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June 21, 2023

Chair Breen and Judiciary committee members  
P.O. Box 30014  
Lansing, MI 48909-7514

Dear Chair Breen and members of the Judiciary Committee,

The Michigan Association of Treatment Court Professionals (MATCP) supports the intentions behind House Bill 4690; however, there are existing constitutional, case law and other protections already afforded to justice-involved individuals. We hope the following information and resource links within the text of this letter will be helpful in expressing MATCP's opposition to the bill which would impede judicial discretion, in consultation with the treatment court team, when determining appropriate treatment for participants.

These existing protections that allow a treatment court participant to object to the ordering of treatment include:

- The United States Constitution 1<sup>st</sup> Amendment Establishment Clause allows for the free exercise, or non-exercise, of religion.
- Case law such as the ruling from a Genesee County, Michigan-based matter, [Hanas v Inner City Christian Outreach, Inc.](#), 542 F.Supp.2d 683 (2008) (cannot order treatment court participant into a religious-based organization that doesn't allow for the free exercise of a different religion).

In addition, Michigan's 208 treatment courts are required to be certified by the State Court Administrative Office of the Michigan Supreme Court to be eligible for state grant funding.

As part of their certification, all Michigan treatment courts are required to account for their compliance with the Standards and Best Practices provided for by the State Court Administrative Office (SCAO) in their [Adult Drug Court Standards, Best Practices, and Promising Practices](#) (p. 31-32); [Adult Mental Health Court Standards, Best Practices,](#)

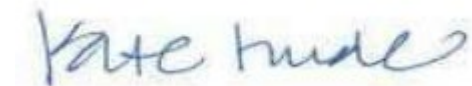
[and Promising Practices](#) (p. 32); and the [Veterans Treatment Court Standards, Best Practices, and Promising Practices](#) (p. 28-29). The preceding pages state the following Best Practice: “[i]f it is appropriate and beneficial to order 12-step self-help programs, offenders who object to the deity-based 12-step programs cannot be ordered to attend them. In those instances, secular alternatives are made available. (Meyer, 2011).”

Finally, the federal rule 42 CFR Part 54 provides "charitable choice regulations," which is intended to ensure that religious organizations that receive federal funds must serve all eligible participants, regardless of those persons' religious beliefs.

With the above protections in place, MATCP would encourage using these resources versus codifying this in statute as it may result in unintended consequences and set an uncomfortable precedent as outlined in the [veto letter](#) by New York Governor Kathy Hochul, on similar legislation.

Thank you again for providing us with the opportunity to share our thoughts and concerns – we are happy to address additional questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Kate Hude".

Kate Hude  
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Hon. Harvey J. Hoffman (ret)  
MATCP Legislative Director  
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