

# HOUSE BILL NO. 4525

May 04, 2023, Introduced by Reps. Filler, Breen, Hope, Byrnes, Glanville, Conlin, Brabec, Arbit, MacDonell, Andrews, Steckloff, Tyrone Carter, Liberati, Tsernoglou, Wilson, Hood, Dievendorf, Hill, Coffia, Snyder, Morse, Witwer and Aiyash and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1064 and 1066 (MCL 600.1064 and 600.1066), as added by 2004 PA 224.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1064. (1) Each drug treatment court shall determine  
2 whether an individual may be admitted to the drug treatment court.  
3 ~~No~~**An individual has** ~~does not have~~ a right to be admitted into a  
4 drug treatment court. ~~However, an individual is not eligible for~~  
5 ~~admission into a drug treatment court if he or she is a violent~~

1 ~~offender.~~

2 (2) In addition to admission to a drug treatment court under  
3 this act, an individual who is eligible for admission ~~pursuant to~~  
4 **under** this act may also be admitted to a drug treatment court under  
5 any of the following circumstances:

6 (a) The individual has been assigned the status of youthful  
7 trainee under section 11 of chapter II of the code of criminal  
8 procedure, 1927 PA 175, MCL 762.11.

9 (b) The individual has had criminal proceedings against him or  
10 her deferred and has been placed on probation under any of the  
11 following:

12 (i) Section 7411 of the public health code, 1978 PA 368, MCL  
13 333.7411.

14 (ii) Section 4a of chapter IX of the code of criminal  
15 procedure, 1927 PA 175, MCL 769.4a.

16 (iii) Section **350a or** 430 of the Michigan penal code, 1931 PA  
17 328, MCL **750.350a and** 750.430.

18 ~~(iv) Section 350a of the Michigan penal code, 1931 PA 328, MCL~~  
19 ~~750.350a.~~

20 (3) To be admitted to a drug treatment court, an individual  
21 must cooperate with and complete a preadmissions screening and  
22 evaluation assessment and must agree to cooperate with any future  
23 evaluation assessment as directed by the drug treatment court. A  
24 preadmission screening and evaluation assessment ~~shall~~**must** include  
25 all of the following:

26 (a) A complete review of the individual's criminal history,  
27 and a review of whether or not the individual has been admitted to  
28 and has participated in or is currently participating in a drug  
29 treatment court, whether admitted under this act or under section

1 11 of chapter II of the code of criminal procedure, 1927 PA 175,  
2 MCL 762.11, section 7411 of the public health code, 1978 PA 368,  
3 MCL 333.7411, section 4a of chapter IX of the code of criminal  
4 procedure, 1927 PA 175, MCL 769.4a, section 1 of chapter XI of the  
5 code of criminal procedure, 1927 PA 175, MCL 771.1, section 350a of  
6 the Michigan penal code, 1931 PA 328, MCL 750.350a, or section 430  
7 of the Michigan penal code, 1931 PA 328, MCL 750.430, and the  
8 results of the individual's participation. A review of the law  
9 enforcement information network may be considered sufficient for  
10 purposes of this subdivision unless a further review is warranted.  
11 The court may accept other verifiable and reliable information from  
12 the prosecution or defense to complete its review and may require  
13 the individual to submit a statement as to whether or not ~~he or she~~  
14 **the individual** has previously been admitted to a drug treatment  
15 court and the results of ~~his or her~~ **the individual's** participation  
16 in the prior program or programs.

17 (b) An assessment of the risk of danger or harm to the  
18 individual, others, or the community.

19 (c) As much as practicable, a complete review of the  
20 individual's history regarding the use or abuse of any controlled  
21 substance or alcohol and an assessment of whether the individual  
22 abuses controlled substances or alcohol or is drug or alcohol  
23 dependent. It is the intent of the legislature that this assessment  
24 should be a clinical assessment as much as practicable.

25 (d) A review of any special needs or circumstances of the  
26 individual that may potentially affect the individual's ability to  
27 receive substance abuse treatment and follow the court's orders.

28 (e) For a juvenile, an assessment of the family situation  
29 including, as much as practicable, a comparable review of any

1 guardians or parents.

2 (4) Except as otherwise permitted in this act, any statement  
3 or other information obtained as a result of participating in a  
4 preadmission screening and evaluation assessment under subsection  
5 (3) is confidential and is exempt from disclosure under the freedom  
6 of information act, 1976 PA 442, MCL 15.231 to 15.246, and ~~shall~~  
7 **must** not be used in a criminal prosecution, unless it reveals  
8 criminal acts other than, or inconsistent with, personal drug use.

9 (5) The court may request that the department of state police  
10 provide to the court information contained in the law enforcement  
11 information network pertaining to an individual applicant's  
12 criminal history for the purposes of determining an individual's  
13 admission into the drug treatment court and general criminal  
14 history review, including whether the individual has previously  
15 been admitted to and participated in a drug treatment court under  
16 this act, or under section 11 of chapter II of the code of criminal  
17 procedure, 1927 PA 175, MCL 762.11, section 7411 of the public  
18 health code, 1978 PA 368, MCL 333.7411, section 4a of chapter IX of  
19 the code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1  
20 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL  
21 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL  
22 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,  
23 MCL 750.430, and the results of the individual's participation. The  
24 department of state police shall provide the information requested  
25 by a drug treatment court under this subsection.

26 Sec. 1066. Before an individual is admitted into a drug  
27 treatment court, the court shall find on the record, or place a  
28 statement in the court file pertaining to, all of the following:

29 (a) The individual is dependent upon or abusing drugs or

1 alcohol and is an appropriate candidate for participation in the  
2 drug treatment court.

3 (b) The individual understands the consequences of entering  
4 the drug treatment court and agrees to comply with all court orders  
5 and requirements of the court's program and treatment providers.

6 (c) The individual is not an unwarranted or substantial risk  
7 to the safety of the public or any individual, based upon the  
8 screening and assessment or other information presented to the  
9 court.

10 (d) ~~The~~ **Either the** individual is not a violent offender **or the**  
11 **drug treatment court judge and the prosecuting attorney, in**  
12 **consultation with any known victim in the instant case, consent to**  
13 **the violent offender being admitted to the drug treatment court.**

14 (e) The individual has completed a preadmission screening and  
15 evaluation assessment under section 1064(3) and has agreed to  
16 cooperate with any future evaluation assessment as directed by the  
17 drug treatment court.

18 (f) The individual meets the requirements, if applicable,  
19 under section 7411 of the public health code, 1978 PA 368, MCL  
20 333.7411, section 11 of chapter II of the code of criminal  
21 procedure, 1927 PA 175, MCL 762.11, section 4a of chapter IX of the  
22 code of criminal procedure, 1927 PA 175, MCL 769.4a, section 1 of  
23 chapter XI of the code of criminal procedure, 1927 PA 175, MCL  
24 771.1, section 350a of the Michigan penal code, 1931 PA 328, MCL  
25 750.350a, or section 430 of the Michigan penal code, 1931 PA 328,  
26 MCL 750.430.

27 (g) The terms, conditions, and the duration of the agreement  
28 between the parties, especially as to the outcome for the  
29 participant of the drug treatment court upon successful completion

1 by the participant or termination of participation.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.