

Act No. 334
Public Acts of 2012
Approved by the Governor
October 16, 2012
Filed with the Secretary of State
October 16, 2012
EFFECTIVE DATE: October 16, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Wayne Schmidt, Damrow, Hughes, Foster, Johnson, Zorn, Rendon, Kurtz and Jenkins

ENROLLED HOUSE BILL No. 5159

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 1082 (MCL 600.1082), as added by 2004 PA 224.

The People of the State of Michigan enact:

Sec. 1082. (1) A state drug treatment court advisory committee is created in the legislative council. The state drug treatment court advisory committee consists of the following members:

- (a) The state court administrator or his or her designee.
- (b) Seventeen members appointed jointly by the speaker of the house of representatives and the senate majority leader, as follows:
 - (i) A circuit court judge who has presided for at least 2 years over a drug treatment court.
 - (ii) A district court judge who has presided for at least 2 years over a drug treatment court.
 - (iii) A judge of the family division of circuit court who has presided for at least 2 years over a juvenile drug treatment court program.
 - (iv) A circuit or district court judge who has presided for at least 2 years over an alcohol treatment court.
 - (v) A circuit or district court judge who has presided over a veterans treatment court.
 - (vi) A court administrator who has worked for at least 2 years with a drug or alcohol treatment court.
 - (vii) A prosecuting attorney who has worked for at least 2 years with a drug or alcohol treatment court.
 - (viii) An individual representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for at least 2 years.
 - (ix) An individual representing drug treatment providers who has worked at least 2 years with a drug or alcohol treatment court.
 - (x) An individual representing criminal defense attorneys, who has worked for at least 2 years with drug or alcohol treatment courts.
 - (xi) An individual who has successfully completed a drug treatment court program.
 - (xii) An individual who has successfully completed a juvenile drug treatment court program.
 - (xiii) An individual who is an advocate for the rights of crime victims.
 - (xiv) An individual representing the Michigan association of drug court professionals.

(xv) An individual who is a probation officer and has worked for at least 2 years for a drug or alcohol treatment court.

(xvi) An individual representing a substance abuse coordinating agency.

(xvii) An individual representing domestic violence service provider programs that receive funding from the state domestic violence prevention and treatment board.

(2) Members of the advisory committee shall serve without compensation. However, members of the advisory committee may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee.

(3) Members of the advisory committee shall serve for terms of 4 years each, except that the members first appointed shall serve terms as follows:

(a) The members appointed under subsection (1)(b)(i) to (vi) shall serve terms of 4 years each.

(b) The members appointed under subsection (1)(b)(vii) to (xi) shall serve terms of 3 years each.

(c) The members appointed under subsection (1)(b)(xii) to (xvii) shall serve terms of 2 years each.

(4) If a vacancy occurs in an appointed membership on the advisory committee, the appointing authority shall make an appointment for the unexpired term in the same manner as the original appointment.

(5) The appointing authority may remove an appointed member of the advisory committee for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(6) The first meeting of the advisory committee shall be called by the speaker of the house of representatives and the senate majority leader. At the first meeting, the advisory committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the advisory committee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by 9 or more members.

(7) A majority of the members of the advisory committee constitute a quorum for the transaction of business at a meeting of the advisory committee. A majority of the members present and serving are required for official action of the advisory committee.

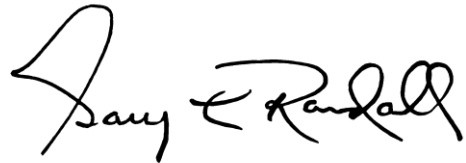
(8) The business that the advisory committee may perform shall be conducted at a public meeting of the advisory committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(9) A writing prepared, owned, used, in the possession of, or retained by the advisory committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

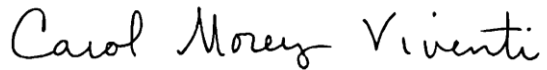
(10) The advisory committee shall monitor the effectiveness of drug treatment courts and veterans treatment courts and the availability of funding for those courts and shall present annual recommendations to the legislature and supreme court regarding proposed statutory changes regarding those courts.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5162 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: Senate Bill No. 5162, referred to in enacting section 1, was filed with the Secretary of State October 16, 2012, and became 2012 PA 335, Imd. Eff. Oct. 16, 2012.