

SENATE BILL NO. 810

January 12, 2022, Introduced by Senators JOHNSON, MCBROOM, BARRETT and CHANG and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 1084 and 1091 (MCL 600.1084 and 600.1091),
section 1084 as amended by 2017 PA 161 and section 1091 as amended
by 2018 PA 591.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1084. (1) The DWI/sobriety **court and the specialty** court
- 2 interlock program ~~is~~**are** created under this section.
- 3 (2) All DWI/sobriety courts ~~that participate in the program~~

1 shall comply with the 10 guiding principles of DWI courts as
2 promulgated by the National Center for DWI Courts.

3 (3) ~~Beginning January 1, 2018, a~~ A DWI/sobriety court
4 operating in this state, or a circuit court in any judicial circuit
5 or the district court in any judicial district seeking to adopt or
6 institute a DWI/sobriety court, must be certified by the state
7 court administrative office in the same manner as required for a
8 drug treatment court under section 1062(5). A DWI/sobriety court
9 shall not perform any of the functions of a DWI/sobriety court,
10 including, but not limited to, the functions of a drug treatment
11 court described in section 1062(5) ~~after January 1, 2018~~ unless the
12 court has been certified by the state court administrative office
13 as provided in section 1062(5).

14 (4) In order to be considered for placement in the program, an
15 individual must have been convicted of either of the following:

16 (a) Two or more convictions for violating section 625(1) or
17 (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a
18 local ordinance of this state substantially corresponding to
19 section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300,
20 MCL 257.625.

21 (b) One conviction for violating section 625(1) or (3) of the
22 Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local
23 ordinance of this state substantially corresponding to section
24 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL
25 257.625, preceded by 1 or more convictions for violating a local
26 ordinance or law of another state substantially corresponding to
27 section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA
28 300, MCL 257.625, or a law of the United States substantially
29 corresponding to section 625(1), (3), or (6) of the Michigan

1 vehicle code, 1949 PA 300, MCL 257.625.

2 (5) Each year, all ~~DWI/sobriety~~ **specialty** courts that
3 participate in the program, in cooperation with the state court
4 administrative office, shall provide to the legislature, the
5 secretary of state, and the supreme court documentation as to
6 participants' compliance with court ordered conditions. Best
7 practices available must be used in the research in question, as
8 resources allow, so as to provide statistically reliable data as to
9 the impact of the program on public safety and the improvement of
10 life conditions for participants. The topics documented must
11 include, but not be limited to, all of the following:

12 (a) The percentage of those participants ordered to place
13 interlock devices on their vehicles who actually comply with the
14 order.

15 (b) The percentage of participants who remove court-ordered
16 interlocks from their vehicles without court approval.

17 (c) The percentage of participants who consume alcohol or
18 controlled substances.

19 (d) The percentage of participants found to have tampered with
20 court-ordered interlocks.

21 (e) The percentage of participants who operated a motor
22 vehicle not equipped with an interlock.

23 (f) Relevant treatment information as to participants.

24 (g) The percentage of participants convicted of a new offense
25 under section 625(1) or (3) of the Michigan vehicle code, 1949 PA
26 300, MCL 257.625.

27 (h) Any other information found to be relevant.

28 (6) Before the secretary of state issues a restricted license
29 to a program participant under section 304 of the Michigan vehicle

code, 1949 PA 300, MCL 257.304, the ~~DWI/sobriety~~**specialty** court judge shall certify to the secretary of state that the individual seeking the restricted license has been admitted into the program and that an interlock device has been ~~placed~~**installed** on each motor vehicle owned or operated, or both, by the individual.

(7) If any of the following occur, the ~~DWI/sobriety~~**specialty** court judge shall immediately inform the secretary of state of that occurrence:

(a) The court orders that a program participant be removed from the ~~DWI/sobriety~~**specialty** court program before he or she successfully completes it.

(b) The court becomes aware that a program participant operates a motor vehicle that is not equipped with an interlock device or that a program participant tampers with, circumvents, or removes a court-ordered interlock device without prior court approval.

(c) A program participant is charged with a new violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(8) The receipt of notification by the secretary of state under subsection (7) must result in summary revocation or suspension of the restricted license under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

(9) As used in this section:

(a) "DWI/sobriety court" means the specialized court docket and programs established within judicial circuits and districts throughout this state that are designed to reduce recidivism among alcohol offenders and that comply with the 10 guiding principles of DWI courts as promulgated by the National Center for DWI Courts.

(b) "Ignition interlock device" means that term as defined in

1 section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

2 (c) "Program" means the ~~DWI/sobriety~~**specialty** court interlock
3 program created under this section.

4 (d) **"Specialty court" means any of the following:**

5 (i) **A drug treatment court.**

6 (ii) **A DWI/sobriety court.**

7 (iii) **A hybrid of the programs under subparagraphs (i) and (ii).**

8 (iv) **A mental health court, as that term is defined in section**
9 **1090.**

10 (v) **A veterans treatment court, as that term is defined in**
11 **section 1200.**

12 Sec. 1091. (1) The circuit court or the district court in any
13 judicial circuit or a district court in any judicial district may
14 adopt or institute a mental health court pursuant to statute or
15 court rules. However, if the mental health court will include in
16 its program individuals who may be eligible for discharge and
17 dismissal of an offense, delayed sentence, or deviation from the
18 sentencing guidelines, the circuit or district court shall not
19 adopt or institute the mental health court unless the circuit or
20 district court enters into a memorandum of understanding with each
21 participating prosecuting attorney in the circuit or district court
22 district, a representative or representatives of the community
23 mental health services programs, a representative of the criminal
24 defense bar, and a representative or representatives of community
25 treatment providers. The memorandum of understanding also may
26 include other parties considered necessary, including, but not
27 limited to, a representative or representatives of the local court
28 funding unit or a domestic violence service provider program that
29 receives funding from the Michigan domestic and sexual violence

1 prevention and treatment board. The memorandum of understanding
2 must describe the role of each party.

3 (2) A court that has adopted a mental health court under this
4 section may accept participants from any other jurisdiction in this
5 state based upon the residence of the participant in the receiving
6 jurisdiction, the nonavailability of a mental health court in the
7 jurisdiction where the participant is charged, and the availability
8 of financial resources for both operations of the mental health
9 court program and treatment services. A mental health court may
10 refuse to accept participants from other jurisdictions.

11 (3) ~~Beginning January 1, 2018, a~~ A mental health court
12 operating in this state, or a circuit court in any judicial circuit
13 or the district court in any judicial district seeking to adopt or
14 institute a mental health court, must be certified by the state
15 court administrative office. The state court administrative office
16 shall establish the procedure for certification. Approval and
17 certification under this subsection of a mental health court is
18 required to begin or to continue the operation of a mental health
19 court under this chapter. The state court administrative office
20 shall not recognize and include a mental health court that is not
21 certified under this subsection on the statewide official list of
22 mental health courts. The state court administrative office shall
23 include a mental health court certified under this subsection on
24 the statewide official list of mental health courts. A mental
25 health court that is not certified under this subsection shall not
26 perform any of the functions of a mental health court, including,
27 but not limited to, any of the following functions:

28 (a) Charging a fee under section 1095.

29 (b) Discharging and dismissing a case as provided in section

1 1098.

2 (c) Receiving funding under section 1099a.

3 (d) Certifying to the secretary of state that an individual is
4 eligible to receive a restricted license under section 1084 of this
5 act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL
6 257.304.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 872 of the 101st Legislature is enacted into
9 law.