

# final minutes

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## State Drug Treatment Court Advisory Committee Meeting

Tuesday, October 11, 2005

Room 426 • State Capitol Building

9:15 a.m.

### Members Present:

Ken Aud  
Lawrence Belen  
Judge Patrick Bowler  
Kathleen Brickley  
Andrew Konwiak  
Judge Brian Mackenzie  
Beth Morrison  
Judge William Rush  
Jeffrey Sauter  
Judge William Schma  
Homer Smith  
Judge Edward Sosnick  
Dr. Chuck Spence  
Dr. Phyllis Zold-Kilbourn

### Members Excused:

Constance Laine  
Terrence Sizeland

### Others Present:

Senator Alan Cropsey  
John Strand, Legislative Council Administrator  
Susan Cavanagh, Legislative Council Administrator's Office  
Brian Dunn, Legislative Service Bureau  
Jim Kirsch, Senate Democratic Caucus  
John Lazet, Senator Cropsey's Office

## I. Convening of Meeting and Welcome

On behalf of the House Speaker and Senate Majority Leader, Legislative Council Administrator John Strand called the meeting to order at 9:15 a.m. and asked Senator Cropsey to make a few opening remarks. Senator Cropsey thanked the members for their service on the Committee and acknowledged the efforts of Committee members in helping to craft the legislation dealing with Drug Treatment Courts. He looks forward to the Committee's input and recommendations to improve the current system.

The clerk took the roll as each member introduced themselves. A quorum was present and all absent members were excused.

## II. Oath of Office

Each member was asked to sign and return the Oath of Office provided.

## III. Adoption of By-Laws

Proposed by-laws were distributed and discussed. **Judge Rush moved, supported by Judge Schma, to amend and adopt the proposed by-laws by adding Vice-Chairperson to the list of offices of the Committee and designating that in the absence of the Chairperson, the Vice-Chairperson shall call the meeting to order and shall preside. The by-laws as amended were adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

**Yeas—12:**     **Mr. Aud**                                 **Judge Rush**  
                  **Mr. Belen**                                **Mr. Sauter**  
                  **Judge Bowler**                            **Judge Schma**  
                  **Ms. Brickley**                               **Mr. Smith**  
                  **Mr. Konwiak**                             **Dr. Spence**  
                  **Ms. Morrison**                            **Dr. Zold-Kilbourn**

**Nays—0**

**IV. Election of Chairperson**

**Judge Schma moved, supported by Judge Rush, to elect Judge Patrick Bowler Chairperson of the State Drug Treatment Court Advisory Committee. The motion was adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

**Yeas—14:**     **Mr. Aud**                                 **Judge Rush**  
                  **Mr. Belen**                               **Mr. Sauter**  
                  **Judge Bowler**                            **Judge Schma**  
                  **Ms. Brickley**                               **Mr. Smith**  
                  **Mr. Konwiak**                             **Judge Sosnick**  
                  **Judge Mackenzie**                       **Dr. Spence**  
                  **Ms. Morrison**                            **Dr. Zold-Kilbourn**

**Nays—0**

**V. Election of Vice-Chairperson**

**Ms. Brickley moved, supported by Judge Sosnick, to elect Judge William Schma Vice-Chairperson of the State Drug Treatment Court Advisory Committee. The motion was adopted, a majority of the members present and serving voting therefor, by yeas and nays, as follows:**

**Yeas—14:**     **Mr. Aud**                                 **Judge Rush**  
                  **Mr. Belen**                                **Mr. Sauter**  
                  **Judge Bowler**                            **Judge Schma**  
                  **Ms. Brickley**                               **Mr. Smith**  
                  **Mr. Konwiak**                             **Judge Sosnick**  
                  **Judge Mackenzie**                       **Dr. Spence**  
                  **Ms. Morrison**                            **Dr. Zold-Kilbourn**

**Nays—0**

**VI. Committee's Legislative Charge**

Judge Bowler provided an overview of the Committee's legislative charge as specified under Public Act 224 of 2004. Dr. Zold-Kilbourn then provided an update on the State Court Administrative Office's oversight and administration of the program that provides funding assistance for drug courts in Michigan. The subject of confidentiality concerns and access to the LEIN system was raised. The section in PA 224 that requires reporting that a defendant's participation in a drug court and the outcome of that participation be entered into LEIN has been identified as a potential violation of federal confidentiality regulations. Judge Bowler offered that this might be one area the Committee could review and bring forward a recommendation to clarify the issue. Judge Schma asked Dr. Zold-Kilbourn to provide members with more information so that a review of the issue by the Committee could begin. A discussion of drug court funding sources and the funding process followed. Judge Bowler and Dr. Zold-Kilbourn will put together a document that will include the amount of federal and state funding available to drug courts. Judge Bowler also thought it would be helpful for Committee members to have an accurate picture of the drug courts and sobriety courts in Michigan.

Judge Schma reported that the House reduced federal funding for drug courts from \$60 million to \$30 million and the issue is now before the Senate. He noted that the National Drug Court Association is urging everyone to communicate with their Senators and will forward background material to Judge Bowler and the Legislative Council Administrator's office to distribute to Committee members. **Judge Schma moved, supported by Judge Mackenzie, that Judge Bowler author a letter from the Committee expressing the need for adequate drug court funding and concern that the funding level was reduced. The motion prevailed.**

The discussion of the Committee's legislative charge and role continued. Judge Bowler listed possible areas for the Committee to consider in its review and recommendation including identifying areas needing statutory change, developing a definition of a drug court, reviewing the issue of certification, suggesting drug court funding levels, and communicating with other ad hoc groups interested in drug court issues.

#### **VII. Meeting Schedule**

The frequency and preferred day of the week for the Committee to convene was discussed. It was determined that the Committee will meet on Tuesdays every two months with the next meeting tentatively scheduled for **Tuesday, January 24, 2006, from 9:15 a.m. until noon.** A proposed schedule and the location of the next meeting will be sent to members.

#### **VIII. Meeting Notice Distribution**

Representatives and Senators serving on legislative committees that deal with drug court issues will be added to the meeting notification list and members were asked to forward additional names to the Legislative Council Administrator's Office. A proposed list will be circulated before the next meeting.

#### **IX. Reimbursement of Commission Expenses**

Committee members were informed that they must register as a vendor with the State in order to be reimbursed expenses incurred in the performance of their duties as members of the advisory committee. Instructions for registering online and travel expense reimbursement forms were distributed.

#### **X. Public Comment**

The Chair asked for public comment. John Lazet from Senator Cropsey's Office spoke in support of the Committee's efforts and encouraged the Committee to forward any ideas or recommendations to Senator Cropsey as soon as possible due to the appropriation process timeline. Jim Kirsch of the Senate Democratic Caucus was also present, but did not wish to speak.

#### **XI. Adjournment**

**Having no further business, Judge Mackenzie moved, supported by Mr. Sauter, to adjourn the meeting. Without objection, the motion was approved.** The meeting was adjourned at 11:00 a.m.

#### **NEXT MEETING DATE**

The next meeting is tentatively set for **Tuesday, January 24, 2006** from 9:15 a.m. to 12:00 noon. The location of the meeting will be determined at a later date.

*(Approved by SDTCAC on January 24, 2006)*