



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5647 (as reported without amendment)  
Sponsor: Representative Jim Howell  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to authorize a court to order participation in a drug treatment court as a condition of probation. Presently, a court may require a probationer to comply with certain requirements as a condition of probation. These include participation in inpatient or outpatient drug treatment. Under the bill, the court could require participation in drug treatment or in a drug treatment court.

In an action in which the court may place the defendant on probation, the Code allows the court to delay sentencing for up to one year to give the defendant an opportunity to prove his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation. The bill would add, "such as participation in a drug treatment court".

The bill is tie-barred to Senate Bill 998, which would add Chapter 10a ("Drug Courts") to the Revised Judicature Act, to authorize circuit and district courts to adopt drug treatment courts and authorize family courts to adopt juvenile drug treatment courts.

MCL 771.1 & 771.3

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

To the extent that the availability of drug court participation as a sanction would increase the likelihood of judges' sentencing offenders to probation rather than incarceration, the bill would potentially decrease State and local corrections costs.

Date Completed: 6-3-04

Fiscal Analyst: Bethany Wicksall