

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.1062.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 11, 2018 *****

600.1062.amended Drug treatment court; adoption by circuit or district court; memorandum of understanding; parties; adoption of juvenile drug treatment court by family division of circuit court; training; transfer of participant from other jurisdiction; certification by state court administrative office.

Sec. 1062. (1) The circuit court in any judicial circuit or the district court in any judicial district may adopt or institute a drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines, the circuit or district court shall not adopt or institute the drug treatment court unless the circuit or district court enters into a memorandum of understanding with each participating prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit or district, the local substance abuse coordinating agency for that circuit or district, a domestic violence service provider program that receives funding from the state domestic and sexual violence prevention and treatment board, and community corrections agencies in that circuit or district. The memorandum of understanding must describe the role of each party.

(2) The family division of circuit court in any judicial circuit may adopt or institute a juvenile drug treatment court, pursuant to statute or court rules. However, if the drug treatment court will include in its program individuals who may be eligible for discharge or dismissal of an offense, or a delayed sentence, the family division of circuit court shall not adopt or institute a juvenile drug treatment court unless the family division of circuit court enters into a memorandum of understanding with each participating county prosecuting attorney in the circuit or district court district, a representative of the criminal defense bar specializing in juvenile law, and a representative or representatives of community treatment providers. The memorandum of understanding also may include other parties considered necessary, such as any other prosecutor in the circuit or district court district, local law enforcement, the probation departments in that circuit, the local substance abuse coordinating agency for that circuit, a domestic violence service provider program that receives funding from the state domestic and sexual violence prevention and treatment board, and community corrections agencies in that circuit. The memorandum of understanding must describe the role of each party. A juvenile drug treatment court is subject to the same procedures and requirements provided in this chapter for drug treatment courts created under subsection (1), except as specifically provided otherwise in this chapter.

(3) A court that is adopting a drug treatment court shall participate in training as required by the state court administrative office and the Bureau of Justice Assistance of the United States Department of Justice.

(4) A court that has adopted a drug treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a drug treatment court in the jurisdiction where the participant is charged. The transfer is not valid unless it is agreed to by all of the following:

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

(5) Beginning January 1, 2018, a drug treatment court operating in this state, or a circuit court in any judicial circuit or the district court in any judicial district seeking to adopt or institute a drug treatment court, must be certified by the state court administrative office. The state court administrative office shall establish the procedure for certification. Approval and certification under this subsection of a drug treatment court by the state court administrative office is required to begin or to continue the operation of a drug treatment court under this chapter. The state court administrative office shall not recognize and include a drug treatment court that is not certified under this subsection on the statewide official list of drug treatment courts. The state court administrative office shall include a drug treatment court certified under this subsection on the statewide official list of drug treatment courts. A drug treatment court that is not certified under this subsection shall not perform any of the functions of a drug treatment court, including, but not limited to, doing any of the

following:

- (a) Charging a fee under section 1070.
- (b) Discharging and dismissing a case as provided in section 1076.
- (c) Receiving funding under section 1080.
- (d) Certifying to the secretary of state that an individual is eligible to receive a restricted license under section 1084 of this act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

History: Add. 2004, Act 224, Eff. Jan. 1, 2005;—Am. 2006, Act 620, Imd. Eff. Jan. 3, 2007;—Am. 2010, Act 177, Imd. Eff. Sept. 30, 2010;—Am. 2017, Act 161, Eff. Feb. 11, 2018.