

HOUSE BILL No. 6155

June 12, 2018, Introduced by Reps. Cochran, Sabo, Chang, Lasinski, Geiss, Greig, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding chapter 84A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 84A.

SEX TRADE SOLICITATION PREVENTION COURT

**SEC. 8451. (1) THE DISTRICT COURT IN ANY JUDICIAL DISTRICT MAY
ADOPT OR INSTITUTE A SEX TRADE SOLICITATION PREVENTION COURT,
PURSUANT TO STATUTE OR COURT RULES. HOWEVER, IF THE SEX TRADE
SOLICITATION PREVENTION 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 DISTRICT COURT SHALL NOT ADOPT OR INSTITUTE THE SEX
TRADE SOLICITATION PREVENTION COURT UNLESS THE DISTRICT COURT**

1 ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH EACH PARTICIPATING
2 PROSECUTING ATTORNEY IN THE DISTRICT COURT DISTRICT, A
3 REPRESENTATIVE OF THE CRIMINAL DEFENSE BAR, AND A REPRESENTATIVE OR
4 REPRESENTATIVES OF COMMUNITY TREATMENT PROVIDERS. THE MEMORANDUM OF
5 UNDERSTANDING ALSO MAY INCLUDE OTHER PARTIES CONSIDERED NECESSARY,
6 SUCH AS ANY OTHER PROSECUTOR IN THE DISTRICT COURT DISTRICT, LOCAL
7 LAW ENFORCEMENT, THE PROBATION DEPARTMENTS IN THAT DISTRICT, THE
8 COUNTY HEALTH DEPARTMENT, A DOMESTIC VIOLENCE SERVICE PROVIDER
9 PROGRAM THAT RECEIVES FUNDING FROM THE MICHIGAN DOMESTIC AND SEXUAL
10 VIOLENCE PREVENTION AND TREATMENT BOARD, AND COMMUNITY CORRECTIONS
11 AGENCIES IN THAT DISTRICT. THE MEMORANDUM OF UNDERSTANDING MUST
12 DESCRIBE THE ROLE OF EACH PARTY.

13 (2) THE FAMILY DIVISION OF CIRCUIT COURT IN ANY JUDICIAL
14 CIRCUIT MAY ADOPT OR INSTITUTE A JUVENILE SEX TRADE SOLICITATION
15 PREVENTION COURT, PURSUANT TO STATUTE OR COURT RULES. HOWEVER, IF
16 THE SEX TRADE SOLICITATION PREVENTION COURT WILL INCLUDE IN ITS
17 PROGRAM INDIVIDUALS WHO MAY BE ELIGIBLE FOR DISCHARGE OR DISMISSAL
18 OF AN OFFENSE, OR A DELAYED SENTENCE, THE FAMILY DIVISION OF
19 CIRCUIT COURT SHALL NOT ADOPT OR INSTITUTE A JUVENILE SEX TRADE
20 SOLICITATION PREVENTION COURT UNLESS THE FAMILY DIVISION OF CIRCUIT
21 COURT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH EACH
22 PARTICIPATING COUNTY PROSECUTING ATTORNEY IN THE DISTRICT COURT
23 DISTRICT, A REPRESENTATIVE OF THE CRIMINAL DEFENSE BAR SPECIALIZING
24 IN JUVENILE LAW, AND A REPRESENTATIVE OR REPRESENTATIVES OF
25 COMMUNITY TREATMENT PROVIDERS. THE MEMORANDUM OF UNDERSTANDING ALSO
26 MAY INCLUDE OTHER PARTIES CONSIDERED NECESSARY, SUCH AS ANY OTHER
27 PROSECUTOR IN THE DISTRICT COURT DISTRICT, LOCAL LAW ENFORCEMENT,

1 THE PROBATION DEPARTMENTS IN THAT CIRCUIT, THE COUNTY HEALTH
2 DEPARTMENT, A DOMESTIC VIOLENCE SERVICE PROVIDER PROGRAM THAT
3 RECEIVES FUNDING FROM THE MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
4 PREVENTION AND TREATMENT BOARD, AND COMMUNITY CORRECTIONS AGENCIES
5 IN THAT CIRCUIT. THE MEMORANDUM OF UNDERSTANDING MUST DESCRIBE THE
6 ROLE OF EACH PARTY. A JUVENILE SEX TRADE SOLICITATION PREVENTION
7 COURT IS SUBJECT TO THE SAME PROCEDURES AND REQUIREMENTS PROVIDED
8 IN THIS CHAPTER FOR SEX TRADE SOLICITATION PREVENTION COURTS
9 CREATED UNDER THIS SUBSECTION OR SUBSECTION (1), EXCEPT AS
10 SPECIFICALLY PROVIDED OTHERWISE IN THIS CHAPTER.

11 (3) A COURT THAT IS ADOPTING A SEX TRADE SOLICITATION
12 PREVENTION COURT SHALL PARTICIPATE IN TRAINING AS REQUIRED BY THE
13 STATE COURT ADMINISTRATIVE OFFICE AND THE BUREAU OF JUSTICE
14 ASSISTANCE OF THE UNITED STATES DEPARTMENT OF JUSTICE.

15 (4) A COURT THAT HAS ADOPTED A SEX TRADE SOLICITATION
16 PREVENTION COURT UNDER THIS SECTION MAY ACCEPT PARTICIPANTS FROM
17 ANY OTHER JURISDICTION IN THIS STATE BASED UPON EITHER THE
18 RESIDENCE OF THE PARTICIPANT IN THE RECEIVING JURISDICTION OR THE
19 UNAVAILABILITY OF A SEX TRADE SOLICITATION PREVENTION COURT IN THE
20 JURISDICTION WHERE THE PARTICIPANT IS CHARGED. THE TRANSFER IS NOT
21 VALID UNLESS IT IS AGREED TO BY ALL OF THE FOLLOWING:

22 (A) THE DEFENDANT OR RESPONDENT.

23 (B) THE ATTORNEY REPRESENTING THE DEFENDANT OR RESPONDENT.

24 (C) THE JUDGE OF THE TRANSFERRING COURT AND THE PROSECUTOR OF
25 THE CASE.

26 (D) THE JUDGE OF THE RECEIVING SEX TRADE SOLICITATION
27 PREVENTION COURT AND THE PROSECUTOR OF A COURT FUNDING UNIT OF THE

1 SEX TRADE SOLICITATION PREVENTION COURT.

2 SEC. 8452. A SEX TRADE SOLICITATION PREVENTION COURT MAY HIRE
3 OR CONTRACT WITH LICENSED OR ACCREDITED TREATMENT PROVIDERS, IN
4 CONSULTATION AND COOPERATION WITH THE LOCAL SUBSTANCE ABUSE
5 COORDINATING AGENCY, AND OTHER SUCH APPROPRIATE PERSONS TO ASSIST
6 THE SEX TRADE SOLICITATION PREVENTION COURT IN FULFILLING ITS
7 REQUIREMENTS UNDER THIS CHAPTER, SUCH AS THE INVESTIGATION OF AN
8 INDIVIDUAL'S BACKGROUND OR CIRCUMSTANCES, OR THE CLINICAL
9 EVALUATION OF AN INDIVIDUAL, FOR HIS OR HER ADMISSION INTO OR
10 PARTICIPATION IN A SEX TRADE SOLICITATION PREVENTION COURT.

