

Act No. 124
Public Acts of 2023
Approved by the Governor
September 18, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Johnson, Wojno, Chang, Hertel, McBroom, Bellino, Polehanki, Singh,
McCann and Shink

ENROLLED SENATE BILL No. 134

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” 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:

Sec. 1084. (1) The DWI/sobriety court and the specialty court interlock program are created under this section.

(2) All DWI/sobriety courts shall comply with the 10 guiding principles of DWI courts as promulgated by the National Center for DWI Courts.

(3) A DWI/sobriety 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 DWI/sobriety court, must be certified by the state court administrative office in the same manner as required for a drug treatment court under section 1062(5). A DWI/sobriety court shall not perform any of the functions of a DWI/sobriety court, including, but not limited to, the functions of a drug treatment court described in section 1062(5) unless the court has been certified by the state court administrative office as provided in section 1062(5).

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

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

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

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

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

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

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

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

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

(f) Relevant treatment information as to participants.

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

(h) Any other information found to be relevant.

(6) Before the secretary of state issues a restricted license to a program participant under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304, the 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 installed on each motor vehicle owned or operated, or both, by the individual.

(7) If any of the following occur, the 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 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 section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

(c) "Program" means the specialty court interlock program created under this section.

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

(i) A drug treatment court.

(ii) A DWI/sobriety court.

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

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

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

Sec. 1091. (1) The circuit court or the district court in any judicial circuit or a district court in any judicial district may adopt or institute a mental health court pursuant to statute or court rules. However, if the mental health 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 mental health 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 or representatives of the community mental health services programs, 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, including, but not limited to, a representative or representatives of the local court funding unit or a domestic violence service provider program that receives funding from the Michigan domestic and sexual violence prevention and treatment board. The memorandum of understanding must describe the role of each party.

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

(3) A mental health 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 mental health 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 mental health court is required to begin or to continue the operation of a mental health court under this chapter. The state court administrative office shall not recognize and include a mental health court that is not certified under this subsection on the statewide official list of mental health courts. The state court administrative office shall include a mental health court certified under this subsection on the statewide official list of mental health courts. A mental health court that is not certified under this subsection shall not perform any of the functions of a mental health court, including, but not limited to, any of the following functions:

(a) Charging a fee under section 1095.

(b) Discharging and dismissing a case as provided in section 1098.

(c) Receiving funding under section 1099a.

(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.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 135 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 135, referred to in enacting section 1, was filed with the Secretary of State September 19, 2023, and became 2023 PA 125, Imd. Eff. Sept. 19, 2023.