



# SENATE BILL No. 125

January 17, 1995, Introduced by Senator BERRYMAN  
and referred to the Committee on Judiciary.

A bill to amend sections 244, 308, 744, 748, and 1050 of Act  
No. 258 of the Public Acts of 1974, entitled as amended  
"Mental health code,"

section 244 as amended by Act No. 289 of the Public Acts of 1986,  
section 308 as amended by Act No. 249 of the Public Acts of 1983,  
and section 748 as amended by Act No. 167 of the Public Acts of  
1990, being sections 330.1244, 330.1308, 330.1744, 330.1748, and  
330.2050 of the Michigan Compiled Laws; and to add sections 243,  
1051, and 1052.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 244, 308, 744, 748, and 1050 of Act  
2 No. 258 of the Public Acts of 1974, section 244 as amended by Act  
3 No. 289 of the Public Acts of 1986, section 308 as amended by Act  
4 No. 249 of the Public Acts of 1983, and section 748 as amended by  
5 Act No. 167 of the Public Acts of 1990, being sections 330.1244,

1 330.1308, 330.1744, 330.1748, and 330.2050 of the Michigan  
2 Compiled Laws, are amended and sections 243, 1051, and 1052 are  
3 added to read as follows:

4 SEC. 243. (1) SUBJECT TO SUBSECTIONS (2) AND (3), A COUNTY  
5 PROGRAM SHALL PROVIDE SERVICES AS THE RESPONSIBLE COUNTY PROGRAM  
6 PURSUANT TO SECTION 1057 TO BOTH OF THE FOLLOWING:

7 (A) AN INDIVIDUAL WHO RESIDED IN THE COUNTY AT THE TIME HE  
8 OR SHE COMMITTED AN ACT FOR WHICH THE INDIVIDUAL WAS FOUND BY A  
9 MICHIGAN COURT TO BE NOT GUILTY BY REASON OF INSANITY.

10 (B) AN INDIVIDUAL WITHOUT A COUNTY OF RESIDENCE IN THIS  
11 STATE WHO WAS FOUND BY A COURT IN THE COUNTY TO BE NOT GUILTY OF  
12 A CRIME BY REASON OF INSANITY.

13 (2) IF THE RESPONSIBLE COUNTY PROGRAM DESCRIBED IN SUBSEC-  
14 TION (1) BELIEVES IT IS IN THE BEST INTERESTS OF THE PUBLIC OR  
15 THE INDIVIDUAL FOUND NOT GUILTY BY REASON OF INSANITY THAT THE  
16 INDIVIDUAL NOT BE PLACED UNDER ITS SUPERVISION, IT MAY SUBMIT A  
17 WRITTEN REQUEST TO THE FORENSIC REVIEW BOARD PURSUANT TO SECTION  
18 1057 ASKING TO BE RELEASED FROM THE DUTY OF SUPERVISING THE INDI-  
19 VIDUAL IN THE COMMUNITY. IF THE FORENSIC REVIEW BOARD GRANTS ITS  
20 REQUEST, THE COUNTY PROGRAM IS NOT THE RESPONSIBLE COUNTY PROGRAM  
21 AND IS NOT REQUIRED TO PROVIDE THE SERVICES DESCRIBED IN SECTION  
22 1057. IF THE FORENSIC REVIEW BOARD DENIES ITS REQUEST, THE  
23 COUNTY PROGRAM IS THE RESPONSIBLE COUNTY PROGRAM AND SHALL PRO-  
24 VIDE THE SERVICES DESCRIBED IN SECTION 1057.

25 (3) IF THE FORENSIC REVIEW BOARD GRANTS THE REQUEST OF A  
26 COUNTY PROGRAM PURSUANT TO SUBSECTION (2) AND ANOTHER COUNTY  
27 PROGRAM AGREES TO PROVIDE THE SERVICES, OR IF THE FORENSIC REVIEW

1 BOARD DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE PUBLIC  
2 OR THE INDIVIDUAL FOUND NOT GUILTY BY REASON OF INSANITY FOR THE  
3 INDIVIDUAL TO BE SUPERVISED BY A COUNTY PROGRAM OTHER THAN THE  
4 COUNTY PROGRAM DESCRIBED IN SUBSECTION (1), AND THE COUNTY PRO-  
5 GRAM SELECTED BY THE FORENSIC REVIEW BOARD CONSENTS TO BE THE  
6 RESPONSIBLE COUNTY PROGRAM, THE COUNTY PROGRAM SELECTED BY THE  
7 FORENSIC REVIEW BOARD PURSUANT TO THIS SUBSECTION IS THE RESPON-  
8 SIBLE COUNTY PROGRAM AND SHALL PROVIDE THE SERVICES DESCRIBED IN  
9 SECTION 1057.