11 SEC. 8453. (1) EACH SEX TRADE SOLICITATION PREVENTION COURT
12 SHALL DETERMINE WHETHER AN INDIVIDUAL MAY BE ADMITTED TO THE COURT.
13 NO INDIVIDUAL HAS A RIGHT TO BE ADMITTED INTO A SEX TRADE
14 SOLICITATION PREVENTION COURT. HOWEVER, AN INDIVIDUAL IS NOT
15 ELIGIBLE FOR ADMISSION INTO A SEX TRADE SOLICITATION PREVENTION
16 COURT IF HE OR SHE IS A VIOLENT OFFENDER.

17 (2) IN ADDITION TO ADMISSION TO A SEX TRADE SOLICITATION
18 PREVENTION COURT UNDER THIS ACT, AN INDIVIDUAL WHO IS ELIGIBLE FOR
19 ADMISSION UNDER THIS ACT MAY ALSO BE ADMITTED TO A SEX TRADE
20 SOLICITATION PREVENTION COURT UNDER ANY OF THE FOLLOWING
21 CIRCUMSTANCES:

22 (A) THE INDIVIDUAL HAS BEEN ASSIGNED THE STATUS OF YOUTHFUL
23 TRAINEE UNDER SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
24 PROCEDURE, 1927 PA 175, MCL 762.11.

25 (B) THE INDIVIDUAL HAS HAD CRIMINAL PROCEEDINGS AGAINST HIM OR
26 HER DEFERRED AND HAS BEEN PLACED ON PROBATION UNDER ANY OF THE
27 FOLLOWING:

1 (i) SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
2 333.7411.

3 (ii) SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL
4 PROCEDURE, 1927 PA 175, MCL 769.4A.

5 (iii) SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL
6 PROCEDURE, 1927 PA 175, MCL 771.1.

7 (3) TO BE ADMITTED TO A SEX TRADE SOLICITATION PREVENTION
8 COURT, AN INDIVIDUAL MUST COOPERATE WITH AND COMPLETE A
9 PREADMISSION SCREENING AND EVALUATION ASSESSMENT AND MUST AGREE TO
10 COOPERATE WITH ANY FUTURE EVALUATION ASSESSMENT AS DIRECTED BY THE
11 SEX TRADE SOLICITATION PREVENTION COURT. A PREADMISSION SCREENING
12 AND EVALUATION ASSESSMENT MUST INCLUDE ALL OF THE FOLLOWING:

13 (A) A COMPLETE REVIEW OF THE INDIVIDUAL'S CRIMINAL HISTORY,
14 AND A REVIEW OF WHETHER OR NOT THE INDIVIDUAL HAS BEEN ADMITTED TO
15 AND HAS PARTICIPATED IN OR IS CURRENTLY PARTICIPATING IN A SEX
16 TRADE SOLICITATION PREVENTION COURT, WHETHER ADMITTED UNDER THIS
17 ACT OR UNDER SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL
18 PROCEDURE, 1927 PA 175, MCL 762.11, SECTION 4A OF CHAPTER IX OF THE
19 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.4A, OR SECTION 1
20 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
21 771.1, AND THE RESULTS OF THE INDIVIDUAL'S PARTICIPATION. A REVIEW
22 OF THE LAW ENFORCEMENT INFORMATION NETWORK MAY BE CONSIDERED
23 SUFFICIENT FOR PURPOSES OF THIS SUBDIVISION UNLESS A FURTHER REVIEW
24 IS WARRANTED. THE COURT MAY ACCEPT OTHER VERIFIABLE AND RELIABLE
25 INFORMATION FROM THE PROSECUTION OR DEFENSE TO COMPLETE ITS REVIEW
26 AND MAY REQUIRE THE INDIVIDUAL TO SUBMIT A STATEMENT AS TO WHETHER
27 OR NOT HE OR SHE HAS PREVIOUSLY BEEN ADMITTED TO A SEX TRADE

1 SOLICITATION PREVENTION COURT AND THE RESULTS OF HIS OR HER
2 PARTICIPATION IN THE PRIOR PROGRAM OR PROGRAMS.

3 (B) AN ASSESSMENT OF THE RISK OF DANGER OR HARM TO THE
4 INDIVIDUAL, OTHERS, OR THE COMMUNITY.

5 (C) AS MUCH AS PRACTICABLE, A COMPLETE REVIEW OF THE
6 INDIVIDUAL'S HISTORY.

7 (D) A REVIEW OF ANY SPECIAL NEEDS OR CIRCUMSTANCES OF THE
8 INDIVIDUAL THAT MAY POTENTIALLY AFFECT THE INDIVIDUAL'S ABILITY TO
9 RECEIVE TREATMENT AND FOLLOW THE COURT'S ORDERS.

10 (E) FOR A JUVENILE, AN ASSESSMENT OF THE FAMILY SITUATION
11 INCLUDING, AS MUCH AS PRACTICABLE, A COMPARABLE REVIEW OF ANY
12 GUARDIANS OR PARENTS.

13 (4) EXCEPT AS OTHERWISE PERMITTED IN THIS ACT, ANY STATEMENT
14 OR OTHER INFORMATION OBTAINED AS A RESULT OF PARTICIPATING IN A
15 PREADMISSION SCREENING AND EVALUATION ASSESSMENT UNDER SUBSECTION
16 (3) IS CONFIDENTIAL AND IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM
17 OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND MUST NOT
18 BE USED IN A CRIMINAL PROSECUTION.

19 (5) THE COURT MAY REQUEST THAT THE DEPARTMENT OF STATE POLICE
20 PROVIDE TO THE COURT INFORMATION CONTAINED IN THE LAW ENFORCEMENT
21 INFORMATION NETWORK PERTAINING TO AN INDIVIDUAL APPLICANT'S
22 CRIMINAL HISTORY FOR THE PURPOSES OF DETERMINING AN INDIVIDUAL'S
23 ADMISSION INTO THE SEX TRADE SOLICITATION PREVENTION COURT AND
24 GENERAL CRIMINAL HISTORY REVIEW, INCLUDING WHETHER THE INDIVIDUAL
25 HAS PREVIOUSLY BEEN ADMITTED TO AND PARTICIPATED IN A SEX TRADE
26 SOLICITATION PREVENTION COURT UNDER THIS ACT, OR UNDER SECTION 11
27 OF CHAPTER II OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL

1 762.11, SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
2 1927 PA 175, MCL 769.4A, OR SECTION 1 OF CHAPTER XI OF THE CODE OF
3 CRIMINAL PROCEDURE, 1927 PA 175, MCL 771.1, AND THE RESULTS OF THE
4 INDIVIDUAL'S PARTICIPATION. THE DEPARTMENT OF STATE POLICE SHALL
5 PROVIDE THE INFORMATION REQUESTED BY A SEX TRADE SOLICITATION
6 PREVENTION COURT UNDER THIS SUBSECTION.

7 SEC. 8454. BEFORE AN INDIVIDUAL IS ADMITTED INTO A SEX TRADE
8 SOLICITATION PREVENTION COURT, THE COURT SHALL FIND ON THE RECORD,
9 OR PLACE A STATEMENT IN THE COURT FILE PERTAINING TO, ALL OF THE
10 FOLLOWING:

11 (A) THE INDIVIDUAL HAS NOT BEEN PREVIOUSLY CONVICTED OF ANY OF
12 THE FOLLOWING:

13 (i) A CRIME INVOLVING THE SOLICITATION OF ANOTHER TO ENGAGE IN
14 UNLAWFUL SEXUAL ACTIVITY FOR MONEY OR OTHER CONSIDERATION.

15 (ii) A CRIME THAT IS DESIGNATED AS A FELONY, AS THAT TERM IS
16 DEFINED IN SECTION 7 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
17 750.7.

