

SENATE BILL NO. 134

March 02, 2023, Introduced by Senators JOHNSON, WOJNO, CHANG, HERTEL, MCBROOM, BELLINO, POLEHANKI and SINGH and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," 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:

- 1 Sec. 1084. (1) The DWI/sobriety **court and the specialty** court
- 2 interlock program ~~is~~**are** created under this section.
- 3 (2) All DWI/sobriety courts ~~that participate in the program~~

1 shall comply with the 10 guiding principles of DWI courts as
2 promulgated by the National Center for DWI Courts.

3 (3) ~~Beginning January 1, 2018, a~~ A DWI/sobriety court
4 operating in this state, or a circuit court in any judicial circuit
5 or the district court in any judicial district seeking to adopt or
6 institute a DWI/sobriety court, must be certified by the state
7 court administrative office in the same manner as required for a
8 drug treatment court under section 1062(5). A DWI/sobriety court
9 shall not perform any of the functions of a DWI/sobriety court,
10 including, but not limited to, the functions of a drug treatment
11 court described in section 1062(5) ~~after January 1, 2018~~ unless the
12 court has been certified by the state court administrative office
13 as provided in section 1062(5).

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

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

21 (b) One conviction for violating section 625(1) or (3) of the
22 Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local
23 ordinance of this state substantially corresponding to section
24 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL
25 257.625, preceded by 1 or more convictions for violating a local
26 ordinance or law of another state substantially corresponding to
27 section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA
28 300, MCL 257.625, or a law of the United States substantially
29 corresponding to section 625(1), (3), or (6) of the Michigan

1 vehicle code, 1949 PA 300, MCL 257.625.

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

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

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

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

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

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

24 (f) Relevant treatment information as to participants.

25 (g) The percentage of participants convicted of a new offense
26 under section 625(1) or (3) of the Michigan vehicle code, 1949 PA
27 300, MCL 257.625.

28 (h) Any other information found to be relevant.

29 (6) Before the secretary of state issues a restricted license

1 to a program participant under section 304 of the Michigan vehicle
2 code, 1949 PA 300, MCL 257.304, the ~~DWI/sobriety~~**specialty** court
3 judge shall certify to the secretary of state that the individual
4 seeking the restricted license has been admitted into the program
5 and that an interlock device has been ~~placed~~**installed** on each
6 motor vehicle owned or operated, or both, by the individual.

7 (7) If any of the following occur, the ~~DWI/sobriety~~**specialty**
8 court judge shall immediately inform the secretary of state of that
9 occurrence:

10 (a) The court orders that a program participant be removed
11 from the ~~DWI/sobriety~~**specialty** court program before he or she
12 successfully completes it.

13 (b) The court becomes aware that a program participant
14 operates a motor vehicle that is not equipped with an interlock
15 device or that a program participant tampers with, circumvents, or
16 removes a court-ordered interlock device without prior court
17 approval.

18 (c) A program participant is charged with a new violation of
19 section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

20 (8) The receipt of notification by the secretary of state
21 under subsection (7) must result in summary revocation or
22 suspension of the restricted license under section 304 of the
23 Michigan vehicle code, 1949 PA 300, MCL 257.304.

24 (9) As used in this section:

25 (a) "DWI/sobriety court" means the specialized court docket
26 and programs established within judicial circuits and districts
27 throughout this state that are designed to reduce recidivism among
28 alcohol offenders and that comply with the 10 guiding principles of
29 DWI courts as promulgated by the National Center for DWI Courts.

1 (b) "Ignition interlock device" means that term as defined in
2 section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

3 (c) "Program" means the ~~DWI/sobriety~~**specialty** court interlock
4 program created under this section.

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

6 (i) **A drug treatment court.**

7 (ii) **A DWI/sobriety court.**

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

9 (iv) **A mental health court, as that term is defined in section**
10 **1090.**

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

13 Sec. 1091. (1) The circuit court or the district court in any
14 judicial circuit or a district court in any judicial district may
15 adopt or institute a mental health court pursuant to statute or
16 court rules. However, if the mental health court will include in
17 its program individuals who may be eligible for discharge and
18 dismissal of an offense, delayed sentence, or deviation from the
19 sentencing guidelines, the circuit or district court shall not
20 adopt or institute the mental health court unless the circuit or
21 district court enters into a memorandum of understanding with each
22 participating prosecuting attorney in the circuit or district court
23 district, a representative or representatives of the community
24 mental health services programs, a representative of the criminal
25 defense bar, and a representative or representatives of community
26 treatment providers. The memorandum of understanding also may
27 include other parties considered necessary, including, but not
28 limited to, a representative or representatives of the local court
29 funding unit or a domestic violence service provider program that

1 receives funding from the Michigan domestic and sexual violence
2 prevention and treatment board. The memorandum of understanding
3 must describe the role of each party.

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

12 (3) ~~Beginning January 1, 2018, a~~ **A** mental health court
13 operating in this state, or a circuit court in any judicial circuit
14 or the district court in any judicial district seeking to adopt or
15 institute a mental health court, must be certified by the state
16 court administrative office. The state court administrative office
17 shall establish the procedure for certification. Approval and
18 certification under this subsection of a mental health court is
19 required to begin or to continue the operation of a mental health
20 court under this chapter. The state court administrative office
21 shall not recognize and include a mental health court that is not
22 certified under this subsection on the statewide official list of
23 mental health courts. The state court administrative office shall
24 include a mental health court certified under this subsection on
25 the statewide official list of mental health courts. A mental
26 health court that is not certified under this subsection shall not
27 perform any of the functions of a mental health court, including,
28 but not limited to, any of the following functions:

29 (a) Charging a fee under section 1095.

1 (b) Discharging and dismissing a case as provided in section
2 1098.

3 (c) Receiving funding under section 1099a.

4 **(d) Certifying to the secretary of state that an individual is**
5 **eligible to receive a restricted license under section 1084 of this**
6 **act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL**
7 **257.304.**

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