

proposed minutes

State Drug Treatment Court Advisory Committee (SDTCAC) Meeting

10:00 a.m. • Tuesday, October 19, 2021

Legislative Conference Room • 3rd Floor Boji Tower Building

124 W. Allegan Street • Lansing, MI

Members Present:

Judge Amy Ronayne Krause, Chair
Judge Raymond Voet, Vice Chair
Heidi Cannon
Judge Susan L. Dobrich
Judge Shannon Holmes
Andrew Konwiak
Judge Mark Latchana
Judge Julia B. Owdziej
Mark Risk
Andrew Smith
Kyle Sofia
Ines Straube
Alma Valenzuela

Members Absent and Excused:

Judge Joshua Farrell
Douglas Lloyd
Sheriff Michael Main
Christina Nicholas
Stacy Salon

I. Call to Order

Chair Amy Ronayne Krause called the meeting to order at 10:00 a.m.

II. Roll Call

The Chair asked the clerk to take the roll. A quorum was present and absent members were excused. Mr. Risk joined the meeting at 10:19 a.m.

III. Welcome to New Members

The Chair reported that the Speaker and the Senate Majority Leader recently reappointed the Honorable Raymond Voet, the Honorable Julia Owdziej, and the Honorable Mark Latchana for another 4-year term and thanked those members for their willingness to continue to serve. The Chair then introduced and extended a warm welcome to the Honorable Shannon Holmes of the 34th District Court who has been appointed to serve as the circuit or district court judge who has presided at least 2 years over an alcohol treatment court representative, and Mr. Kyle Sofia of Battle Creek, who was appointed to serve as the juvenile drug court graduate representative. She called on both of them to share a little bit about their background. Afterwards, the Chair reported that the Honorable Joshua Farrell of the 80th District Court was also appointed to the Committee to represent a district court judge who has presided at least 2 years over a drug treatment court; however, Judge Farrell was unable to participate in today's meeting due to the recentness of his appointment and having a full docket on his schedule.

IV. Certificates of Appreciation for the Honorable Geno Salomone and the Honorable Louise Alderson

The Chair announced that Certificates of Appreciation have been prepared for Judge Salomone and for Judge Alderson in recognition of their many years of service to the Committee. She noted the certificates will be signed by Jen Dettloff on behalf of the Legislative Council and herself on behalf of the Committee and asked the clerk to transmit the certificates to Judge Salomone and Judge Alderson.

V. Approval of the Minutes of the July 13, 2021 SDTCAC Meeting

The Chair directed attention to the proposed minutes of the July 13, 2021 meeting and asked if there were any changes. There were none. **Ms. Cannon moved, supported by Judge Voet, to approve the minutes of the July 13, 2021 State Drug Treatment Court Advisory Committee meeting as presented. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed and the minutes were approved.**

Yeas—11

Chair Ronayne Krause
Judge Voet
Ms. Cannon
Judge Dobrich
Judge Holmes
Mr. Konwiak

Judge Owdziej
Mr. Smith
Mr. Sofia
Ms. Straube
Ms. Valenzuela

Nays—0

Pass: 0

VI. Subcommittee Updates

The Chair called on each subcommittee chair for an update.

Affordable Health Care Act Impact Subcommittee:

The Chair announced that Ms. Nicholas could not be present at today's meeting. There was no update to report.

Defense Attorney Participation Subcommittee:

Mr. Risk was present but had no update to report.

Family Dependency Court Subcommittee:

Judge Dobrich reported that new family court legislation has been drafted and introduced and called upon Mr. Smith for other updates. Mr. Smith noted that the legislation has the support of the new leadership with the Michigan Department of Health and Human Services and he is excited over the family treatment court process movement and what will come of it over the next year. Judge Dobrich noted that the legislation follows the federal guidelines for best practices published last year and, because there are differences between family courts and criminal courts, the legislation will be helpful particularly since it has MDHHS on board.

Juvenile Issues Subcommittee:

Judge Owdziej reported that the Raise the Age for Juvenile Offenders statute went into effect on October 1. She had no other update to report.