10 (4) EACH COUNTY PROGRAM SHALL DESIGNATE AN INDIVIDUAL TO BE  
11 FORENSIC LIAISON FOR PURPOSES OF PLANNING AND IMPLEMENTING PLACE-  
12 MENT AND TREATMENT OF INDIVIDUALS DESCRIBED IN SUBSECTION (1) WHO  
13 ARE COMMITTED TO THE JURISDICTION OF THE FORENSIC REVIEW BOARD  
14 PURSUANT TO SECTION 1054. A FORENSIC LIAISON SHALL DO ALL OF THE  
15 FOLLOWING:

16 (A) UNDERGO TRAINING PROVIDED BY THE DEPARTMENT PURSUANT TO  
17 SECTION 244.

18 (B) ACT AS THE PRIMARY CONTACT BETWEEN THE COUNTY PROGRAM  
19 AND THE FORENSIC REVIEW BOARD.

20 (C) IF THE COUNTY PROGRAM THAT DESIGNATED THE FORENSIC LIAI-  
21 SON IS THE RESPONSIBLE COUNTY PROGRAM FOR AN INDIVIDUAL UNDER THE  
22 JURISDICTION OF THE FORENSIC REVIEW BOARD, PARTICIPATE IN THE  
23 PLANNING AND IMPLEMENTATION OF PLACEMENT AND TREATMENT OF THAT  
24 INDIVIDUAL PURSUANT TO SECTION 1057.

25 Sec. 244. In addition to the duties and powers elsewhere  
26 provided in this chapter, the department shall DO ALL OF THE  
27 FOLLOWING:

1 (a) Seek to develop and establish arrangements and  
2 procedures for the effective coordination and integration of  
3 state services and county program services.

4 (b) Review and evaluate, at times and in a manner the  
5 department considers appropriate, the relevancy, quality, effec-  
6 tiveness, and efficiency of county programs. In developing or  
7 operating its county program information system, the department  
8 shall not collect any information that would make it possible to  
9 identify by name any individual who receives a service from a  
10 county program. Any such information in the possession of the  
11 department before August 6, 1974, shall not be disclosed by the  
12 department.

13 (c) Provide consultative services to counties seeking to  
14 establish a county program, and provide other consultative serv-  
15 ices to county programs as the department considers feasible and  
16 appropriate.

17 (d) Establish, or approve a county program's establishment  
18 of, financial liability schedules, provisions, and procedures for  
19 persons who receive mental health services from county programs,  
20 in accordance with section 844. A person shall not be denied a  
21 county program service because ~~of an inability to pay for the~~  
22 ~~service on the part of~~ those who are financially liable ARE  
23 UNABLE TO PAY FOR THE SERVICE.

24 (e) Audit, or cause to be audited, the expenditure of state  
25 funds by county programs. Copies of audit reports shall be for-  
26 warded to the auditor general.

1 (f) Promulgate such rules, pursuant to the administrative  
2 procedures act of 1969, Act No. 306 of the Public Acts of 1969,  
3 as amended, being sections 24.201 to 24.328 of the Michigan  
4 Compiled Laws, as it considers necessary or appropriate to imple-  
5 ment the objectives and provisions of this chapter.

6 (g) Before planning and locating a specialized residential  
7 service as defined in section 300, including a residential home,  
8 in a city, village, or township, seek the advice and consultation  
9 of the governing body of the city, village, or township in which  
10 the specialized residential service is proposed to be located.

11 (H) PROVIDE CONSULTATION AND TRAINING ON FORENSIC SPECIAL-  
12 IZATION, INCLUDING ANNUAL TRAINING UPDATES, TO INDIVIDUALS DESIG-  
13 NATED AS FORENSIC LIAISONS PURSUANT TO SECTION 243.

