



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

BILL



ANALYSIS

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

Senate Bill 1354 (as enacted)
Sponsor: Senator Michael Switalski
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 177 of 2010

Date Completed: 1-11-11

CONTENT

The bill amended 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 may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

The Act allows a circuit court or district court to adopt or institute a drug treatment court pursuant to statute or court rules. Previously, the court could not adopt or institute the drug treatment court unless it entered 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 must enter into the memorandum of understanding only if a drug treatment court program will include individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

In addition, the Act allows the family division of circuit court (family court) to adopt or institute a juvenile drug treatment court, subject to the same requirement for a memorandum of understanding as for a circuit or district court (and a requirement that the criminal defense bar representative specialize in juvenile law). Previously, the family court could not adopt or institute a juvenile drug treatment court unless it entered into a memorandum of understanding. Under the bill, a family court

must enter into a memorandum of understanding only if a juvenile drug treatment court program will include individuals who may be eligible for discharge and dismissal of an offense or a delayed sentence.

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 previously required the prosecutor to approve the individual's admission into drug treatment court, in conformity with the memorandum of understanding. Under the bill, this applies only if the individual will be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines.

The bill took effect on September 30, 2010.

MCL 600.1062 & 600.1068

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bill Bowerman

a0910s1354a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.