

**SUBSTITUTE FOR
SENATE BILL NO. 630**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1070 (MCL 600.1070), as added by 2004 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1070. (1) Upon admitting an individual into a drug
2 treatment court, all of the following apply:

3 (a) For an individual who is admitted to a drug treatment
4 court based upon having criminal charges currently filed against
5 him or her, the court shall accept the plea of guilty or, in the
6 case of a juvenile, the admission of responsibility.

7 (b) For an individual who pled guilty to, or admitted
8 responsibility for, criminal charges for which he or she was
9 admitted into the drug treatment court, the court shall do either

1 of the following:

2 (i) In the case of an individual who pled guilty to an offense
3 that is not a traffic offense and who may be eligible for discharge
4 and dismissal ~~pursuant to~~ **UNDER** the agreement with the court and
5 prosecutor upon successful completion of the drug treatment court
6 program, the court shall not enter a judgment of guilt or, in the
7 case of a juvenile, shall not enter an adjudication of
8 responsibility. **UNLESS THE COURT ENTERS AN ADJUDICATION OF GUILT**
9 **UNDER THIS SECTION, ALL PROCEEDINGS REGARDING THE DISPOSITION OF**
10 **THE CRIMINAL CHARGE SHALL BE CLOSED TO PUBLIC INSPECTION, BUT SHALL**
11 **BE OPEN TO THE COURTS OF THIS STATE, THE DEPARTMENT OF CORRECTIONS,**
12 **THE DEPARTMENT OF HUMAN SERVICES, LAW ENFORCEMENT PERSONNEL, AND**
13 **PROSECUTING ATTORNEYS FOR USE ONLY IN THE PERFORMANCE OF THEIR**
14 **DUTIES.**

15 (ii) In the case of an individual who pled guilty to a traffic
16 offense or who pled guilty to an offense but may not be eligible
17 for discharge and dismissal ~~pursuant to~~ **UNDER** the agreement with
18 the court and prosecutor upon successful completion of the drug
19 treatment court program, the court shall enter a judgment of guilt
20 or, in the case of a juvenile, shall enter an adjudication of
21 responsibility.

22 (c) ~~Pursuant to~~ **UNDER** the agreement with the individual and
23 the prosecutor, the court may either defer further proceedings as
24 provided in section 1 of chapter XI of the code of criminal
25 procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as
26 applicable in that case ~~pursuant to~~ **UNDER** that agreement, and place
27 the individual on probation or other court supervision in the drug

1 treatment court program with terms and conditions according to the
2 agreement and as ~~deemed~~**CONSIDERED** necessary by the court.

3 (2) The court shall maintain jurisdiction over the drug
4 treatment court participant as provided in this act until final
5 disposition of the case, but not longer than the probation period
6 fixed under section 2 of chapter XI of the code of criminal
7 procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile
8 participant, the court may obtain jurisdiction over any parents or
9 guardians of the juvenile in order to assist in ensuring the
10 juvenile's continued participation and successful completion of the
11 drug treatment court, and may issue and enforce any appropriate and
12 necessary order regarding the parent or guardian of a juvenile
13 participant.

14 (3) The drug treatment court shall cooperate with, and act in
15 a collaborative manner with, the prosecutor, defense counsel,
16 treatment providers, the local substance abuse coordinating agency
17 for that circuit or district, probation departments, and, to the
18 extent possible, local law enforcement, the department of
19 corrections, and community corrections agencies.

20 (4) The drug treatment court may require an individual
21 admitted into the court to pay a reasonable drug court fee that is
22 reasonably related to the cost to the court for administering the
23 drug treatment court program as provided in the memorandum of
24 understanding under section 1062. The clerk of the drug treatment
25 court shall transmit the fees collected to the treasurer of the
26 local funding unit at the end of each month.

27 (5) The drug treatment court may request that the department

1 of state police provide to the court information contained in the
2 law enforcement information network pertaining to an individual
3 applicant's criminal history for purposes of determining the
4 individual's compliance with all court orders. The department of
5 state police shall provide the information requested by a drug
6 treatment court under this subsection.

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