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Senate Bill 1354 (as discharged) Sponsor: Senator Michael Switalski

Committee: Judiciary

CONTENT

The bill would amend provisions of the Revised Judicature Act dealing with drug treatment courts, to apply requirements for a memorandum of understanding and prosecutor approval to situations involving individuals who could be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

Currently, a circuit court or district court may adopt or institute a drug treatment court pursuant to statute or court rules, but must enter into a memorandum of understanding with each participating prosecuting attorney in the circuit or district, a representative of the criminal defense bar, and at least one representative of community treatment providers. Under the bill, a court would have to enter into the memorandum of understanding if a drug treatment court program would include individuals who could be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

In addition, if an individual is charged in a criminal case, or charged as a juvenile for an activity that would constitute a criminal act if committed by an adult, the Act requires the prosecutor to approve the individual's admission into drug treatment court, in conformity with the memorandum of understanding. Under the bill, this would apply if the individual would be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

MCL 600.1062 & 600.1068 Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the number of drug treatment courts and participants. The bill would not affect the level of Federal and State funding available on a statewide basis.

Date Completed: 8-24-10 Fiscal Analyst: Bill Bowerman