

HOUSE BILL NO. 5482

October 27, 2021, Introduced by Reps. Howell, LaGrand, Anthony, Brenda Carter, Cavanagh, Hood, Haadsma, Hertel, Weiss, Tyrone Carter, Kuppa, Young, Sowerby, Aiyash, Brabec, Peterson and Yancey and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1066 (MCL 600.1066), as added by 2004 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1066. Before an individual is admitted into a drug
2 treatment court, the court shall find on the record, or place a
3 statement in the court file pertaining to, all of the following:
4 (a) The individual is dependent upon or abusing drugs or
5 alcohol and is an appropriate candidate for participation in the

1 drug treatment court.

2 (b) The individual understands the consequences of entering
3 the drug treatment court and agrees to comply with all court orders
4 and requirements of the court's program and treatment providers.

5 (c) The individual is not an unwarranted or substantial risk
6 to the safety of the public or any individual, based upon the
7 screening and assessment or other information presented to the
8 court.

9 (d) ~~The~~ **Either the** individual is not a violent offender **or the**
10 **drug treatment court judge and the prosecuting attorney in**
11 **consultation with any known victim in the instant case consent to**
12 **the violent offender being admitted to the drug treatment court.**

13 (e) The individual has completed a preadmission screening and
14 evaluation assessment under section 1064(3) and has agreed to
15 cooperate with any future evaluation assessment as directed by the
16 drug treatment court.

17 (f) The individual meets the requirements, if applicable,
18 under section 7411 of the public health code, 1978 PA 368, MCL
19 333.7411, section 11 of chapter II of the code of criminal
20 procedure, 1927 PA 175, MCL 762.11, section 4a of chapter IX of the
21 code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of
22 chapter XI of the code of criminal procedure, 1927 PA 175, MCL
23 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL
24 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,
25 MCL 750.430.

26 (g) The terms, conditions, and the duration of the agreement
27 between the parties, especially as to the outcome for the
28 participant of the drug treatment court upon successful completion
29 by the participant or termination of participation.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.