMENT COURT SHALL BE NOTIFIED IF THE  
13 VETERANS TREATMENT COURT PARTICIPANT IS ACCUSED OF A NEW CRIME, AND  
14 THE JUDGE SHALL CONSIDER WHETHER TO TERMINATE THE PARTICIPANT'S  
15 PARTICIPATION IN THE VETERANS TREATMENT COURT PROGRAM IN CONFORMITY  
16 WITH THE MEMORANDUM OF UNDERSTANDING UNDER SECTION 1091(2). IF THE  
17 PARTICIPANT IS CONVICTED OF A FELONY FOR AN OFFENSE THAT OCCURRED  
18 AFTER THE DEFENDANT IS ADMITTED TO THE VETERANS TREATMENT COURT,  
19 THE JUDGE SHALL TERMINATE THE PARTICIPANT'S PARTICIPATION IN THE  
20 VETERANS TREATMENT COURT.

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



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

6 SEC. 1099. (1) UPON COMPLETION OR TERMINATION OF THE VETERANS  
7 TREATMENT COURT PROGRAM, THE COURT SHALL FIND ON THE RECORD OR  
8 PLACE A WRITTEN STATEMENT IN THE COURT FILE AS TO WHETHER THE  
9 PARTICIPANT COMPLETED THE PROGRAM SUCCESSFULLY OR WHETHER THE  
10 INDIVIDUAL'S PARTICIPATION IN THE PROGRAM WAS TERMINATED AND, IF IT  
11 WAS TERMINATED, THE REASON FOR THE TERMINATION.

12 (2) IF A PARTICIPANT SUCCESSFULLY COMPLETES PROBATION OR OTHER  
13 COURT SUPERVISION AND THE PARTICIPANT'S PROCEEDINGS WERE DEFERRED  
14 OR THE PARTICIPANT WAS SENTENCED UNDER SECTION 1096, THE COURT  
15 SHALL COMPLY WITH THE AGREEMENT MADE WITH THE PARTICIPANT UPON  
16 ADMISSION INTO THE VETERANS TREATMENT COURT, OR THE AGREEMENT AS IT  
17 WAS ALTERED AFTER ADMISSION BY THE COURT WITH APPROVAL OF THE  
18 PARTICIPANT AND THE PROSECUTOR FOR THAT JURISDICTION AS PROVIDED IN  
19 SUBSECTIONS (3) TO (8).

20 (3) IF AN INDIVIDUAL IS PARTICIPATING IN A VETERANS TREATMENT  
21 COURT UNDER A STATUTE LISTED IN SECTION 1093(2), THE COURT SHALL  
22 PROCEED UNDER THE APPLICABLE SECTION OF LAW. THERE SHALL BE NOT  
23 MORE THAN 1 DISCHARGE OR DISMISSAL UNDER THIS SUBSECTION.

24 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT, WITH THE  
25 AGREEMENT OF THE PROSECUTOR AND IN CONFORMITY WITH THE TERMS AND  
26 CONDITIONS OF THE MEMORANDUM OF UNDERSTANDING UNDER SECTION  
27 1091(2), MAY DISCHARGE AND DISMISS THE PROCEEDINGS AGAINST AN

1 INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING CRITERIA:

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

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

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

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

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

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

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

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

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

27 (B) THE DOMESTIC VIOLENCE OFFENSE IS ELIGIBLE TO BE DISMISSED

1 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,  
2 1927 PA 175, MCL 769.4A.

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

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

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

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

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

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

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

19 (8) FOR A PARTICIPANT WHOSE PARTICIPATION IS TERMINATED OR WHO  
20 FAILS TO SUCCESSFULLY COMPLETE THE VETERANS TREATMENT COURT  
21 PROGRAM, THE COURT SHALL ENTER AN ADJUDICATION OF GUILT IF THE  
22 ENTERING OF GUILT WAS DEFERRED UNDER SECTION 1096 AND SHALL THEN  
23 PROCEED TO SENTENCING OR DISPOSITION OF THE INDIVIDUAL FOR THE  
24 ORIGINAL CHARGES TO WHICH THE INDIVIDUAL PLED GUILTY PRIOR TO  
25 ADMISSION TO THE VETERANS TREATMENT COURT. UPON SENTENCING OR  
26 DISPOSITION OF THE INDIVIDUAL, THE COURT SHALL SEND A RECORD OF  
27 THAT SENTENCE OR DISPOSITION AND THE INDIVIDUAL'S UNSUCCESSFUL

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

6 SEC. 1100. EACH VETERANS TREATMENT COURT SHALL COLLECT AND  
7 PROVIDE DATA ON EACH INDIVIDUAL APPLICANT AND PARTICIPANT AND THE  
8 ENTIRE PROGRAM AS REQUIRED BY THE STATE COURT ADMINISTRATIVE  
9 OFFICE.

10 SEC. 1101. (1) WHERE PRACTICABLE, THE SUPREME COURT HAS  
11 AUTHORITY TO EXPEND STATE FUNDS FOR THE ESTABLISHMENT AND OPERATION  
12 OF VETERANS TREATMENT COURTS. FEDERAL FUNDS PROVIDED TO THE STATE  
13 FOR THE OPERATION OF VETERANS TREATMENT COURTS SHALL BE DISTRIBUTED  
14 BY THE DEPARTMENT OF COMMUNITY HEALTH OR THE APPROPRIATE STATE  
15 AGENCY AS OTHERWISE PROVIDED BY LAW. NOTHING IN THIS SUBSECTION  
16 PREVENTS A LOCAL UNIT OF GOVERNMENT OR CIRCUIT OR DISTRICT COURT  
17 FROM EXPENDING FUNDS FOR THE ESTABLISHMENT AND OPERATION OF  
18 VETERANS TREATMENT COURTS.

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

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

26 SEC. 1102. THE STATE DRUG TREATMENT COURT ADVISORY COMMITTEE  
27 CREATED UNDER SECTION 1082 SHALL MONITOR THE EFFECTIVENESS OF

1 VETERANS TREATMENT COURTS AND THE AVAILABILITY OF FUNDING AND  
2 PRESENT ANNUAL RECOMMENDATIONS TO THE LEGISLATURE AND SUPREME COURT  
3 REGARDING STATUTORY CHANGES REGARDING VETERANS TREATMENT COURTS.

4 Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No.\_\_\_\_ or House Bill No. 5159(request no.  
6 02168'11) of the 96th Legislature is enacted into law.