Legislative Subcommittee:

Ms. Cannon deferred to Judge Harvey Hoffman to provide an update. Judge Hoffman highlighted the five bills the MATCP legislative committee has been working on. The first is a proposed legislative fix regarding a participant's use of medical marijuana while in a treatment court program (see "Medical Marijuana Treatment Court Talking Points" document attached to these minutes for more details). He also noted MATCP is holding two events on October 27—a MATCP Strategic Partners Summit in the late morning/early afternoon and a legislative reception from 4:00 to 7:00 p.m. Katharine Hude, MATCP Executive Director, provided more information about the events and asked SDTCAC members to email her if they wish to R.S.V.P. for either event. Judge Hoffman continued with an explanation of the other four bills they are currently working on—a bill to add mental health and veterans' court to the ignition interlock statute, a mental health court bill that provides more discretion for the participation of violent offenders, a bill that provides more discretion for the participation of violent offenders in all other treatment courts, and a bill that would allow discretion for a participant to continue in a drug court program if convicted of another felony while in the program. The Chair inquired if consulting with the victim had been considered with regard to the bill dealing with another felony conviction. Judge Hoffman did not think so, but he is sure the bill sponsor would be open to taking that into consideration. The Chair will bring this issue forward for discussion at her next Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting. Judge Voet suggested the Committee may wish to take a position on these bills and prepare and send a letter to the Michigan Legislature. The necessity of scheduling another SDTCAC meeting to continue the discussion of the Committee's position on these bills once they have been introduced was then discussed. The Chair asked the clerk to schedule another meeting sometime during the first week of November.

Program Standardization and Alternative Funding Subcommittee:

The Chair noted that this subcommittee needs a new chair since Judge Salomone is no longer on the Committee. Ms. Valenzuela volunteered to serve as Chair. Chair Ronayne Krause thanked Ms. Valenzuela and designated her the new subcommittee chair.

Veterans' Treatment Court Subcommittee:

Judge Voet was present but had no update to report.

Vision Subcommittee:

Prosecutor Lloyd was not present, so no update was reported.

VII. Mental Health Services for Incarcerated Individuals Ad Hoc Committee Update

The Chair reported that, at the last meeting, an ad hoc committee was formed to study the suspension of Medicaid for mental health services when a person is detained or arrested. Ms. Nicholas was to draft a letter that would be considered at today's meeting, but, because she is unable to attend, the Chair proposed delaying the discussion until the January SDTCAC meeting. There was no objection. The Chair also noted that she is designating Ms. Nicholas as Chair of the Ad Hoc committee.

VIII. Funding Update

The Chair called on Mr. Smith for an update. Mr. Smith provided a snapshot of SCAO awards as follows:

State Court Administrative Office - FY22 Problem-Solving Court Awards

Drug Court: \$10,504,171

- Michigan Drug Court Grant Program: \$8,156,889 (108 programs)
- Office of Highway Safety Planning: \$847,282 (15 programs)
- Byrne JAG: \$1,500,000 (16 programs)

Mental Health Court: \$5,230,346 (40 programs)

Veterans Treatment Court: \$1,034,400 (24 programs)

State Court Administrative Office – FY22 Swift and Sure Sanctions Program Awards

SSSPP: \$3,130,400 (21 programs)

IX. Proposed Amendments to Committee By-Laws

The Chair noted that at the last meeting she presented a track-change version of proposed amendments to the Committee's bylaws as required. She explained the amendments would allow members to continue to participate and vote remotely, clarify that state law controls if there is a conflict with the Committee's by-laws or amendments to the by-laws, and remove the provision that, in the absence of a specific Committee rule, the proceedings of the Committee shall be governed by Robert's Rules of Order Newly Revised. **Judge Voet moved, supported by Ms. Cannon, to approve the amendments to the State Drug Treatment Court Advisory Committee by-laws as proposed. There was no further discussion and the Chair asked for a roll call vote. The motion prevailed by a unanimous vote of the Committee members present and voting and the amendments were approved.**

Yeas—12

Chair Ronayne Krause

Judge Voet

Ms. Cannon

Judge Dobrich

Mr. Konwiak

Judge Latchana

Judge Owdziej

Mr. Risk

Mr. Smith

Mr. Sofia

Ms. Straube

Ms. Valenzuela

Nays—0

Pass: 0

X. Public Comment

The Chair asked if there were any comments from the public. There were none.

XI. Committee Member Comment

The Chair asked if there were any additional comments from the Committee members. Judge Dobrich thanked Susan Cavanagh for her service to the Committee. The Chair then recognized and presented flowers, gifts, and a cake to Susan Cavanagh in honor of her retirement and thanked her for her service to the State Drug Treatment Court Advisory Committee. There were no other comments.

