

HOUSE BILL No. 5399

December 30, 2003, Introduced by Reps. Meisner, Hopgood, Condino, Bieda, Kolb, Tobocman, Gillard, Law, Hunter, Gleason, Vagnozzi, Byrum, Jamnick, McConico, Murphy, Phillips, Clack, Stallworth, Hood, Smith, Gaffney, Acciavatti and Hardman and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1084.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1084. (1) The state drug treatment court advisory
2 board is created within the state court administrative office.

3 (2) The board shall consist of the following 14 members:

4 (a) Each of the following 7 officers or a designee of that
5 officer, who shall serve ex officio:

6 (i) The director of the office of drug control policy in the
7 department of community health or its successor agency.

8 (ii) The administrator of the office of community corrections
9 in the department of corrections or its successor agency.

10 (iii) The deputy director of mental health and substance
11 abuse services in the department of community health or its

1 successor agency.

2 (iv) The deputy director of the field operations
3 administration in the department of corrections or its successor
4 agency.

5 (v) The director of adult education and commission on
6 Spanish-speaking affairs in the department of career development
7 or its successor agency.

8 (vi) The director of the family independence agency or its
9 successor agency.

10 (vii) The director of the department of corrections or its
11 successor agency.

12 (b) Seven members appointed by the chief justice of the
13 supreme court, as follows:

14 (i) A prosecutor of a drug treatment court.

15 (ii) A defense attorney with experience in a drug treatment
16 court.

17 (iii) A member of the Michigan association of drug court
18 professionals who is serving as a problem-solving court judge.

19 (iv) An individual who will represent the state court
20 administrative office.

21 (v) An individual who is a member of the Michigan sheriff's
22 association.

23 (vi) An individual who will represent the rights of crime
24 victims.

25 (vii) An individual who will represent the treatment services
26 community.

27 (3) The members first appointed to the board shall be

1 appointed within 30 days after the effective date of this
2 section.

3 (4) Members of the board appointed by the chief justice shall
4 serve for terms of 2 years or until a successor is appointed,
5 whichever is later, except that of the members first appointed, 3
6 shall serve for 1 year, 2 shall serve for 2 years, and 2 shall
7 serve for 3 years.

8 (5) If a vacancy occurs in an appointed position on the
9 board, the chief justice shall make an appointment for the
10 unexpired term in the same manner as the original appointment.

11 (6) The chief justice may remove an appointed member of the
12 board for incompetency, dereliction of duty, malfeasance,
13 misfeasance, or nonfeasance in office, or any other good cause.

14 (7) The first meeting of the board shall be called by the
15 chief justice. At the first meeting, the board shall elect from
16 among its members a chairperson and other officers as it
17 considers necessary or appropriate. After the first meeting, the
18 board shall meet at least quarterly, or more frequently at the
19 call of the chairperson or if requested by 7 or more members.

20 (8) A majority of the members of the board constitute a
21 quorum for the transaction of business at a meeting of the
22 board. A quorum of the members present and serving is required
23 for official action of the board. Each member is a voting
24 member.

25 (9) Members of the board shall serve without compensation.
26 However, members of the board may be reimbursed for their actual
27 and necessary expenses incurred in the performance of their

1 official duties as members of the board.

2 (10) The board shall do all of the following:

3 (a) Advise the state court administrator as to the promotion
4 of and the creation of drug treatment courts and other
5 problem-solving courts in this state.

6 (b) Advise the state court administrator as to the allocation
7 of funds from the drug treatment court fund created in section
8 185.

9 (c) Develop criteria for monitoring the effectiveness of drug
10 treatment courts in this state.

11 (d) Address the availability of substance abuse programs in
12 the communities where drug treatment courts exist or are
13 planned.

14 (e) Educate trial judges on the need for, and effectiveness
15 of, drug courts.

16 (f) Not later than 6 months after the first meeting of the
17 board, create guidelines for the operation of drug treatment
18 courts, including all of the following:

19 (i) Standardized statewide guidelines to measure
20 effectiveness and recidivism rates.

21 (ii) Standardized statewide guidelines for data collection
22 priorities pursuant to section 1081.

23 (iii) Guidelines for grant allocation.

24 (iv) Eligibility criteria for defendants.

25 Enacting section 1. This amendatory act does not take
26 effect unless all of the following bills of the 92nd Legislature
27 are enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 5401 (request
2 no. 02569'03 ***).

3 (b) Senate Bill No. _____ or House Bill No. 5400 (request
4 no. 02593'03 ***).