18 (B) THE INDIVIDUAL UNDERSTANDS THE CONSEQUENCES OF ENTERING
19 THE SEX TRADE SOLICITATION PREVENTION COURT AND AGREES TO COMPLY
20 WITH ALL COURT ORDERS AND REQUIREMENTS OF THE COURT'S PROGRAM AND
21 TREATMENT PROVIDERS.

22 (C) THE INDIVIDUAL IS NOT AN UNWARRANTED OR SUBSTANTIAL RISK
23 TO THE SAFETY OF THE PUBLIC OR ANY INDIVIDUAL, BASED UPON THE
24 SCREENING AND ASSESSMENT OR OTHER INFORMATION PRESENTED TO THE
25 COURT.

26 (D) THE INDIVIDUAL IS NOT A VIOLENT OFFENDER.

27 (E) THE INDIVIDUAL HAS COMPLETED A PREADMISSION SCREENING AND

1 EVALUATION ASSESSMENT UNDER THIS CHAPTER AND HAS AGREED TO
2 COOPERATE WITH ANY FUTURE EVALUATION ASSESSMENT AS DIRECTED BY THE
3 SEX TRADES SOLICITATION PREVENTION COURT.

4 (F) THE INDIVIDUAL MEETS THE REQUIREMENTS, IF APPLICABLE,
5 UNDER SECTION 11 OF CHAPTER II OF THE CODE OF CRIMINAL PROCEDURE,
6 1927 PA 175, MCL 762.11, SECTION 4A OF CHAPTER IX OF THE CODE OF
7 CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.4A, OR SECTION 1 OF
8 CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
9 771.1.

10 (G) THE TERMS, CONDITIONS, AND DURATION OF THE AGREEMENT
11 BETWEEN THE PARTIES, ESPECIALLY AS TO THE OUTCOME FOR THE
12 PARTICIPANT OF THE SEX TRADE SOLICITATION PREVENTION COURT UPON
13 SUCCESSFUL COMPLETION BY THE PARTICIPANT OR TERMINATION OF
14 PARTICIPATION.

15 SEC. 8455. (1) IF THE INDIVIDUAL BEING CONSIDERED FOR
16 ADMISSION TO A SEX TRADE SOLICITATION PREVENTION COURT IS CHARGED
17 IN A CRIMINAL CASE OR, IN THE CASE OF A JUVENILE, IS ALLEGED TO
18 HAVE ENGAGED IN ACTIVITY THAT WOULD CONSTITUTE A CRIMINAL ACT IF
19 COMMITTED BY AN ADULT, HIS OR HER ADMISSION IS SUBJECT TO ALL OF
20 THE FOLLOWING CONDITIONS:

21 (A) THE OFFENSE OR OFFENSES ALLEGEDLY COMMITTED BY THE
22 INDIVIDUAL MUST BE RELATED TO THE SEX TRADE.

23 (B) THE INDIVIDUAL, IF AN ADULT, MUST PLEAD GUILTY TO THE
24 CHARGE OR CHARGES ON THE RECORD. THE INDIVIDUAL, IF A JUVENILE,
25 MUST ADMIT RESPONSIBILITY FOR THE VIOLATION OR VIOLATIONS THAT HE
26 OR SHE IS ACCUSED OF HAVING COMMITTED.

27 (C) THE INDIVIDUAL MUST WAIVE, IN WRITING, THE RIGHT TO A

1 SPEEDY TRIAL, THE RIGHT TO REPRESENTATION AT SEX TRADE SOLICITATION
2 PREVENTION COURT REVIEW HEARINGS BY AN ATTORNEY, AND, WITH THE
3 AGREEMENT OF THE PROSECUTOR, THE RIGHT TO A PRELIMINARY
4 EXAMINATION.

5 (D) THE INDIVIDUAL MUST SIGN A WRITTEN AGREEMENT TO
6 PARTICIPATE IN THE SEX TRADE SOLICITATION PREVENTION COURT.

7 (2) IN THE CASE OF AN INDIVIDUAL WHO WILL BE ELIGIBLE FOR
8 DISCHARGE AND DISMISSAL OF AN OFFENSE, DELAYED SENTENCE, OR
9 DEVIATION FROM THE SENTENCING GUIDELINES, THE PROSECUTOR MUST
10 APPROVE OF THE ADMISSION OF THE INDIVIDUAL INTO THE SEX TRADE
11 SOLICITATION PREVENTION COURT IN CONFORMITY WITH THE MEMORANDUM OF
12 UNDERSTANDING UNDER SECTION 8451.

13 (3) AN INDIVIDUAL MUST NOT BE ADMITTED TO, OR REMAIN IN, A SEX
14 TRADE SOLICITATION PREVENTION COURT UNDER AN AGREEMENT THAT WOULD
15 PERMIT A DISCHARGE OR DISMISSAL OF A TRAFFIC OFFENSE UPON
16 SUCCESSFUL COMPLETION OF THE SEX TRADE SOLICITATION PREVENTION
17 COURT PROGRAM.

18 (4) IN ADDITION TO RIGHTS ACCORDED A VICTIM UNDER THE WILLIAM
19 VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751
20 TO 780.834, THE SEX TRADE SOLICITATION PREVENTION COURT SHALL
21 PERMIT ANY VICTIM OF THE OFFENSE OR OFFENSES OF WHICH THE
22 INDIVIDUAL IS CHARGED, ANY VICTIM OF A PRIOR OFFENSE OF WHICH THAT
23 INDIVIDUAL WAS CONVICTED, AND MEMBERS OF THE COMMUNITY EITHER IN
24 WHICH THE OFFENSES WERE COMMITTED OR IN WHICH THE DEFENDANT RESIDES
25 TO SUBMIT A WRITTEN STATEMENT TO THE COURT REGARDING THE
26 ADVISABILITY OF ADMITTING THE INDIVIDUAL INTO THE SEX TRADE
27 SOLICITATION PREVENTION COURT.

1 (5) AN INDIVIDUAL WHO HAS WAIVED HIS OR HER RIGHT TO A
2 PRELIMINARY EXAMINATION AND HAS PLED GUILTY OR, IN THE CASE OF A
3 JUVENILE, HAS ADMITTED RESPONSIBILITY, AS PART OF HIS OR HER
4 APPLICATION TO A SEX TRADE SOLICITATION PREVENTION COURT AND WHO IS
5 NOT ADMITTED TO A SEX TRADE SOLICITATION PREVENTION COURT, MUST BE
6 PERMITTED TO WITHDRAW HIS OR HER PLEA AND IS ENTITLED TO A
7 PRELIMINARY EXAMINATION OR, IN THE CASE OF A JUVENILE, MUST BE
8 PERMITTED TO WITHDRAW HIS OR HER ADMISSION OF RESPONSIBILITY.

9 SEC. 8456. (1) UPON ADMITTING AN INDIVIDUAL INTO A SEX TRADE
10 SOLICITATION PREVENTION COURT, ALL OF THE FOLLOWING APPLY:

11 (A) FOR AN INDIVIDUAL WHO IS ADMITTED TO A SEX TRADE
12 SOLICITATION PREVENTION COURT BASED UPON HAVING CRIMINAL CHARGES
13 CURRENTLY FILED AGAINST HIM OR HER, THE COURT SHALL ACCEPT THE PLEA
14 OF GUILTY OR, IN THE CASE OF A JUVENILE, THE ADMISSION OF
15 RESPONSIBILITY.

