

Final Minutes

State Drug Treatment Court Advisory Committee Meeting

9:30 a.m. • Tuesday, November 27, 2012

Legislative Council Conference Room • 3rd Floor Boji Tower

124 W. Allegan • Lansing, MI

Members Present:

Judge William Rush, Chair
Stephanie Drury
Judge William Ervin
Judge Allen Garbrecht
Judge Michael Haley
Janette Kolodge
Andrew Konwiak
Judge Brian MacKenzie
Robert Nida
Dr. Jessica Parks
Mark Risk
Stacy Salon
Jeffrey Sauter
Mark Witte

Members Excused:

Judge Amy Ronayne Krause, VC
Christopher Luty

I. Call to Order

The Chair called the meeting to order at 9:35 a.m. The Chair welcomed two new members to the Committee today and asked everyone to introduce themselves.

II. Roll Call

The Chair asked the clerk to take the roll. A quorum was present and absent members were excused.

III. Approval of Minutes of July 24, 2012 Meeting

The Chair asked members to review the minutes of the July 24, 2012 meeting. No changes or additions were recommended. The Chair asked for a motion to approve the minutes as proposed. **Judge Ervin moved, supported by Mr. Witte, to approve the proposed minutes of the July 24, 2012 State Drug Treatment Court Advisory Committee meeting. The motion was unanimously approved.**

IV. Approval of Notes/Minutes of September 25, 2012 Meeting

The Chair asked members to review the notes/minutes of the September 25, 2012 meeting. Judge Rush asked that "Members Absent" be changed to "Members Excused" in the roll call listing near the top of page 1. There was no objection. The Chair asked for a motion to approve the minutes as amended. **Mr. Witte moved, supported by Judge Ervin, to approve the notes/minutes of the September 25, 2012 meeting as amended. The motion was unanimously approved.**

V. Committee Appointments

The Chair announced that the Committee is still looking for recommendations to fill the juvenile graduate position. Ms. Kolodge commented that she may have 2 possible candidates to recommend and will forward the names as soon as she can.

The Chair asked Judge MacKenzie to look for a candidate the Committee could recommend to legislative leadership for the Veteran Treatment Court Representative appointment. Judge MacKenzie will make some inquiries and report back.

VI. Subcommittee Updates

Medical Marijuana: Mr. Sauter had no update to report except that they are still waiting on the Supreme Court. In terms of legislation, he noted that the four-bill package is still expected to pass during the lame duck session

of the legislature. He briefly described the issue with distribution that some are having with a company that grows pharmaceutical-grade marijuana in mines for Canada.

Cross-Assignment Subcommittee: Judge Haley reported that he is unaware of a committee that is charged with the responsibility of developing a court rule to address court transfers, but is aware of a protocol that Dr. Parks developed. He called on Dr. Parks for more information. She explained that an internal group that had been meeting to discuss the transfer process had moved away from it being a formal court rule and are looking more at an administrative memo. She continued that there is another meeting with this internal group on December 3 and, if there is agreement, she will be scheduling a meeting with everyone to discuss the issue further.

Funding Alternative Subcommittee & Funding Update: Judge Hoffman reported that the urban drug court pilot programs are moving along. Dr. Parks noted that 3 of the 4 pilots are up and running and they are already starting to collect data on the cost to put a participant through the program.

Legislative Subcommittee: Judge Hoffman provided an update on the diversion bills which are expected to move out of committee on Thursday. Mr. Sauter added that the bills have an April 1 effective date and clarify how often and who gets access to the diversion data.

Juvenile Issues Subcommittee: The Chair noted that there is no chair for this subcommittee and appointed Mr. Nida to fill this position.

Recidivism Subcommittee: Dr. Parks had no new update to report.

Defense Attorney Participation Subcommittee: The Chair noted that there is no chair for this subcommittee and appointed Mr. Risk to fill this position.

Vision Subcommittee: The Chair called on Patrick Bowler to provide an explanation of the function of the Vision Committee. Judge Bowler noted that the subcommittee was created to look at the long term vision and future of drug courts. The Chair appointed Patrick Bowler to the subcommittee and appointed him chair.

VII. Ad Hoc Committees

Veteran Treatment Courts

In light of the passage of the Veteran Treatment Court legislation, the Chair asked if the subject of Veteran Treatment Courts should be added as a permanent "subcommittee" instead of an ad hoc committee. After discussion, it was decided to leave it as an ad hoc committee so that the full Committee can receive regular updates. Mr. Sauter, Judge Hoffman, and Judge Haley were added as members of the ad hoc committee. Judge MacKenzie announced that the location of all of the veteran courts and specialty courts can be found the MADCP web site.

VIII. Funding Update

Dr. Parks had nothing new to report, but noted that she should have news to report at the next meeting.

IX. Impact of the Affordable Health Care Act

There was a discussion to put a group together that would bring in all the players to determine the impact of the Affordable Health Care Act and its specific application to drug court funding. Mr. Witte noted that the Coordinating Agencies Association is watching very closely and waiting for the Governor to indicate to the federal government how Michigan will proceed with implementation. He thinks putting a group together is wise and certainly would be willing to join. In response to Judge Rush's inquiry as to whether Mr. Witte would be interested in chairing such a committee, Mr. Witte suggested a co-chair arrangement would work in this situation. When asked by the Chair if he would like to co-chair, Judge Hoffman suggested that we use the time between now and the next meeting to examine the issue and report back on how best to proceed. After further discussion, Judge Rush then created an Ad Hoc Committee with Mr. Witte and Judge Hoffman as Co-Chairs and Judge MacKenzie, Dr. Parks, and Mr. Konwiak as members. The committee will seek input from various sources including the insurance industry.

X. Public Comment

The Chair asked for public comment. Patrick Bowler was present and provided an overview of his role as the State Judicial Outreach Liaison for the State Court Administrative Office. He noted that one of his functions is to interact with the SDTCAC Committee and offered his services to the Committee whenever it is needed.

Committee Member Comments

The Chair brought up for discussion the issue of sentencing pleas under advisement and asked if it would be advisable to recommend modification to the statute. After discussion of the issue, Mr. Sauter and Judge Hoffman will look into possible statutory changes, including looking at court rules, and come up with a proposal.

XI. Next Meeting Date

The Chair announced that the next meeting is tentatively scheduled for **Tuesday, January 22, 2013, at 9:30 a.m.** The Chair reported that he will not be able to attend the next meeting and will have Judge Krause chair the meeting in his absence. He also shared that his term on the Committee expires in June of 2013 and he will not be seeking reappointment. Judge MacKenzie and Judge Garbrecht also noted they would not be in attendance at the next meeting.

XII. Adjournment

The meeting was adjourned at 10:43 a.m.

(Minutes approved at the January 22, 2013 SDTCAC meeting.)