14 Sec. 308. (1) Except as otherwise provided in this chapter  
15 and ~~subsection~~ SUBSECTIONS (2) AND (3), and subject to the con-  
16 straint of funds actually appropriated by the legislature for  
17 such purpose, the state shall pay 90% of the annual net cost of a  
18 county community mental health program that is established and  
19 administered in accordance with chapter 2.

20 (2) The state shall pay the family support subsidies estab-  
21 lished under section 156.

22 (3) THE STATE SHALL PAY 100% OF THE PUBLIC SHARE OF COSTS  
23 PROVIDED TO AN INDIVIDUAL RECEIVING SERVICES PURSUANT TO SECTION  
24 1057.

25 Sec. 744. The freedom of movement of a resident shall not  
26 be restricted more than is necessary to provide mental health  
27 services to him OR HER, to prevent injury to him OR HER or to

1 others, or to prevent substantial property damage, except that  
2 security precautions appropriate to the condition and circum-  
3 stances of a resident admitted by order of a criminal court OR  
4 THE FORENSIC REVIEW BOARD CREATED IN SECTION 1051 or transferred  
5 as a sentence serving convict from a penal institution may be  
6 taken.

7       Sec. 748. (1) Information in the record of a recipient, and  
8 other information acquired in the course of providing mental  
9 health services to a recipient, shall be kept confidential and  
10 shall not be open to public inspection. The information may be  
11 disclosed outside the department, county community mental health  
12 program, or licensed private facility, whichever is the holder of  
13 the record, only in the circumstances and under the conditions  
14 set forth in this section.

15       (2) When information made confidential by this section is  
16 disclosed, the identity of the individual to whom it pertains  
17 shall be protected and shall not be disclosed unless it is ger-  
18 mane to the authorized purpose for which disclosure was sought;  
19 and, when practicable, no other information shall be disclosed  
20 unless it is germane to the authorized purpose for which disclo-  
21 sure was sought.

22       (3) Any person receiving information made confidential by  
23 this section shall disclose the information to others only to the  
24 extent consistent with the authorized purpose for which the  
25 information was obtained.

1       (4) Except as provided otherwise in subsection (8), when  
2 requested, information made confidential by this section shall be  
3 disclosed only under 1 or more of the following circumstances:

4       (a) Pursuant to orders or subpoenas of a court of record,  
5 ORDERS OR SUBPOENAS OF THE FORENSIC REVIEW BOARD CREATED IN SEC-  
6 TION 1051, or subpoenas of the legislature, unless the informa-  
7 tion is made privileged by law.

8       (b) To a prosecuting attorney as necessary for the prosecut-  
9 ing attorney to participate in a proceeding governed by this  
10 act.

11       (c) To an attorney for the recipient, with the recipient's  
12 consent.

13       (d) When necessary in order to comply with another provision  
14 of law.

15       (e) To the department OR THE FORENSIC REVIEW BOARD when the  
16 information is necessary in order for the department OR FORENSIC  
17 REVIEW BOARD to discharge a responsibility placed upon it by  
18 law.

19       (f) To the office of the auditor general when the informa-  
20 tion is necessary for that office to discharge its constitutional  
21 responsibility.

22       (g) To a surviving spouse of the recipient for purposes of  
23 applying for and receiving benefits or, if there is no surviving  
24 spouse, to the person or persons most closely related to the  
25 deceased recipient within the third degree of consanguinity as  
26 defined in civil law.

1 (5) Information made confidential by this section may be  
2 disclosed if the holder of the record and the recipient, the  
3 parents of the recipient if the recipient is less than 18 years  
4 of age, or the recipient's legally appointed guardian consent:

5 (a) To providers of mental health services to the  
6 recipient.

7 (b) To the recipient or any other person or agency, provided  
8 that in the judgment of the holder, the disclosure would not be  
9 detrimental to the recipient or others.

10 (6) Information may be disclosed in the discretion of the  
11 holder of the record:

12 (a) As necessary in order for the recipient to apply for or  
13 receive benefits.

14 (b) As necessary for the purpose of outside research, evalu-  
15 ation, accreditation, or statistical compilation, provided that  
16 the person who is the subject of the information can be identi-  
17 fied from the disclosed information only when such identification  
18 is essential in order to achieve the purpose for which the infor-  
19 mation is sought or when preventing such identification would  
20 clearly be impractical, but in no event when the subject of the  
21 information is likely to be harmed by such identification.