16 (B) FOR AN INDIVIDUAL WHO PLED GUILTY TO, OR ADMITTED
17 RESPONSIBILITY FOR, CRIMINAL CHARGES FOR WHICH HE OR SHE WAS
18 ADMITTED INTO THE SEX TRADE SOLICITATION PREVENTION COURT, THE
19 COURT SHALL DO EITHER OF THE FOLLOWING:

20 (i) IN THE CASE OF AN INDIVIDUAL WHO PLED GUILTY TO AN OFFENSE
21 THAT IS NOT A TRAFFIC OFFENSE AND WHO MAY BE ELIGIBLE FOR DISCHARGE
22 AND DISMISSAL UNDER THE AGREEMENT WITH THE COURT AND PROSECUTOR
23 UPON SUCCESSFUL COMPLETION OF THE SEX TRADE SOLICITATION PREVENTION
24 COURT PROGRAM, THE COURT SHALL NOT ENTER A JUDGMENT OF GUILT OR, IN
25 THE CASE OF A JUVENILE, SHALL NOT ENTER AN ADJUDICATION OF
26 RESPONSIBILITY.

27 (ii) IN THE CASE OF AN INDIVIDUAL WHO PLED GUILTY TO A TRAFFIC

1 OFFENSE OR WHO PLED GUILTY TO AN OFFENSE BUT MAY NOT BE ELIGIBLE
2 FOR DISCHARGE AND DISMISSAL UNDER THE AGREEMENT WITH THE COURT AND
3 PROSECUTOR UPON SUCCESSFUL COMPLETION OF THE SEX TRADE SOLICITATION
4 PREVENTION COURT PROGRAM, THE COURT SHALL ENTER A JUDGMENT OF GUILT
5 OR, IN THE CASE OF A JUVENILE, SHALL ENTER AN ADJUDICATION OF
6 RESPONSIBILITY.

7 (C) UNDER THE AGREEMENT WITH THE INDIVIDUAL AND THE
8 PROSECUTOR, THE COURT MAY EITHER DEFER FURTHER PROCEEDINGS AS
9 PROVIDED IN SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL
10 PROCEDURE, 1927 PA 175, MCL 771.1, OR PROCEED TO SENTENCING, AS
11 APPLICABLE IN THAT CASE PURSUANT TO THAT AGREEMENT, AND PLACE THE
12 INDIVIDUAL ON PROBATION OR OTHER COURT SUPERVISION IN THE SEX TRADE
13 SOLICITATION PREVENTION COURT PROGRAM WITH TERMS AND CONDITIONS
14 ACCORDING TO THE AGREEMENT AND AS DEEMED NECESSARY BY THE COURT.

15 (2) THE COURT SHALL MAINTAIN JURISDICTION OVER THE SEX TRADE
16 SOLICITATION PREVENTION COURT PARTICIPANT AS PROVIDED IN THIS ACT
17 UNTIL FINAL DISPOSITION OF THE CASE, BUT NOT LONGER THAN THE
18 PROBATION PERIOD FIXED UNDER SECTION 2 OF CHAPTER XI OF THE CODE OF
19 CRIMINAL PROCEDURE, 1927 PA 175, MCL 771.2. IN THE CASE OF A
20 JUVENILE PARTICIPANT, THE COURT MAY OBTAIN JURISDICTION OVER ANY
21 PARENTS OR GUARDIANS OF THE JUVENILE IN ORDER TO ASSIST IN ENSURING
22 THE JUVENILE'S CONTINUED PARTICIPATION AND SUCCESSFUL COMPLETION OF
23 THE SEX TRADE SOLICITATION PREVENTION COURT, AND MAY ISSUE AND
24 ENFORCE ANY APPROPRIATE AND NECESSARY ORDER REGARDING THE PARENT OR
25 GUARDIAN OF A JUVENILE PARTICIPANT.

26 (3) THE SEX TRADE SOLICITATION PREVENTION COURT SHALL
27 COOPERATE WITH, AND ACT IN A COLLABORATIVE MANNER WITH, THE

1 PROSECUTOR, DEFENSE COUNSEL, TREATMENT PROVIDERS, COUNTY HEALTH
2 DEPARTMENT, PROBATION DEPARTMENTS, AND, TO THE EXTENT POSSIBLE,
3 LOCAL LAW ENFORCEMENT, THE DEPARTMENT OF CORRECTIONS, AND COMMUNITY
4 CORRECTIONS AGENCIES.

5 (4) THE SEX TRADE SOLICITATION PREVENTION COURT MAY REQUIRE AN
6 INDIVIDUAL ADMITTED INTO THE COURT TO PAY A REASONABLE SEX TRADE
7 SOLICITATION PREVENTION COURT FEE THAT IS REASONABLY RELATED TO THE
8 COST TO THE COURT FOR ADMINISTERING THE SEX TRADE SOLICITATION
9 PREVENTION COURT PROGRAM AS PROVIDED IN THE MEMORANDUM OF
10 UNDERSTANDING UNDER SECTION 8451. THE CLERK OF THE SEX TRADE
11 SOLICITATION PREVENTION COURT SHALL TRANSMIT THE FEES COLLECTED TO
12 THE TREASURER OF THE LOCAL FUNDING UNIT AT THE END OF EACH MONTH.

13 (5) THE SEX TRADE SOLICITATION PREVENTION COURT MAY REQUEST
14 THAT THE DEPARTMENT OF STATE POLICE PROVIDE TO THE COURT
15 INFORMATION CONTAINED IN THE LAW ENFORCEMENT INFORMATION NETWORK
16 PERTAINING TO AN INDIVIDUAL APPLICANT'S CRIMINAL HISTORY FOR
17 PURPOSES OF DETERMINING THE INDIVIDUAL'S COMPLIANCE WITH ALL COURT
18 ORDERS. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE
19 INFORMATION REQUESTED BY A SEX TRADE SOLICITATION PREVENTION COURT
20 UNDER THIS SUBSECTION.

21 (6) A SEX TRADE SOLICITATION PREVENTION COURT SHALL ENSURE ALL
22 OF THE FOLLOWING:

23 (A) THAT AN INDIVIDUAL WHO IS ELIGIBLE FOR THE SEX TRADE
24 SOLICITATION PREVENTION COURT IS PROVIDED WITH LEGAL COUNSEL BEFORE
25 VOLUNTEERING TO PROCEED WITH THE SEX TRADE SOLICITATION PREVENTION
26 COURT PROGRAMMING.

27 (B) THAT A PARTICIPANT IS ALLOWED TO WITHDRAW FROM THE SEX

1 TRADE SOLICITATION PREVENTION COURT AT ANY TIME BEFORE TRIAL ON THE
2 MERITS IS INITIATED.

3 (C) THAT EACH PARTICIPANT IS PROVIDED WITH INFORMATION,
4 COUNSELING, AND SERVICES RELATING TO SEX ADDICTION, SEXUALLY
5 TRANSMITTED DISEASES, MENTAL HEALTH, SUBSTANCE ABUSE, THE IMPACT OF
6 SOLICITING SEX AND PANDERING ON COMMUNITIES AND ON SURVIVORS, THE
7 RISKS OF VICTIMIZATION, ANGER MANAGEMENT, THE LINK BETWEEN
8 PROSTITUTION AND HUMAN TRAFFICKING, AND ANY OTHER TOPIC RELATING TO
9 THE HEALTH AND WELFARE OF VULNERABLE INDIVIDUALS INVOLVED IN THE
10 SEX TRADE.

11 (D) THAT EACH PARTICIPANT IS PROVIDED WITH CLASSROOM
12 INSTRUCTION RELATED TO THE PREVENTION OF PROSTITUTION.

