

SENATE BILL NO. 1027

May 05, 2022, Introduced by Senator MACDONALD and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 21b to chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVI

1
2 **Sec. 21b. (1) A prosecutor's office, a law enforcement agency,**
3 **and a social welfare agency may work in concert to establish a**
4 **supervision program that diverts individuals who are suspected of**
5 **committing a drug-related criminal offense away from criminal**
6 **prosecution and into the supervision program before the filing of**

1 criminal charges under this section. A program established under
2 this section must include appropriate substance use disorder
3 treatment. A program established under this section must utilize a
4 case management system that maintains a record of each case that is
5 diverted under the program from inception to disposition. If the
6 prosecutor's office and the social welfare agency agree that an
7 individual has successfully completed the terms of his or her
8 supervision, he or she must not be prosecuted for the drug-related
9 criminal offense.

10 (2) As used in this section:

11 (a) "Assaultive crime" includes any of the following:

12 (i) A violation described in section 9a of chapter X.

13 (ii) A violation of chapter XI of the Michigan penal code, 1931
14 PA 328, MCL 750.81 to 750.90h, not otherwise included in
15 subparagraph (i).

16 (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b,
17 or 411h(2) (a) of the Michigan penal code, 1931 PA 328, MCL
18 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, or
19 750.411h, or any other violent felony.

20 (b) "Drug-related criminal offense" means a misdemeanor or
21 felony violation of the laws of this state, other than an
22 assaultive crime, that is committed by an individual because of
23 that individual's substance use disorder.

24 (c) "Social welfare agency" means a community-based
25 organization offering assistance to individuals in need.

26 (d) "Violent felony" means that term as defined in section 36
27 of the corrections code of 1953, 1953 PA 232, MCL 791.236.