

## DRUG COURT PARTICIPATION

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 1428 (Substitute H-1)**

**Sponsor: Sen. Alan L. Cropsey**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 12-6-06**

## A SUMMARY OF SENATE BILL 1428 AS REPORTED FROM COMMITTEE 12-6-06

The bill would amend the Revised Judicature Act to allow a court that had adopted a drug court to accept participants from any other jurisdiction in Michigan based upon either a participant's residence in the receiving jurisdiction or the unavailability of a drug treatment court in the jurisdiction where the participant was charged.

The transfer would not be valid unless agreed to by all of the following:

- The defendant or respondent.
- The attorney representing the defendant or respondent.
- The judge of the transferring court and the prosecutor of the case.
- The judge of the receiving drug treatment court and the prosecutor of a court funding unit of the drug treatment court.

The bill also would require that a drug court comply with the 10 key components promulgated by the National Association of Drug Court Professionals. Currently, the act states that a drug court "should" comply with those key components.

In addition, the act allows the family court in any judicial circuit to adopt or institute a juvenile drug court. The family court must enter into a memorandum of understanding with certain parties, including a representative of the criminal defense bar. The bill would require that person to be someone specializing in juvenile law.

MCL 600.1060 and 600.1062

## FISCAL IMPACT:

The bill would have no fiscal impact on state government. State funding for drug courts is given through grant awards which are not granted on a per participant basis. There may be local government cost implications, but these are indeterminate at this time. The bill is unclear concerning whether the transferring jurisdiction or the receiving jurisdiction would be responsible for any additional cost for the individual in drug treatment court.

## **HOUSE COMMITTEE CHANGES:**

The committee substitute revised the list of the court officers that would need to be in agreement before a defendant could be transferred to a different jurisdiction and also eliminated language requiring the transfer to be according to guidelines promulgated by the State Court Administrative Office (SCAO).

## **BACKGROUND INFORMATION:**

The bill incorporates recommendations made by the state drug treatment advisory committee. Not every jurisdiction in the state has a drug treatment court; the committee recommended therefore that defendants charged in a jurisdiction without a drug court be allowed to participate in one in a different jurisdiction. The bill would create a mechanism to do so and place the language in statute. The advisory committee also recommended that compliance with the 10 listed criteria to be a drug treatment court should be a mandate, rather than an option.

## **POSITIONS:**

No positions were offered on the bill.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Viola Bay Wild

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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.