13 (7) TO CARRY OUT THE PROVISIONS OF SUBSECTION (6), A SEX TRADE
14 SOLICITATION PREVENTION COURT MAY EMPLOY OR CONTRACT WITH A PERSON
15 OR SOLICIT A VOLUNTEER WHO IS 1 OF THE FOLLOWING:

16 (A) A HEALTH CARE PROFESSIONAL.

17 (B) A PSYCHOLOGIST.

18 (C) A LICENSED SOCIAL WORKER OR COUNSELOR.

19 (D) A FORMER PROSTITUTED PERSON.

20 (E) A FAMILY MEMBER OF A PERSON ARRESTED FOR SOLICITING
21 PROSTITUTION.

22 (F) A MEMBER OF A NEIGHBORHOOD ASSOCIATION OR COMMUNITY THAT
23 IS ADVERSELY AFFECTED BY THE SEX TRADE.

24 (G) AN EMPLOYEE OF A NONGOVERNMENTAL ORGANIZATION SPECIALIZING
25 IN ADVOCACY OR LAWS RELATED TO SEX TRAFFICKING OR HUMAN
26 TRAFFICKING, AS THAT TERM IS DESCRIBED IN CHAPTER LXVIIA OF THE
27 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.462A TO 750.462H.

1 SEC. 8457. (1) A SEX TRADE SOLICITATION PREVENTION COURT SHALL
2 PROVIDE A SEX TRADE SOLICITATION PREVENTION COURT PARTICIPANT WITH
3 ALL OF THE FOLLOWING:

4 (A) CONSISTENT, CONTINUAL, AND CLOSE MONITORING OF THE
5 PARTICIPANT AND INTERACTION AMONG THE COURT, TREATMENT PROVIDERS,
6 PROBATION, AND PARTICIPANT.

7 (B) PERIODIC EVALUATION ASSESSMENTS OF THE PARTICIPANT'S
8 CIRCUMSTANCES AND PROGRESS IN THE PROGRAM.

9 (C) A REGIMEN OR STRATEGY OF APPROPRIATE AND GRADUATED BUT
10 IMMEDIATE REWARDS FOR COMPLIANCE AND SANCTIONS FOR NONCOMPLIANCE,
11 INCLUDING, BUT NOT LIMITED TO, THE POSSIBILITY OF INCARCERATION OR
12 CONFINEMENT.

13 (D) SEX TRADE SOLICITATION PREVENTION TREATMENT SERVICES,
14 RELAPSE PREVENTION SERVICES, EDUCATION, AND VOCATIONAL
15 OPPORTUNITIES AS APPROPRIATE AND PRACTICABLE.

16 (2) ANY STATEMENT OR OTHER INFORMATION OBTAINED AS A RESULT OF
17 PARTICIPATING IN ASSESSMENT, TREATMENT, OR TESTING WHILE IN A SEX
18 TRADE SOLICITATION PREVENTION COURT IS CONFIDENTIAL AND IS EXEMPT
19 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
20 MCL 15.231 TO 15.246, AND MUST NOT BE USED IN A CRIMINAL
21 PROSECUTION.

22 SEC. 8458. (1) IN ORDER TO CONTINUE TO PARTICIPATE IN AND
23 SUCCESSFULLY COMPLETE A SEX TRADE SOLICITATION PREVENTION COURT
24 PROGRAM, A PARTICIPANT SHALL COMPLY WITH ALL OF THE FOLLOWING:

25 (A) PAY ALL COURT-ORDERED FINES AND COSTS, INCLUDING MINIMUM
26 STATE COSTS.

27 (B) PAY THE SEX TRADE SOLICITATION PREVENTION COURT FEE

1 ALLOWED UNDER SECTION 8456.

2 (C) PAY ALL COURT-ORDERED RESTITUTION.

3 (D) PAY ALL CRIME VICTIM'S RIGHTS ASSESSMENTS UNDER SECTION 5
4 OF 1989 PA 196, MCL 780.905.

5 (E) COMPLY WITH ALL COURT ORDERS, VIOLATIONS OF WHICH MAY BE
6 SANCTIONED ACCORDING TO THE COURT'S DISCRETION.

7 (2) THE SEX TRADE SOLICITATION PREVENTION COURT MUST BE
8 NOTIFIED IF THE PARTICIPANT IS ACCUSED OF A NEW CRIME, AND THE
9 JUDGE SHALL CONSIDER WHETHER TO TERMINATE THE PARTICIPANT'S
10 PARTICIPATION IN THE SEX TRADE SOLICITATION PREVENTION PROGRAM IN
11 CONFORMITY WITH THE MEMORANDUM OF UNDERSTANDING UNDER SECTION 8451.
12 IF THE PARTICIPANT IS CONVICTED OF A FELONY FOR AN OFFENSE THAT
13 OCCURRED AFTER THE DEFENDANT IS ADMITTED TO THE SEX TRADE
14 SOLICITATION PREVENTION COURT, THE JUDGE SHALL TERMINATE THE
15 PARTICIPANT'S PARTICIPATION IN THE PROGRAM.

16 (3) THE COURT SHALL REQUIRE THAT A PARTICIPANT PAY ALL FINES,
17 COSTS, FEES, RESTITUTION, AND ASSESSMENTS DESCRIBED IN SUBSECTION
18 (1) (A) TO (D) AND PAY ALL, OR MAKE SUBSTANTIAL CONTRIBUTIONS TOWARD
19 PAYMENT OF, THE COSTS OF THE TREATMENT AND THE SEX TRADE
20 SOLICITATION PREVENTION COURT PROGRAM SERVICES PROVIDED TO THE
21 PARTICIPANT, INCLUDING, BUT NOT LIMITED TO, THE COSTS OF SUCH
22 TESTING OR ANY COUNSELING PROVIDED. HOWEVER, IF THE COURT
23 DETERMINES THAT THE PAYMENT OF FINES, FEES, OR COSTS OF TREATMENT
24 UNDER THIS SUBSECTION WOULD BE A SUBSTANTIAL HARDSHIP FOR THE
25 INDIVIDUAL OR WOULD INTERFERE WITH THE INDIVIDUAL'S SUBSTANCE ABUSE
26 TREATMENT, THE COURT MAY WAIVE ALL OR PART OF THOSE FINES, FEES, OR
27 COSTS OF TREATMENT.

1 SEC. 8459. (1) UPON COMPLETION OR TERMINATION OF THE SEX TRADE
2 SOLICITATION PREVENTION COURT PROGRAM, THE COURT SHALL FIND ON THE
3 RECORD OR PLACE A WRITTEN STATEMENT IN THE COURT FILE AS TO WHETHER
4 THE PARTICIPANT COMPLETED THE PROGRAM SUCCESSFULLY OR WHETHER THE
5 INDIVIDUAL'S PARTICIPATION IN THE PROGRAM WAS TERMINATED AND, IF IT
6 WAS TERMINATED, THE REASON FOR THE TERMINATION.

7 (2) FOR A PARTICIPANT WHO SUCCESSFULLY COMPLETES PROBATION OR
8 OTHER COURT SUPERVISION AND WHOSE PROCEEDINGS WERE DEFERRED OR WHO
9 WAS SENTENCED UNDER SECTION 8456, THE COURT SHALL COMPLY WITH THE
10 AGREEMENT MADE WITH THE PARTICIPANT UPON ADMISSION INTO THE SEX
11 TRADE SOLICITATION PREVENTION COURT, OR THE AGREEMENT AS IT WAS
12 ALTERED AFTER ADMISSION BY THE COURT WITH APPROVAL OF THE
13 PARTICIPANT AND THE PROSECUTOR FOR THAT JURISDICTION AS PROVIDED IN
14 SUBSECTIONS (3) TO (8).

