

Legislative Analysis



SPECIALTY TREATMENT COURTS

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

House Bill 4523 as introduced
Sponsor: Rep. Kara Hope

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4524 as introduced
Sponsor: Rep. Joey Andrews

House Bill 4525 as introduced
Sponsor: Rep. Graham Filler

Committee: Judiciary
Complete to 5-16-23

SUMMARY:

House Bills 4523 and 4525 would amend the Revised Judicature Act to allow a violent offender to participate in a mental health court or drug treatment court, respectively, with the consent of the judge and prosecutor (in consultation with any known victim). House Bill 4524 would amend the Revised Judicature Act to allow participation in a drug treatment court to continue after a participant is convicted of a new felony offense under certain conditions.

House Bill 4523 would make an amendment to Chapter 10B (Mental Health Court) of the Revised Judicature Act that is similar to that proposed by House Bill 4525. Currently, in no case can a violent offender be admitted into a mental health court. The bill would provide that, unless the mental health court judge and the prosecuting attorney in consultation with any known victim in the instant case consent, a *violent offender* must not be admitted into mental health court.

For purposes of Chapter 10B, *violent offender* means an individual who is currently charged with, or has been convicted of, an offense involving the death of, or a serious bodily injury to, any individual, whether or not any of these circumstances are an element of the offense, or with criminal sexual conduct in any degree.

MCL 600.1093

House Bills 4524 and 4525 would each amend Chapter 10A (Drug Treatment Courts) of the Revised Judicature Act. Currently, among other things, before an individual is admitted into a drug treatment court, the court must find on the record, or place a statement in the court file, that the individual is not a *violent offender*.

For purposes of Chapter 10A, *violent offender* means an individual who is currently charged with or has pled guilty to (or, if the individual is a juvenile, is currently alleged to have committed or has admitted responsibility for) an offense involving the death of or serious bodily injury to any individual, whether or not any of the circumstances are an element of the offense, or an offense that is criminal sexual conduct of any degree.

Under **House Bill 4525**, before an individual is admitted into a drug treatment court, the court would have to find on the record, or place a statement in the file, *either* that the offender is not a violent offender *or* that the drug treatment court judge and the prosecuting attorney in consultation with any known victim in the instant case consent to the violent offender's being admitted to the drug treatment court. A provision that currently provides that an individual is not eligible for admission into a drug treatment court if the individual is a violent offender would be deleted.

Chapter 10A also provides that if a drug court participant is convicted of a felony for an offense that occurred after the defendant is admitted to drug treatment court, the judge must terminate the participant's participation in the program. **House Bill 4524** would amend this to provide that the participant's participation must be terminated unless, after consultation with the treatment team and after the agreement of the prosecuting attorney, the judge decides to continue the participant in the program.

MCL 600.1074 (HB 4524)

MCL 600.1064 and 600.1066 (HB 4525)

Each bill each would take effect 90 days after its enactment.

BACKGROUND:

House Bills 4523 and 4524 are reintroductions of HBs 5483 and 5484 of the 2021-22 legislative session, and House Bill 4525 is a reintroduction of provisions contained in HBs 5482 and 5868 of that session. House Bills 5482 to 5484 received a hearing in the House Judiciary committee. House Bill 5868 was a companion bill to HB 5482 to align an additional section of the Revised Judicature Act with the provisions of that bill, but did not receive a hearing.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local units having courts that administer drug and mental health treatment programs. Under the bills, violent offenders would be allowed to participate in drug treatment courts or mental health courts if judges, prosecuting attorneys, and victims agree to their participation. The fiscal impact would depend on the extent to which provisions of the bills increase drug treatment court or mental health court caseloads. As of December 1, 2022, there were 137 drug treatment and 42 mental health courts operating in the state. Local court funding units and the State Court Administrative Office provide funding for the planning and operation of the courts. Grant funding appropriated by the state in the FY 2023 budget totaled \$12.7 million for drug treatment courts and \$5.7 million for mental health courts.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.