

HOUSE BILL No. 4870

August 16, 2017, Introduced by Rep. Kesto and referred to the Committee on Law and Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1072 (MCL 600.1072), as added by 2004 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1072. (1) A drug treatment court shall provide a drug
2 court participant with all of the following:

3 (a) Consistent, continual, and close monitoring of the
4 participant and interaction among the court, treatment providers,
5 probation, and the participant.

6 (b) Mandatory periodic and random testing for the presence of
7 any controlled substance or alcohol in a participant's blood,
8 urine, or breath, using to the extent practicable the best
9 available, accepted, and scientifically valid methods.

10 (c) Periodic evaluation assessments of the participant's
11 circumstances and progress in the program.

1 (d) A regimen or strategy of appropriate and graduated but
2 immediate rewards for compliance and sanctions for noncompliance,
3 including, but not limited to, the possibility of incarceration or
4 confinement.

5 (e) Substance abuse treatment services, relapse prevention
6 services, education, and vocational opportunities as appropriate
7 and practicable.

8 **(F) IF A DRUG COURT PARTICIPANT HAS ENGAGED IN OPIOID ABUSE OR**
9 **IS OPIOID-DEPENDENT, MANDATORY MEDICALLY PRESCRIBED DRUG TREATMENTS**
10 **UNDER THE CARE OF A HEALTH PROFESSIONAL LICENSED OR CERTIFIED UNDER**
11 **SECTION 17011 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
12 **333.17011, ACTING WITHIN THE HEALTH PROFESSIONAL'S LAWFUL COURSE OF**
13 **PRACTICE.**

14 (2) Any statement or other information obtained as a result of
15 participating in assessment, treatment, or testing while in a drug
16 treatment court is confidential and is exempt from disclosure under
17 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
18 and ~~shall~~**MUST** not be used in a criminal prosecution, unless it
19 reveals criminal acts other than, or inconsistent with, personal
20 drug use.

21 **(3) A DRUG COURT PARTICIPANT DESCRIBED IN SUBSECTION (1) (F)**
22 **SHALL NOT BE CONSIDERED TO HAVE VIOLATED A TERM OR CONDITION OF HIS**
23 **OR HER AGREEMENT WITH THE DRUG TREATMENT COURT ON THE BASIS OF THE**
24 **PARTICIPANT'S PARTICIPATION IN MEDICALLY PRESCRIBED TREATMENTS**
25 **UNDER SUBSECTION (1) (F) .**

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.