

Legislative Analysis



SECULAR SUBSTANCE USE DISORDER TREATMENT

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House Bill 4690 as introduced
Sponsor: Rep. Betsy Coffia
Committee: Judiciary
Revised 8-15-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4690 would amend the Code of Criminal Procedure to require a court that orders a defendant to attend a court-ordered substance use disorder recovery program as part of a sentence or deferred proceeding to ask on the record whether the defendant has an objection to a religious element of that program. If the defendant objects to a religious element, the court would have to identify a *secular treatment program* that the defendant confirms on the record eliminates their religious objection. The court would have to allow the defendant to participate in a secular treatment program online if one is not available locally.

Secular treatment program would mean a court-ordered substance use disorder recovery program that does not ask the participants to engage in religious practices, such as prayer or reliance on a god.

The bill would take effect 90 days after it is enacted.

Proposed MCL 769.3a

BACKGROUND:

Courts have the authority to add certain conditions to a criminal sentence or when a sentence is deferred. For instance, if probation is ordered, conditions such as a curfew, obtaining employment, or participation in an alcohol or drug treatment program may be ordered. The same is true if a defendant's sentence is deferred pending the outcome of successful completion of certain conditions the court is authorized to order.

Although several national and local secular treatment programs exist to support recovery from alcohol or drug addiction, the court order is generally taken to mean attendance in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA). While AA and NA are not affiliated with any religion, both contain elements considered to be quasi-religious, such as acknowledging and relying on a higher power.

Several court decisions at the state and federal appellate level have ruled that mandating attendance at a treatment program that contains religious elements, such as AA and NA, as a condition of parole or probation, or requiring it during incarceration as a condition for certain privileges, is a violation of the Establishment Clause of the First Amendment of the United States Constitution.

FISCAL IMPACT:

House Bill 4690 would have no fiscal impact on the state or on local units of government.

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