22 (c) To providers of mental or other health services or a  
23 public agency, when there is a compelling need for disclosure  
24 based upon a substantial probability of harm to the recipient or  
25 other persons.

26 (7) The department or a county community mental health  
27 program or licensed private facility shall grant a representative



1 of the protection and advocacy system designated by the governor  
2 in compliance with section 931 access to the records of a person  
3 with developmental disabilities who resides in a facility for  
4 persons with developmental disabilities or a mentally ill person  
5 who resides in a facility for mentally ill persons if both of the  
6 following apply:

7 (a) A complaint has been received by the protection and  
8 advocacy system from or on behalf of the resident.

9 (b) The resident does not have a legal guardian, or the  
10 state or the designee of the state is the legal guardian of the  
11 resident.

12 (8) The records, data, and knowledge collected for or by  
13 individuals or committees assigned a review function under  
14 section 143a(1) are confidential, shall be used only for the pur-  
15 poses of review, are not public records, and are not subject to  
16 court subpoena. This subsection does not prevent disclosure of  
17 individual case records pursuant to this section.

18 Sec. 1050. ~~(1) The court shall immediately commit any~~  
19 ~~person who is acquitted of a criminal charge by reason of insan-~~  
20 ~~ity to the custody of the center for forensic psychiatry, for a~~  
21 ~~period not to exceed 60 days. The court shall forward to the~~  
22 ~~center a full report, in the form of a settled record, of the~~  
23 ~~facts concerning the crime which the patient was found to have~~  
24 ~~committed but of which he was acquitted by reason of insanity.~~  
25 ~~The center shall thoroughly examine and evaluate the present~~  
26 ~~mental condition of the person in order to reach an opinion on~~  
27 ~~whether the person meets the criteria of a person requiring~~

1 ~~treatment or for judicial admission set forth in section 401 or~~  
2 ~~515.~~

3       ~~(2) Within the 60-day period the center shall file a report~~  
4 ~~with the court, prosecuting attorney, and defense counsel. The~~  
5 ~~report shall contain a summary of the crime which the patient~~  
6 ~~committed but of which he was acquitted by reason of insanity and~~  
7 ~~an opinion as to whether the person meets the criteria of a~~  
8 ~~person requiring treatment or for judicial admission as defined~~  
9 ~~by section 401 or 515, and the facts upon which the opinion is~~  
10 ~~based. If the opinion stated is that the person is a person~~  
11 ~~requiring treatment, the report shall be accompanied by certifi-~~  
12 ~~cates from 2 physicians, at least 1 of whom shall be a psychia-~~  
13 ~~trist, which conform to the requirements of section 400(j).~~

14       ~~(3) After receipt of the report, the court may direct the~~  
15 ~~prosecuting attorney to file a petition pursuant to section 434~~  
16 ~~or 516 for an order of hospitalization or an order of admission~~  
17 ~~to a facility with the probate court of the person's county of~~  
18 ~~residence or of the county in which the criminal trial was held.~~  
19 ~~Any certificates that accompanied the report of the center may be~~  
20 ~~filed with the petition, and shall be sufficient to cause a hear-~~  
21 ~~ing to be held pursuant to section 451 even if they were not exe-~~  
22 ~~cuted within 72 hours of the filing of the petition. The report~~  
23 ~~from the court containing the facts concerning the crime for~~  
24 ~~which he was acquitted by reason of insanity shall be admissible~~  
25 ~~in the hearings.~~

26       ~~(4) If the report states the opinion that the person meets~~  
27 ~~the criteria of a person requiring treatment or for judicial~~

~~1 admission, and if a petition is to be filed pursuant to  
2 subsection (3), the center may retain the person pending a hear-  
3 ing on the petition. If a petition is not to be filed, the pros-  
4 ecutor shall notify the center in writing. The center, upon  
5 receipt of the notification, shall cause the person to be  
6 discharged.~~

