



Senate Fiscal Agency
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House Bill 4523 (Substitute H-2 as passed by the House)
House Bill 4524 (as passed by the House)
House Bull 4525 (Substitute H-2 as passed by the House)
Sponsor: Representative Kara Hope (H.B. 4523)
Representative Joey Andrews (H.B. 4524)
Representative Graham Filler (H.B. 4525)
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 1-31-24

CONTENT

House Bill 4523 (H-2) would amend Chapter 10B (Mental Health Court) of the Revised Judicature Act (RJA) to allow certain violent offenders to be admitted to a mental health court if the judge and prosecuting attorney, in consultation with any known victim, gave consent.

House Bill 4524 would amend Chapter 10A (Drug Treatment Courts) of the RJA to allow a drug treatment court participant to continue with the treatment program after being convicted of a felony if a judge allowed the continuation upon consultation with the treatment team and with the agreement of the prosecuting attorney.

House Bill 4525 (H-2) would amend Chapter 10A of the RJA to allow certain violent offenders to be admitted to a drug treatment court if the judge and prosecuting attorney, in consultation with any known victim, gave consent.

Each bill would take effect 90 days after its enactment.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bills 4523 and 4524 are reintroductions of House Bills 5483 and 5484, respectively, of the 2021-2022 Legislative Session.

House Bill 4523 (H-2)

A mental health court is a supervised treatment program for individuals who are diagnosed by a mental health professional with having serious mental illness, serious emotional disturbance, co-occurring disorder, or developmental disability or a program designed to adhere to 10 Essential Elements of a mental health court promulgated by the Bureau of Justice Assistance.

The RJA prohibits violent offenders from being admitted into mental health courts. Under the bill, a violent offender could be admitted if the judge and prosecuting attorney, in consultation with any known victim in the instant case, gave consent.

("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.)

The bill would specify that an individual could not be admitted to a mental health court if either of the following applied:

- The individual was currently *charged* with first degree murder in violation of Section 316 the Michigan Penal Code or criminal sexual conduct in the first-, second-, or third- degree in violation of Sections 520b, 520c, or 520d of the Code.
- The individual had been *convicted* of first-degree murder in violation of Section 316 of the Code or criminal sexual conduct in the first-, second-, or third- degree in violation of Sections 520b, 520c, or 520d of the Code.

House Bill 4524

Under the RJA, a drug treatment court is a supervised treatment program for individuals who abuse or are dependent upon any controlled substance or alcohol. Currently, if a participant is convicted of a felony for an offense that occurred after the defendant is admitted to the court, the participant must be terminated from the program.

The bill would allow a judge to continue the participant in the program upon agreement with the prosecuting attorney and in consultation with the treatment team.

House Bill 4525 (H-2)

Currently under the RJA, violent offenders are not eligible for admission into a drug treatment court. The bill would allow a violent offender to be admitted to a drug treatment court if the judge and prosecuting attorney, in consultation with any known victim in the instant case, gave consent. The bill would specify that an individual could not be admitted to a drug treatment court if either of the following applied:

- The individual was currently *charged* with or, if the individual were a juvenile, was currently alleged to have committed first degree murder in violation of Section 316 the Michigan Penal Code or criminal sexual conduct in the first-, second-, or third- degree in violation of Sections 520b, 520c, or 520d of the Code.
- The individual had been *convicted* of or, if the individual were a juvenile, found responsible for first-degree murder in violation of Section 316 of the Code or criminal sexual conduct in the first-, second-, or third- degree in violation of Sections 520b, 520c, or 520d of the Code.

Prior to admitting a participant to drug treatment court, the court must find on the record or place a statement with certain information in the court file, such as reason for admittance and eligibility requirements. Among these eligibility requirements, the court must find or place in the statement that the individual is not a violent offender. Instead, under the bill, the court would have to find or place in the statement either that the individual was not a violent offender or, subject to the prohibited offenses described below and in consultation with any known victim in the instant case, consent to the violent offender being admitted to the court.

The bill would require the court to record or place in the statement that the individual was not currently charged with or, if the individual were a juvenile, was not currently alleged to have committed first degree murder or criminal sexual misconduct in the first-, second-, or third degree. The court also would have to record that the individual was not currently

convicted of or, if the individual were a juvenile, had never been found responsible for first degree murder or criminal sexual misconduct in the first-, second-, or third degree.

MCL 600.1093 (H.B. 4523)
600.1074 (H.B. 4524)
600.1064 & 600.1066 (H.B. 4525)

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bills would not automatically have a fiscal impact on the State or local governments. The bills could increase costs for treatment courts if they cause a substantial increase in offender participation. It is not known how many offenders are currently excluded from mental health or drug treatment courts due to violent offender status. Specialty courts require up-front funding, at slightly more than \$100,000 per court, per year. Long-term savings for the State are realized if specialty courts reduce incarceration rates over a period of years or decades. The costs and savings are difficult to quantify.

For the Fiscal Year 2023-24, State appropriations for mental health and drug treatment courts are at \$5.7 million and \$12.6 million, respectively. There are 138 DWI/Drug treatment courts statewide (inclusive of juvenile, family, and tribal) that provide alternative sentencing options for offenders. There are 43 mental health courts statewide.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.