



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: October 25, 2012

TO: Judges and Court Administrators

FROM: Dana Graham, Management Analyst

RE: Veterans Treatment Courts

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Public Act 335 of 2012 was signed into law on October 17, 2012, and takes immediate effect. This new law amends the Revised Judicature Act to allow a circuit or district court to establish a veterans treatment court, in which the court offers a supervised program for veterans who have a substance use disorder or suffer from mental illness. The law does the following:

- Requires a veterans treatment court to comply with the 10 Key Components of Drug Treatment Courts, as promulgated by the Buffalo veterans treatment court. The key components are available at <http://www.justiceforvets.org/sites/default/files/files/Ten%20Key%20Components%20of%20Veterans%20Treatment%20Courts%20.pdf>.
- Requires the court that is establishing a veterans treatment court to enter into a memorandum of understanding with parties such as the prosecuting attorney (if the court will include individuals eligible for discharge or dismissal of an offense, a delayed sentence, a deferred judgment, or a deviation from sentencing guidelines), a representative of the criminal defense bar, a treatment representative, a representative of a veterans service organization, and a representative from the Department of Veterans Affairs (VA).
- Establishes eligibility criteria for admission to a veterans treatment court. In general, the potential participant must: be a veteran of the armed forces; not be a violent offender; be dependent upon or abusing drugs or alcohol, or suffer from a mental illness; not be an unwarranted or substantial risk to public safety; and complete a preadmission screening conducted by the court. In addition, if the individual is charged in a criminal case, the offense(s) must generally relate to his or her military service.

- Requires the veterans treatment court to provide the veteran with consistent monitoring and interaction; a mentorship relationship with another veteran who can offer support and guidance; periodic, random testing for the presence of drugs or alcohol; periodic assessments of program progress; a system of rewards for compliance and sanctions for noncompliance, including the possibility of incarceration; and substance abuse or mental health treatment, to be provided by the VA when practical.
- Allows the court to assess a reasonable veterans treatment court fee.
- Allows the court, under certain conditions, to discharge and dismiss the proceedings against a participant upon successful completion of the program, including no more than one eligible domestic violence charge. If participation is terminated or the participant fails to complete the program successfully, the court must enter an adjudication of guilt if the entering of guilt was deferred or sentencing was delayed, and then proceed to sentencing or disposition on the original charges.
- Requires veterans treatment courts to collect and provide data as required by the State Court Administrative Office.

Courts implementing a veterans treatment court should submit local administrative orders and memoranda of understanding to the State Court Administrative Office. Those with questions about veterans treatment courts can contact me at 517-373-2218 or [grahamd@courts.mi.gov](mailto:grahamd@courts.mi.gov)