~~7 (5) The release provisions of sections 476 to 479 of this  
8 act shall apply to a person found to have committed a crime by a  
9 court or jury, but who is acquitted by reason of insanity, except  
10 that a person shall not be discharged or placed on leave without  
11 first being evaluated and recommended for discharge or leave by  
12 the department's program for forensic psychiatry, and authorized  
13 leave or absence from the hospital may be extended for a period  
14 of 5 years. AS USED IN THIS SECTION AND IN SECTIONS 1051 TO  
15 1063:~~

~~16 (A) "ACQUITTEE" MEANS A PERSON ACQUITTED OF A CRIME BY  
17 REASON OF INSANITY.~~

~~18 (B) "AUTHORIZED COMMUNITY PLACEMENT" MEANS PLACEMENT OTHER  
19 THAN STATE HOSPITALIZATION, WHICH IS ORDERED BY THE BOARD SUBJECT  
20 TO CONDITIONS PRESCRIBED BY AN AUTHORIZED COMMUNITY PLACEMENT  
21 TREATMENT PLAN PURSUANT TO SECTION 1057.~~

~~22 (C) "BOARD" MEANS THE FORENSIC REVIEW BOARD CREATED IN SEC-  
23 TION 1051.~~

~~24 (D) "CENTER" MEANS THE CENTER FOR FORENSIC PSYCHIATRY ESTAB-  
25 LISHED PURSUANT TO SECTION 128.~~

~~26 (E) "COURT" MEANS THE CRIMINAL COURT IN WHICH A PERSON WAS  
27 ACQUITTED OF A CRIMINAL CHARGE BY REASON OF INSANITY.~~

1 (F) "CRITERIA FOR CONTINUING JURISDICTION" MEANS THE  
2 CRITERIA DESCRIBED IN SECTION 1055(2) FOR JURISDICTION OF THE  
3 BOARD OVER AN ACQUITTEE.

4 (G) "FORENSIC LIAISON" MEANS AN EMPLOYEE OR CONTRACTEE OF A  
5 COUNTY COMMUNITY MENTAL HEALTH PROGRAM WHO IS DESIGNATED BY THAT  
6 COUNTY PROGRAM TO BE THE PRIMARY CONTACT WITH THE FORENSIC REVIEW  
7 BOARD AND TO REPRESENT THE RESPONSIBLE COUNTY PROGRAM IN PLANNING  
8 AND IMPLEMENTING TREATMENT FOR AN ACQUITTEE ON AUTHORIZED COMMU-  
9 NITY PLACEMENT.

10 (H) "INSANITY" MEANS THAT TERM AS DEFINED IN SECTION 21A OF  
11 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
12 1927, BEING SECTION 768.21A OF THE MICHIGAN COMPILED LAWS.

13 (I) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHIATRIST, PSY-  
14 CHOLOGIST, SOCIAL WORKER, OR NURSE TRAINED AND EXPERIENCED IN THE  
15 AREA OF MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY.

16 (J) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT  
17 OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY  
18 TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY  
19 DEMANDS OF LIFE. MENTAL ILLNESS INCLUDES A SUBSTANTIAL DISORDER  
20 OF THOUGHT OR MOOD IN A STATE OF REMISSION THAT MAY, WITH REASON-  
21 ABLE CLINICAL PROBABILITY, BECOME MORE ACTIVE WITHOUT CONTINUED  
22 TREATMENT.

23 (K) "MENTAL RETARDATION" MEANS SIGNIFICANTLY SUBAVERAGE GEN-  
24 ERAL INTELLECTUAL FUNCTIONING THAT ORIGINATES DURING THE DEVELOP-  
25 MENTAL PERIOD AND IS ASSOCIATED WITH IMPAIRMENT IN ADAPTIVE  
26 BEHAVIOR.

1 (1) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN  
2 SECTION 400.

3 (M) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY  
4 FOR THE COUNTY IN WHICH THE CRIMINAL TRIAL WAS HELD AT WHICH AN  
5 ACQUITTEE WAS FOUND NOT GUILTY BY REASON OF INSANITY.

6 (N) "RESPONSIBLE COUNTY PROGRAM" MEANS THAT COUNTY COMMUNITY  
7 MENTAL HEALTH PROGRAM DESIGNATED PURSUANT TO SECTION 243 AS  
8 RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE RECEIVING AUTHORIZED  
9 COMMUNITY PLACEMENT.

