

HOUSE BILL NO. 5484

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

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1074 (MCL 600.1074), as added by 2004 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1074. (1) In order to continue to participate in and
2 successfully complete a drug treatment court program, an individual
3 shall comply with all of the following:

4 (a) Pay all court ordered fines and costs, including minimum
5 state costs.

6 (b) Pay the drug treatment court fee allowed under section

1 1070(4).

2 (c) Pay all court ordered restitution.

3 (d) Pay all crime ~~victims~~**victims'** rights assessments under
4 section 5 of 1989 PA 196, MCL 780.905.

5 (e) Comply with all court orders, violations of which may be
6 sanctioned ~~according to~~**at** the court's discretion.

7 (2) The drug treatment court must be notified if the
8 participant is accused of a new crime, and the judge shall consider
9 whether to terminate the participant's participation in the drug
10 treatment program in conformity with the memorandum of
11 understanding under section 1062. If the participant is convicted
12 of a felony for an offense that occurred after the defendant is
13 admitted to drug treatment court, the judge shall terminate the
14 participant's participation in the program **unless, after**
15 **consultation with the treatment team and the agreement of the**
16 **prosecuting attorney, the judge decides to continue the participant**
17 **in the program.**

18 (3) The court shall require that a participant pay all fines,
19 costs, the fee, restitution, and assessments described in
20 subsection (1)(a) to (d) and pay all, or make substantial
21 contributions toward payment of, the costs of the treatment and the
22 drug treatment court program services provided to the participant,
23 including, but not limited to, the costs of urinalysis and such
24 testing or any counseling provided. However, if the court
25 determines that the payment of fines, the fee, or costs of
26 treatment under this subsection would be a substantial hardship for
27 the individual or would interfere with the individual's substance
28 abuse treatment, the court may waive all or part of those fines,
29 the fee, or costs of treatment.

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