

Act No. 395  
Public Acts of 1996  
Approved by the Governor  
October 6, 1996  
Filed with the Secretary of State  
October 8, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Reps. McNutt, Randall, Horton, Cropsey, Hammerstrom, Bodem, McBryde, Oxender, Gubow,  
Jaye, Goschka and Dalman

# **ENROLLED HOUSE BILL No. 5828**

AN ACT to amend section 457 of Act No. 258 of the Public Acts of 1974, entitled as amended "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," being section 330.1457 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 457 of Act No. 258 of the Public Acts of 1974, being section 330.1457 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 457. The prosecuting attorney of the county in which a court has its principal office shall participate, in person or by assistant, in hearings convened by the court of his or her county under this chapter, or he or she may permit the prosecuting attorney or assistant prosecuting attorney from another county to participate on his or her behalf, except that a prosecutor need not participate in or be present at a hearing whenever a petitioner or some other appropriate person has retained private counsel who will be present in court and will present to the court the case for requiring treatment or for a finding of incompetence.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.