15 (3) IF AN INDIVIDUAL IS PARTICIPATING IN A SEX TRADE
16 SOLICITATION PREVENTION COURT UNDER SECTION 11 OF CHAPTER II OF THE
17 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 762.11, SECTION 4A OF
18 CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
19 769.4A, OR SECTION 1 OF CHAPTER XI OF THE CODE OF CRIMINAL
20 PROCEDURE, 1927 PA 175, MCL 771.1, THE COURT SHALL PROCEED UNDER
21 THE APPLICABLE SECTION OF LAW. THERE MAY ONLY BE 1 DISCHARGE OR
22 DISMISSAL UNDER THIS SUBSECTION.

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT, WITH THE
24 AGREEMENT OF THE PROSECUTOR AND IN CONFORMITY WITH THE TERMS AND
25 CONDITIONS OF THE MEMORANDUM OF UNDERSTANDING UNDER SECTION 8451,
26 MAY DISCHARGE AND DISMISS THE PROCEEDINGS AGAINST AN INDIVIDUAL WHO
27 MEETS ALL OF THE FOLLOWING CRITERIA:

1 (A) THE INDIVIDUAL HAS PARTICIPATED IN A SEX TRADE
2 SOLICITATION PREVENTION COURT FOR THE FIRST TIME.

3 (B) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE TERMS AND
4 CONDITIONS OF THE SEX TRADE SOLICITATION PREVENTION COURT PROGRAM.

5 (C) THE INDIVIDUAL IS NOT REQUIRED BY LAW TO BE SENTENCED TO A
6 CORRECTIONAL FACILITY FOR THE CRIMES TO WHICH HE OR SHE HAS PLED
7 GUILTY.

8 (D) THE INDIVIDUAL IS NOT CURRENTLY CHARGED WITH AND HAS NOT
9 PLED GUILTY TO A TRAFFIC OFFENSE.

10 (E) THE INDIVIDUAL HAS NOT PREVIOUSLY BEEN SUBJECT TO MORE
11 THAN 1 OF ANY OF THE FOLLOWING:

12 (i) ASSIGNMENT TO THE STATUS OF YOUTHFUL TRAINEE UNDER SECTION
13 11 OF CHAPTER II OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
14 MCL 762.11.

15 (ii) THE DISMISSAL OF CRIMINAL PROCEEDINGS AGAINST HIM OR HER
16 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
17 1927 PA 175, MCL 769.4A.

18 (5) THE COURT MAY GRANT A DISCHARGE AND DISMISSAL OF A
19 DOMESTIC VIOLENCE OFFENSE ONLY IF ALL OF THE FOLLOWING
20 CIRCUMSTANCES APPLY:

21 (A) THE INDIVIDUAL HAS NOT PREVIOUSLY HAD PROCEEDINGS
22 DISMISSED UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL
23 PROCEDURE, 1927 PA 175, MCL 769.4A.

24 (B) THE DOMESTIC VIOLENCE OFFENSE IS ELIGIBLE TO BE DISMISSED
25 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
26 1927 PA 175, MCL 769.4A.

27 (C) THE INDIVIDUAL FULFILLS THE TERMS AND CONDITIONS IMPOSED

1 UNDER SECTION 4A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE,
2 1927 PA 175, MCL 769.4A, AND THE DISCHARGE AND DISMISSAL OF
3 PROCEEDINGS ARE PROCESSED AND REPORTED UNDER SECTION 4A OF CHAPTER
4 IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.4A.

5 (6) A DISCHARGE AND DISMISSAL UNDER SUBSECTION (4) MUST BE
6 WITHOUT ADJUDICATION OF GUILT OR, FOR A JUVENILE, WITHOUT
7 ADJUDICATION OF RESPONSIBILITY AND ARE NOT A CONVICTION OR A
8 FINDING OF RESPONSIBILITY FOR PURPOSES OF THIS SECTION OR FOR
9 PURPOSES OF DISQUALIFICATIONS OR DISABILITIES IMPOSED BY LAW UPON
10 CONVICTION OF A CRIME OR, FOR A JUVENILE, A FINDING OF
11 RESPONSIBILITY. THERE MAY ONLY BE 1 DISCHARGE AND DISMISSAL UNDER
12 SUBSECTION (4) FOR AN INDIVIDUAL. THE COURT SHALL SEND A RECORD OF
13 THE DISCHARGE AND DISMISSAL TO THE CRIMINAL JUSTICE INFORMATION
14 CENTER OF THE DEPARTMENT OF STATE POLICE, AND THE DEPARTMENT OF
15 STATE POLICE SHALL ENTER THAT INFORMATION INTO THE LAW ENFORCEMENT
16 INFORMATION NETWORK WITH AN INDICATION OF PARTICIPATION BY THE
17 INDIVIDUAL IN A SEX TRADE SOLICITATION PREVENTION COURT. ALL
18 RECORDS OF THE PROCEEDINGS REGARDING THE PARTICIPATION OF THE
19 INDIVIDUAL IN THE SEX TRADE SOLICITATION PREVENTION COURT UNDER
20 SUBSECTION (4) ARE CLOSED TO PUBLIC INSPECTION AND ARE EXEMPT FROM
21 PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA
22 442, MCL 15.231 TO 15.246.

23 (7) EXCEPT AS PROVIDED IN SUBSECTION (3), (4), OR (5), IF AN
24 INDIVIDUAL HAS SUCCESSFULLY COMPLETED PROBATION OR OTHER COURT
25 SUPERVISION, THE COURT SHALL DO THE FOLLOWING:

26 (A) IF THE COURT HAS NOT ALREADY ENTERED AN ADJUDICATION OF
27 GUILT OR RESPONSIBILITY, ENTER AN ADJUDICATION OF GUILT OR, IN THE

1 CASE OF A JUVENILE, ENTER A FINDING OR ADJUDICATION OF
2 RESPONSIBILITY.

3 (B) IF THE COURT HAS NOT ALREADY SENTENCED THE INDIVIDUAL,
4 PROCEED TO SENTENCING OR, IN THE CASE OF A JUVENILE, DISPOSITION
5 PURSUANT TO THE AGREEMENT.

6 (C) SEND A RECORD OF THE CONVICTION AND SENTENCE OR THE
7 FINDING OR ADJUDICATION OF RESPONSIBILITY AND DISPOSITION TO THE
8 CRIMINAL JUSTICE INFORMATION CENTER OF THE DEPARTMENT OF STATE
9 POLICE. THE DEPARTMENT OF STATE POLICE SHALL ENTER THAT INFORMATION
10 INTO THE LAW ENFORCEMENT INFORMATION NETWORK WITH AN INDICATION OF
11 SUCCESSFUL PARTICIPATION BY THE INDIVIDUAL IN A SEX TRADE
12 SOLICITATION PREVENTION COURT.