10 (O) "RULES" MEANS RULES PROMULGATED BY THE DEPARTMENT OR THE  
11 FORENSIC REVIEW BOARD PURSUANT TO THE ADMINISTRATIVE PROCEDURES  
12 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-  
13 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

14 SEC. 1051. (1) THE FORENSIC REVIEW BOARD IS CREATED AS AN  
15 AGENCY IN THE DEPARTMENT OF MENTAL HEALTH. THE BOARD SHALL EXER-  
16 CISE ITS STATUTORY POWERS AND DUTIES INDEPENDENTLY OF THE DIREC-  
17 TOR OF MENTAL HEALTH, EXCEPT THAT BUDGETING, PROCUREMENT, AND  
18 RELATED MANAGEMENT FUNCTIONS SHALL BE PERFORMED UNDER THE DIREC-  
19 TION AND SUPERVISION OF THE DIRECTOR OF MENTAL HEALTH. THE  
20 DEPARTMENT SHALL PROVIDE STAFF TO ASSIST THE BOARD IN CARRYING  
21 OUT ITS STATUTORY POWERS AND DUTIES.

22 (2) THE BOARD SHALL CONSIST OF ALL OF THE FOLLOWING MEMBERS  
23 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE  
24 SENATE, NO MORE THAN 2 OF WHOM MAY BE EMPLOYEES OF THE STATE:

25 (A) A PSYCHIATRIST CERTIFIED BY THE AMERICAN BOARD OF PSY-  
26 CHIATRY AND NEUROLOGY WITH AT LEAST 5 YEARS OF EXPERIENCE IN  
27 FORENSIC MENTAL HEALTH SERVICES.

1 (B) A FULLY LICENSED, DOCTORAL LEVEL CLINICAL PSYCHOLOGIST  
2 WITH AT LEAST 5 YEARS OF EXPERIENCE IN FORENSIC MENTAL HEALTH  
3 SERVICES.

4 (C) A CERTIFIED SOCIAL WORKER WITH AT LEAST 5 YEARS OF  
5 EXPERIENCE IN FORENSIC MENTAL HEALTH SERVICES.

6 (D) AN INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE IN THE  
7 PROCESSES OF PAROLE AND PROBATION.

8 (E) AN INDIVIDUAL WITH AT LEAST 5 YEARS OF EXPERIENCE IN THE  
9 DELIVERY OF COMMUNITY-BASED MENTAL HEALTH SERVICES.

10 (3) THE TERM OF OFFICE OF EACH MEMBER OF THE BOARD IS 4  
11 YEARS, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, 1 MEMBER  
12 SHALL BE APPOINTED FOR A 1-YEAR TERM, 1 MEMBER SHALL BE APPOINTED  
13 FOR A 2-YEAR TERM, 1 MEMBER SHALL BE APPOINTED FOR A 3-YEAR TERM,  
14 AND 2 MEMBERS SHALL BE APPOINTED FOR 4-YEAR TERMS. A MEMBER MAY  
15 BE REAPPOINTED. IF THERE IS A VACANCY FOR ANY CAUSE, THE GOVER-  
16 NOR SHALL MAKE AN APPOINTMENT TO BECOME IMMEDIATELY EFFECTIVE FOR  
17 THE UNEXPIRED TERM. THE GOVERNOR AT ANY TIME MAY REMOVE A MEMBER  
18 OF THE BOARD FOR INEFFICIENCY, NEGLECT OF DUTY, OR MALFEASANCE IN  
19 OFFICE.

20 (4) THE BOARD SHALL SELECT 1 OF ITS MEMBERS AS CHAIRPERSON  
21 TO SERVE FOR A 1-YEAR TERM WITH SUCH DUTIES AND POWERS AS THE  
22 BOARD DETERMINES.