XII. Proposed 2022 SDTCAC Meeting Dates

The Chair proposed tentative meeting dates for 2022 as January 11, April 12, July 12, and October 1. She noted that she is unable to attend the January 11 meeting and asked Judge Voet to chair that meeting for her. There were no other conflicts with the proposed meeting dates.

XIII. Adjournment

There being no further business before the Committee, **Judge Voet moved, supported by Ms. Cannon, to adjourn the meeting. There was no objection and the motion was unanimously approved. The meeting was adjourned at 11:01 a.m.**

MEDICAL MARIJUANA TREATMENT COURT TALKING POINTS

Introduction:

Ballot initiatives provide a good method for allowing the general public to be heard on important policy issues. However, the ballot initiative process provides merely for an up or down vote, and does not provide a vehicle for discussing the fine points of the proposal, and proposal's potential impact. This at times creates unintended consequences. The legislative process provides us with a means for making minor adjustments to laws enacted by ballot initiative, to address unintended consequences so created.

During the process of enacting The Michigan Medical Marijuana Act (MMMA), Michigan voters were not provided with any information about the potential negative impact of said act on the Michigan Treatment Courts. In fact, some of these impacts only became apparent since the MMMA went into effect. The proposed amendment, set forth below, does not seek to make a major change to the MMMA, and seeks only to correct the negative unintended consequences of the act on the Michigan Treatment Courts. Said proposed amendment would remove persons who choose to participate in Michigan's Treatment Courts from consideration under the MMMA.

The Proposed Amendment:

MCLA 333.26424 Sec. 7 © All other acts and parts of acts inconsistent with this act, EXCEPT FOR PUBLIC ACTS 236 of 1961 CHAPTERS 10A, 10B, 10C, and 12 do not apply to the medical use of marijuana as provided for by this act.

Relevant Considerations:

1. Federal Treatment Court Funding.

Michigan's Treatment Courts receive a significant amount of their funding from the Federal Government. The Bureau of Justice Administration (BJA) this year provided SCAO with grants to fund our Treatment Courts totaling \$1,950,000.

BJA in its grant requirements provides in part:

“Medical Marijuana

Award recipients are prohibited from using federal funds to support programs or activities that violate the Controlled Substances Act, 21 U.S.C. sec 801 et seq. Programs or activities funded under a BJA adult drug court award must ensure that drug court participants are tested periodically for the use of controlled substances, including medical marijuana. See 34 U.S.C. sec 10611, et seq.”

The proposed amendment would ensure that Michigan's Treatment Courts would not continue to run the risk of losing our federal funding.

2. Public Safety:

Under MCLA 600.1084 Michigan's Treatment Courts provide restricted driver's licenses to repeat DWI offenders that are in Treatment Court and place ignition interlocks on their vehicles. This program has been highly successful in reducing DWI recidivism and helping participants successfully complete their programs. It is very concerning that these program participants could be able to smoke medical marijuana and drive their vehicles, something that would not activate the protections of the ignition interlocks.

3. Two Different Target Populations:

All participants in Drug Courts, DWI/Sobriety Courts, Hybrid Drug/DWI Courts, Veterans Courts, Juvenile Treatment Courts and Family Courts have significant substance use disorders (SUDs). Many participants in Mental Health Courts have co-occurring mental health issues and SUDs. These programs were created specifically to address the substance abuse and mental health needs of these individuals within Michigan's Criminal Justice System. Treatment Courts deal with a wide variety of SUDs including prescription opioids, heroin, methamphetamine, cocaine, alcohol, and marijuana. Use of Medical Marijuana by participants in these programs could significantly impact the recovery of other program participants.

Persons using Medical Marijuana use marijuana to deal with medical issues. The vast majority of persons using Medical Marijuana are not involved in the criminal justice system. The proposed amendment would have no impact on almost all of the persons using Medical Marijuana.

4. Minimal Impact on the MMMA:

The Treatment Court population is relatively small with, 1904 program graduates in 2020. Only a small percentage of MMMA users are likely to find their way into Michigan's Treatment Court System. The proposed amendment would have a minimal impact on the MMMA and would likely have no significant impact on revenues raised from Medical Marijuana.