13 (8) FOR A PARTICIPANT WHOSE PARTICIPATION IS TERMINATED OR WHO
14 FAILS TO SUCCESSFULLY COMPLETE THE SEX TRADE SOLICITATION
15 PREVENTION COURT PROGRAM, THE COURT SHALL ENTER AN ADJUDICATION OF
16 GUILT, OR, IN THE CASE OF A JUVENILE, A FINDING OF RESPONSIBILITY,
17 IF THE ENTERING OF GUILT OR ADJUDICATION OF RESPONSIBILITY WAS
18 DEFERRED UNDER SECTION 8456, AND SHALL THEN PROCEED TO SENTENCING
19 OR DISPOSITION OF THE INDIVIDUAL FOR THE ORIGINAL CHARGES TO WHICH
20 THE INDIVIDUAL PLED GUILTY OR, IF A JUVENILE, TO WHICH THE JUVENILE
21 ADMITTED RESPONSIBILITY PRIOR TO ADMISSION TO THE SEX TRADE
22 SOLICITATION PREVENTION COURT. UPON SENTENCING OR DISPOSITION OF
23 THE INDIVIDUAL, THE COURT SHALL SEND A RECORD OF THAT SENTENCE OR
24 DISPOSITION AND THE INDIVIDUAL'S UNSUCCESSFUL PARTICIPATION IN THE
25 SEX TRADE SOLICITATION PREVENTION COURT TO THE CRIMINAL JUSTICE
26 INFORMATION CENTER OF THE DEPARTMENT OF STATE POLICE, AND THE
27 DEPARTMENT OF STATE POLICE SHALL ENTER THAT INFORMATION INTO THE

1 LAW ENFORCEMENT INFORMATION NETWORK, WITH AN INDICATION THAT THE
2 INDIVIDUAL UNSUCCESSFULLY PARTICIPATED IN A SEX TRADE SOLICITATION
3 PREVENTION TREATMENT COURT.

4 (9) ALL COURT PROCEEDINGS UNDER THIS SECTION MUST BE OPEN TO
5 THE PUBLIC. EXCEPT AS PROVIDED IN SUBSECTION (10), IF THE RECORD OF
6 PROCEEDINGS AS TO THE DEFENDANT IS DEFERRED UNDER THIS SECTION, THE
7 RECORD OF PROCEEDINGS DURING THE PERIOD OF DEFERRAL MUST BE CLOSED
8 TO PUBLIC INSPECTION.

9 (10) UNLESS THE COURT ENTERS A JUDGMENT OF GUILT OR AN
10 ADJUDICATION OF RESPONSIBILITY UNDER THIS SECTION, THE DEPARTMENT
11 OF STATE POLICE SHALL RETAIN A NONPUBLIC RECORD OF THE ARREST,
12 COURT PROCEEDINGS, AND DISPOSITION OF THE CRIMINAL CHARGE UNDER
13 THIS SECTION. HOWEVER, THE NONPUBLIC RECORD MUST BE OPEN TO THE
14 FOLLOWING INDIVIDUALS AND ENTITIES FOR THE PURPOSES NOTED:

15 (A) THE COURTS OF THIS STATE, LAW ENFORCEMENT PERSONNEL, THE
16 DEPARTMENT OF CORRECTIONS, AND PROSECUTING ATTORNEYS FOR USE ONLY
17 IN THE PERFORMANCE OF THEIR DUTIES OR TO DETERMINE WHETHER AN
18 EMPLOYEE OF THE COURT, LAW ENFORCEMENT AGENCY, DEPARTMENT OF
19 CORRECTIONS, OR PROSECUTOR'S OFFICE HAS VIOLATED HIS OR HER
20 CONDITIONS OF EMPLOYMENT OR WHETHER AN APPLICANT MEETS CRITERIA FOR
21 EMPLOYMENT WITH THE COURT, LAW ENFORCEMENT AGENCY, DEPARTMENT OF
22 CORRECTIONS, OR PROSECUTOR'S OFFICE.

23 (B) THE COURTS OF THIS STATE, LAW ENFORCEMENT PERSONNEL, AND
24 PROSECUTING ATTORNEYS FOR THE PURPOSE OF SHOWING THAT A DEFENDANT
25 HAS ALREADY ONCE AVAILED HIMSELF OR HERSELF OF THIS SECTION.

26 (C) THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR ENFORCING
27 CHILD PROTECTION LAWS AND VULNERABLE ADULT PROTECTION LAWS OR

1 ASCERTAINING THE PREEMPLOYMENT CRIMINAL HISTORY OF ANY INDIVIDUAL
2 WHO WILL BE ENGAGED IN THE ENFORCEMENT OF CHILD PROTECTION LAWS OR
3 VULNERABLE ADULT PROTECTION LAWS.

4 SEC. 8460. (1) EACH SEX TRADE SOLICITATION PREVENTION COURT
5 SHALL COLLECT AND PROVIDE DATA ON EACH INDIVIDUAL APPLICANT AND
6 PARTICIPANT AND THE ENTIRE PROGRAM AS REQUIRED BY THE STATE COURT
7 ADMINISTRATIVE OFFICE.

8 (2) EACH SEX TRADE SOLICITATION PREVENTION COURT SHALL
9 MAINTAIN FILES OR DATABASES ON EACH INDIVIDUAL APPLICANT OR
10 REFERRAL WHO IS DENIED OR REFUSED ADMISSION TO THE PROGRAM,
11 INCLUDING THE REASONS FOR THE DENIAL OR REJECTION, THE CRIMINAL
12 HISTORY OF THE APPLICANT, THE PREADMISSION EVALUATION AND
13 ASSESSMENT, AND OTHER DEMOGRAPHIC INFORMATION AS REQUIRED BY THE
14 STATE COURT ADMINISTRATIVE OFFICE.

15 (3) EACH SEX TRADE SOLICITATION PREVENTION COURT SHALL
16 MAINTAIN FILES OR DATABASES ON EACH INDIVIDUAL PARTICIPANT IN THE
17 PROGRAM FOR REVIEW AND EVALUATION AS WELL AS TREATMENT, AS DIRECTED
18 BY THE STATE COURT ADMINISTRATIVE OFFICE. THE INFORMATION COLLECTED
19 FOR EVALUATION PURPOSES MUST INCLUDE A MINIMUM STANDARD DATA SET
20 DEVELOPED AND SPECIFIED BY THE STATE COURT ADMINISTRATIVE OFFICE.
21 THIS INFORMATION SHOULD BE MAINTAINED IN THE COURT FILES OR
22 OTHERWISE ACCESSIBLE BY THE COURTS AND THE STATE COURT
23 ADMINISTRATIVE OFFICE AND, AS MUCH AS PRACTICABLE, SHOULD INCLUDE
24 ALL OF THE FOLLOWING:

25 (A) LOCATION AND CONTACT INFORMATION FOR EACH INDIVIDUAL
26 PARTICIPANT, UPON ADMISSION AND TERMINATION OR COMPLETION OF THE
27 PROGRAM FOR FOLLOW-UP REVIEWS, AND THIRD-PARTY CONTACT INFORMATION.

1 (B) SIGNIFICANT TRANSITION POINT DATES, INCLUDING DATES OF
2 REFERRAL, ENROLLMENT, NEW COURT ORDERS, VIOLATIONS, DETENTIONS,
3 CHANGES IN SERVICES OR TREATMENTS PROVIDED, DISCHARGE FOR
4 COMPLETION OR TERMINATION, ANY PROVISION OF AFTERCARE, AND AFTER-
5 PROGRAM RECIDIVISM.

6 (C) THE INDIVIDUAL'S PRECIPITATING OFFENSES AND SIGNIFICANT
7 FACTUAL INFORMATION, SOURCE OF REFERRAL, AND ALL SEX TRADE
8 SOLICITATION PREVENTION COURT EVALUATIONS AND ASSESSMENTS.

9 (D) TREATMENTS PROVIDED, INCLUDING INTENSITY OF CARE OR
10 DOSAGE, AND THEIR OUTCOMES.