23 (5) A MAJORITY OF THE VOTING MEMBERS OF THE BOARD CONSTI-  
24 TUTES A QUORUM FOR THE TRANSACTION OF BUSINESS. THE BOARD SHALL  
25 MEET AT LEAST ONCE EVERY WEEK, UNLESS THE CHAIRPERSON DETERMINES  
26 THAT THERE IS NOT SUFFICIENT BUSINESS BEFORE THE BOARD TO WARRANT  
27 A MEETING AT THE SCHEDULED TIME. THE BOARD SHALL ALSO MEET AT

1 OTHER TIMES AND PLACES SPECIFIED BY THE CALL OF THE CHAIRPERSON  
2 OR OF A MAJORITY OF THE MEMBERS OF THE BOARD.

3 (6) BOARD MEMBERS SHALL RECEIVE PER DIEM COMPENSATION AND  
4 REIMBURSEMENT FOR EXPENSES ACCORDING TO POLICIES OF THE DEPART-  
5 MENT OF MANAGEMENT AND BUDGET.

6 (7) ADMINISTRATIVE MEETINGS OF THE BOARD AND THE EVIDENTIARY  
7 PHASE OF BOARD HEARINGS ARE SUBJECT TO THE OPEN MEETINGS ACT, ACT  
8 NO. 267 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.261 TO  
9 15.275 OF THE MICHIGAN COMPILED LAWS.

10 SEC. 1052. (1) THE BOARD MAY DO ALL OF THE FOLLOWING:

11 (A) CONSULT WITH EXPERTS IF APPROPRIATE IN ORDER TO CARRY  
12 OUT ITS RESPONSIBILITIES.

13 (B) ADMINISTER OATHS, SUBPOENA WITNESSES, AND EXAMINE BOOKS  
14 AND RECORDS OF A PERSON, PARTNERSHIP, OR CORPORATION INVOLVED IN  
15 A MATTER PROPERLY BEFORE THE BOARD.

16 (C) IMPLEMENT ITS POLICIES, SET OUT ITS PROCEDURE AND PRAC-  
17 TICE REQUIREMENTS, AND PROMULGATE RULES IT CONSIDERS NECESSARY OR  
18 APPROPRIATE TO CARRY OUT ITS STATUTORY RESPONSIBILITIES.

19 (2) THE BOARD SHALL DO ALL OF THE FOLLOWING:

20 (A) IN EXERCISING JURISDICTION OVER AN ACQUITTEE WITH MENTAL  
21 RETARDATION, CONSULT WITH A CLINICAL PSYCHOLOGIST WITH AT LEAST 5  
22 YEARS OF EXPERIENCE IN THE MANAGEMENT OF INDIVIDUALS WITH DEVEL-  
23 OPMENTAL DISABILITY.

24 (B) MAINTAIN AND KEEP CURRENT THE MEDICAL, SOCIAL, AND CRIM-  
25 INAL HISTORY OF ALL ACQUITTEES COMMITTED TO ITS JURISDICTION.

26 THE CONFIDENTIALITY OF RECORDS MAINTAINED BY THE BOARD SHALL BE  
27 DETERMINED PURSUANT TO SECTION 748.

1 (C) PROMULGATE RULES SETTING FORTH STANDARDS FOR THE BOARD'S  
2 DECISION AS TO WHETHER THE COUNTY COMMUNITY MENTAL HEALTH BOARD  
3 JURISDICTIONALLY RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE ON  
4 AUTHORIZED COMMUNITY PLACEMENT PURSUANT TO SECTION 243(1) SHOULD  
5 BE RELEASED FROM THE DUTY TO PROVIDE SUPERVISION OF AN ACQUITTEE  
6 RECEIVING AUTHORIZED COMMUNITY PLACEMENT OR REPLACED BY ANOTHER  
7 COUNTY COMMUNITY MENTAL HEALTH BOARD BETTER SUITED TO PROVIDE THE  
8 SUPERVISION.

9 (D) MONITOR AND EVALUATE AUTHORIZED COMMUNITY PLACEMENT PRO-  
10 GRAMS TO ENSURE ADEQUATE PROTECTION OF THE PUBLIC AND SUITABILITY  
11 OF TREATMENT FOR ACQUITTEES.

12 (E) REPORT TO THE LEGISLATURE ANNUALLY ON THE NUMBER OF  
13 ACQUITTEES OVER WHOM IT HAS EXERCISED JURISDICTION, THE LENGTH OF  
14 BOARD JURISDICTION FOR EACH ACQUITTEE, THE DISPOSITION OF EACH  
15 ACQUITTEE, AND THE COST OF CARE AND TREATMENT FOR ALL ACQUITTEES  
16 UNDER ITS JURISDICTION DURING THE FISCAL YEAR.