



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5828 (as reported without amendment)
Sponsor: Representative James McNutt
House Committee: Mental Health
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Mental Health Code to provide that the prosecuting attorney of the county in which a court had its principal office could allow the prosecuting attorney or assistant prosecuting attorney from another county to participate on his or her behalf in hearings on such issues as the need for treatment and findings of incompetency that were convened by the court in the prosecuting attorney's county.

Currently, the prosecuting attorney, or his or her assistant, must participate in the hearings unless the petitioner or some other appropriate person has retained private counsel who will be present in court and will present the case for requiring treatment or for a finding of incompetence. The bill would continue to allow the prosecuting attorney this exemption from participation and would give him or her the option of having another prosecuting attorney or assistant prosecuting attorney participate on his or her behalf.

MCL 330.1457

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The bill would provide a statutory basis for current practice among prosecutors regarding these hearings.

Date Completed: 9-12-96

Fiscal Analyst: B. Bowerman