

VETERANS TREATMENT COURTS

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House Bill 5159 (reported with amendment)

Sponsor: Rep. Wayne Schmidt

House Bill 5162 (Substitute H-1, as amended)

Sponsor: Rep. Kurt Damrow

Committee: Judiciary

Complete to 5-23-12

A SUMMARY OF HOUSE BILLS 5159 & 5162 AS AMENDED ON SECOND READING

The bills deal with Veterans Treatment Courts and are tie-barred to one another.

House Bill 5162 would add a new chapter to the Revised Judicature Act to allow a circuit court or a district court to institute a veterans treatment court to provide a supervised treatment program for veterans who abuse or are dependent upon controlled substances or alcohol or suffer from a mental illness. Among other things, the bill would do the following:

- Require a veterans court to comply with the modified version of the 10 key components of drug treatment courts as promulgated by the Buffalo Veterans Treatment Court.
- In general, require each court to enter into a memorandum of understanding with each prosecuting attorney in the circuit or district court district as well as with individuals representing the criminal defense bar, community treatment providers, veterans service organizations, and US Department of Veterans Affairs.
- Establish eligibility criteria for admission to a veterans court.
- If a veteran is charged in a criminal case, allow victims and members of the community to submit written statements as to the advisability of admitting the veteran into the program.
- Establish conditions that would apply to participating veterans, such as requiring the court to maintain jurisdiction over the participant until final disposition of the case, but not longer than the probation period fixed under provisions of the Code of Criminal Procedure (in general, not more than two years for a non-felony or five years for a felony).
- Require a veterans court to provide participants with, among other things, a mentorship relationship with another veteran; consistent, continual, and close

monitoring and interaction with the court and treatment providers; mandatory periodic and random alcohol and substance abuse testing; and substance abuse treatment services, relapse prevention services, education, and vocational opportunities as appropriate and practicable, as well as mental health treatment services as appropriate, to be provided by the Veterans Administration where practicable.

- Exempt from disclosure under FOIA any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a veterans court and prohibit the use of the statement or information in a criminal prosecution, unless it revealed criminal acts other than personal drug use.
- Require a participant, as a condition to participation and successful completion in a program, to pay certain court-ordered fines and costs, pay the Veterans Treatment Court Fee created under the bill, pay all court-ordered restitution, pay all crime victims' rights assessments, comply with all court orders, and meet with a member of a veteran service organization or county veteran counselor to discuss veterans benefit programs.
- Under certain conditions, allow a court to discharge and dismiss the proceedings against a participant upon successful completion of the program, including no more than one eligible domestic violence charge.
- If a participant fails to successfully complete the program, or is terminated from the program, require a court to enter an adjudication of guilt if the entering of guilt had been deferred upon admittance to the program and proceed to sentencing or disposition for the original charges.
- Require each veterans court to collect and provide data on each applicant and participant and the entire program as required by the State Court Administrative Office.
- Authorize the state Supreme Court to expend state funds to establish and operate veterans courts.
- Require the State Drug Treatment Court Advisory Committee to monitor the effectiveness of the veterans courts and the availability of funding and also require the Committee to present annual recommendations to the Legislature and Michigan Supreme Court regarding statutory changes regarding veterans courts.

House Bill 5159 would amend the Revised Judicature Act (MCL 600.1082) to require a circuit or district court judge who has presided over a veterans treatment court to be one of the members appointed to the State Drug Treatment Court Advisory Committee. The judge appointed under this provision would serve a three-year term (under the act, some appointees serve two-year terms and others serve three-year terms). In addition to

monitoring drug treatment courts, the bill would require the Committee to also monitor the effectiveness of veterans treatment courts.

FISCAL IMPACT:

House Bill 5162 would have an indeterminate fiscal impact on state and local government. Several veterans courts already exist in Michigan, and it is unclear if this legislation will directly lead to the creation of any new veterans treatment courts. Currently, many of these courts are funded by federal grants, primarily through the U.S. Department of Veterans Affairs.

While the State would not be directly responsible for any costs, the bill allows for the State Court Administrative Office to provide grants to local governments operating Veterans Treatment Courts, similar to the grants provided to drug courts, sobriety courts, and mental health courts. The cost of these grants is indeterminate, and would depend on future appropriations. These grants may be partially funded by federal revenue.

Long-term savings may be realized due to reduced recidivism of those participating in Veterans Treatment Courts. While little research exists on Veterans treatment courts specifically, several studies on drug and mental health courts have indicated a reduction in recidivism rates for participants. The actual reduction in recidivism and resulting cost savings are not known.

House Bill 5159 would have no fiscal impact on state or local government.

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■ 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.