11 (E) OTHER SERVICES OR OPPORTUNITIES PROVIDED TO THE INDIVIDUAL
12 AND RESULTING USE BY THE INDIVIDUAL, SUCH AS EDUCATION OR
13 EMPLOYMENT AND THE PARTICIPATION OF AND OUTCOME FOR THAT
14 INDIVIDUAL.

15 (F) REASONS FOR DISCHARGE, COMPLETION, OR TERMINATION OF THE
16 PROGRAM.

17 (4) AS DIRECTED BY THE STATE COURT ADMINISTRATIVE OFFICE,
18 AFTER AN INDIVIDUAL IS DISCHARGED UPON EITHER COMPLETION OR
19 TERMINATION OF THE PROGRAM, THE SEX TRADE SOLICITATION PREVENTION
20 COURT SHOULD CONDUCT, AS MUCH AS PRACTICABLE, FOLLOW-UP CONTACTS
21 WITH AND REVIEWS OF PARTICIPANTS FOR KEY OUTCOME INDICATORS, SUCH
22 AS DRUG USE, RECIDIVISM, AND EMPLOYMENT, AS FREQUENTLY AND FOR A
23 PERIOD OF TIME DETERMINED BY THE STATE COURT ADMINISTRATIVE OFFICE
24 BASED UPON THE NATURE OF THE SEX TRADE SOLICITATION PREVENTION
25 COURT AND THE NATURE OF THE PARTICIPANT. THESE FOLLOW-UP CONTACTS
26 AND REVIEWS OF FORMER PARTICIPANTS ARE NOT EXTENSIONS OF THE
27 COURT'S JURISDICTION OVER THE INDIVIDUALS.

1 (5) EACH SEX TRADE SOLICITATION PREVENTION COURT SHALL PROVIDE
2 TO THE STATE COURT ADMINISTRATIVE OFFICE ALL INFORMATION REQUESTED
3 BY THE STATE COURT ADMINISTRATIVE OFFICE.

4 (6) WITH THE APPROVAL AND AT THE DISCRETION OF THE SUPREME
5 COURT, THE STATE COURT ADMINISTRATIVE OFFICE IS RESPONSIBLE FOR
6 EVALUATING AND COLLECTING DATA ON THE PERFORMANCE OF SEX TRADE
7 SOLICITATION PREVENTION COURTS IN THIS STATE AS FOLLOWS:

8 (A) THE STATE COURT ADMINISTRATIVE OFFICE SHALL PROVIDE AN
9 ANNUAL REVIEW OF THE PERFORMANCE OF SEX TRADE SOLICITATION
10 PREVENTION TREATMENT COURTS IN THIS STATE TO THE MINORITY AND
11 MAJORITY PARTY LEADERS IN THE SENATE AND HOUSE OF REPRESENTATIVES,
12 THE GOVERNOR, AND THE SUPREME COURT.

13 (B) THE STATE COURT ADMINISTRATIVE OFFICE SHALL PROVIDE
14 STANDARDS FOR SEX TRADE SOLICITATION PREVENTION COURTS IN THIS
15 STATE, INCLUDING, BUT NOT LIMITED TO, DEVELOPING A LIST OF APPROVED
16 MEASUREMENT INSTRUMENTS AND INDICATORS FOR DATA COLLECTION AND
17 EVALUATION. THESE STANDARDS MUST PROVIDE COMPARABILITY BETWEEN
18 PROGRAMS AND THEIR OUTCOMES.

19 (C) THE STATE COURT ADMINISTRATIVE OFFICE'S EVALUATION PLANS
20 SHOULD INCLUDE APPROPRIATE AND SCIENTIFICALLY VALID RESEARCH
21 DESIGNS, WHICH, AS SOON AS PRACTICABLE, SHOULD INCLUDE THE USE OF
22 COMPARISON AND CONTROL GROUPS.

23 (7) THE INFORMATION COLLECTED UNDER THIS SECTION REGARDING
24 INDIVIDUAL APPLICANTS TO SEX TRADE SOLICITATION PREVENTION COURT
25 PROGRAMS FOR THE PURPOSE OF APPLICATION TO THAT PROGRAM AND
26 PARTICIPANTS WHO HAVE SUCCESSFULLY COMPLETED SEX TRADE SOLICITATION
27 PREVENTION COURTS IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF

1 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

2 SEC. 8461. (1) THE SUPREME COURT IS RESPONSIBLE FOR THE
3 EXPENDITURE OF STATE FUNDS FOR THE ESTABLISHMENT AND OPERATION OF
4 SEX TRADE SOLICITATION PREVENTION COURTS. FEDERAL FUNDS PROVIDED TO
5 THE STATE FOR THE OPERATION OF SEX TRADE SOLICITATION PREVENTION
6 COURTS MUST BE DISTRIBUTED BY THE DEPARTMENT OF HEALTH AND HUMAN
7 SERVICES OR THE APPROPRIATE STATE AGENCY AS OTHERWISE PROVIDED BY
8 LAW.

9 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
10 ANY SOURCE FOR DEPOSIT INTO THE APPROPRIATE STATE FUND OR FUNDS FOR
11 THE PURPOSES DESCRIBED IN SUBSECTION (1).

12 (3) EACH SEX TRADE SOLICITATION PREVENTION COURT SHALL REPORT
13 QUARTERLY TO THE STATE COURT ADMINISTRATIVE OFFICE ON THE FUNDS
14 RECEIVED AND EXPENDED BY THAT SEX TRADE SOLICITATION PREVENTION
15 COURT, IN A MANNER PRESCRIBED BY THE STATE COURT ADMINISTRATIVE
16 OFFICE.

17 SEC. 8462. AS USED IN THIS CHAPTER:

18 (A) "SEX TRADE" MEANS THE BUSINESS OF PURCHASING OR EXCHANGING
19 MONEY OR OTHER CONSIDERATION FOR UNLAWFUL SEXUAL ACTIVITY.

20 (B) "SEX TRADE SOLICITATION PREVENTION COURT" MEANS A COURT
21 ADOPTED OR INSTITUTED UNDER THIS CHAPTER.

22 (C) "VIOLENT OFFENDER" MEANS AN INDIVIDUAL WHO MEETS EITHER OF
23 THE FOLLOWING CRITERIA:

24 (i) IS CURRENTLY CHARGED WITH OR HAS PLED GUILTY TO, OR, IF A
25 JUVENILE, IS CURRENTLY ALLEGED TO HAVE COMMITTED OR HAS ADMITTED
26 RESPONSIBILITY FOR, AN OFFENSE INVOLVING THE DEATH OF OR A SERIOUS
27 BODILY INJURY TO ANY INDIVIDUAL, OR THE CARRYING, POSSESSING, OR

1 USE OF A FIREARM OR OTHER DANGEROUS WEAPON BY THAT INDIVIDUAL,
2 WHETHER OR NOT ANY OF THESE CIRCUMSTANCES ARE AN ELEMENT OF THE
3 OFFENSE OR CONSTITUTE CRIMINAL SEXUAL CONDUCT OF ANY DEGREE.

4 (ii) HAS 1 OR MORE PRIOR CONVICTIONS FOR, OR, IF A JUVENILE,
5 HAS 1 OR MORE PRIOR FINDINGS OF RESPONSIBILITY FOR, A FELONY
6 INVOLVING THE USE OR ATTEMPTED USE OF FORCE AGAINST ANOTHER
7 INDIVIDUAL WITH THE INTENT TO CAUSE DEATH OR SERIOUS BODILY HARM.

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