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BILL ANALYSIS

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House Bill 5928 (as reported without amendment)
Sponsor: Representative Paul Condino
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to authorize a court to order participation in a drug treatment court as a condition of probation for the deferral of certain charges.

Under Section 350a of the Penal Code, when a parent who has not previously been convicted of a kidnapping offense, pleads guilty to or is found guilty of parental kidnapping, the court may defer further proceedings and place the parent on probation without entering a judgment of guilt. Section 430 contains similar deferral and dismissal provisions regarding a health care professional who practiced under the influence of alcohol or controlled substances. The bill would amend both sections to specify that the terms and conditions of probation could include participation in a drug treatment court.

Upon fulfillment of the terms and conditions of probation, the court must discharge the parent or health care professional from probation and dismiss the proceedings against him or her. The Department of State Police must retain a nonpublic record of a discharge and dismissal, and furnish the record to a court or police agency upon request for the purpose of showing that a criminal defendant has already had a charge deferred and dismissed under Section 350a or 430. Under the bill, the State Police, upon request, also would have to give the record to a court, police agency, or prosecutor for the purpose of determining whether a criminal defendant was eligible for discharge and dismissal of proceedings by 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 (RJA), to authorize circuit and district courts to adopt drug treatment courts and authorize family courts to adopt juvenile drug treatment courts.

MCL 750.350a & 750.430

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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