

ADDITIONAL DRUG TREATMENT COURT PROVISIONS

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House Bill 5928

Sponsor: Rep. Paul Condino

House Bill 5932

Sponsor: Rep. Alexander C. Lipsey

Committee: Judiciary

Complete to 5-24-04

A SUMMARY OF HOUSE BILLS 5928 AND 5932 AS INTRODUCED 5-19-04

House Bill 5928 would amend the Michigan Penal Code (MCL 750.350a and 750.430). Under the code, 1) it is a misdemeanor offense for a health practitioner to practice with a blood alcohol content of 0.05 grams or higher and 2) parental kidnapping is a felony offense. However, for a first violation of either, the court can defer judgment, place the offender on probation, and if the probation is completed successfully, the court can discharge the offender from probation and dismiss the charges. The bill would allow the terms and conditions of probation for either offense to include participation in a drug treatment court of the kind proposed under Senate Bill 998.

The Department of State Police must also keep a nonpublic record of an arrest and discharge and dismissal for these offenses, though the record must be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action had already availed himself or herself of a discharge and dismissal. Similarly, the bill would allow a court, police agency, or prosecutor to access the records in order to determine a defendant's eligibility for discharge and dismissal of proceedings by a drug treatment court.

The bill is tie-barred to Senate Bill 998.

House Bill 5932 would amend Public Act 289 of 1925 (MCL 28.243), referred to as the fingerprinting act. Under the act, upon final disposition of the charge against an accused, the clerk of the court must immediately advise the Department of State Police of the final disposition of the arrest for which the person had been fingerprinted if he or she had been found responsible (juvenile) or convicted (adult) of the offense. The information transmitted to the department must include a summary of any deposition or sentence imposed. The summary is required to include, among other things, if the sentence was imposed for certain crimes eligible for discharge and dismissal; for instance, parental kidnapping and certain controlled substance offenses.

The bill would the summary to describe whether a sentence had been imposed on a person under the following sections: Section 1076(4) of the Revised Judicature Act, a new section that would be added by Senate Bill 998; Section 430(a) of the Michigan Penal Code, which pertains to a health professional practicing with a blood alcohol content of 0.05 grams or higher; and Section 703(3) of the Michigan Liquor Control Code, which pertains to minors in possession of alcohol.

The bill is tie-barred to Senate Bill 998 and House Bill 5674, both of which pertain to drug treatment courts.

Legislative Analyst: Susan Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.