



# SENATE BILL No. 126

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

A bill to amend section 1050 of Act No. 258 of the Public  
Acts of 1974, entitled as amended

"Mental health code,"

being section 330.2050 of the Michigan Compiled Laws; and to add  
sections 1053, 1054, 1055, 1056, and 1057.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1050 of Act No. 258 of the Public Acts  
2 of 1974, being section 330.2050 of the Michigan Compiled Laws, is  
3 amended and sections 1053, 1054, 1055, 1056, and 1057 are added  
4 to read as follows:

5 Sec. 1050. ~~-(1) The court shall immediately commit any~~  
6 ~~person who is acquitted of a criminal charge by reason of insan-~~  
7 ~~ity to the custody of the center for forensic psychiatry, for a~~  
8 ~~period not to exceed 60 days. The court shall forward to the~~  
9 ~~center a full report, in the form of a settled record, of the~~

~~1 facts concerning the crime which the patient was found to have  
2 committed but of which he was acquitted by reason of insanity.  
3 The center shall thoroughly examine and evaluate the present  
4 mental condition of the person in order to reach an opinion on  
5 whether the person meets the criteria of a person requiring  
6 treatment or for judicial admission set forth in section 401 or  
7 515.~~

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

~~19       (3) After receipt of the report, the court may direct the  
20 prosecuting attorney to file a petition pursuant to section 434  
21 or 516 for an order of hospitalization or an order of admission  
22 to a facility with the probate court of the person's county of  
23 residence or of the county in which the criminal trial was held.  
24 Any certificates that accompanied the report of the center may be  
25 filed with the petition, and shall be sufficient to cause a hear-  
26 ing to be held pursuant to section 451 even if they were not  
27 executed within 72 hours of the filing of the petition. The~~

~~1 report from the court containing the facts concerning the crime  
2 for which he was acquitted by reason of insanity shall be admis-  
3 sible in the hearings.~~

~~4 (4) If the report states the opinion that the person meets  
5 the criteria of a person requiring treatment or for judicial  
6 admission, and if a petition is to be filed pursuant to subsec-  
7 tion (3), the center may retain the person pending a hearing on  
8 the petition. If a petition is not to be filed, the prosecutor  
9 shall notify the center in writing. The center, upon receipt of  
10 the notification, shall cause the person to be discharged.~~

~~11 (5) The release provisions of sections 476 to 479 of this  
12 act shall apply to a person found to have committed a crime by a  
13 court or jury, but who is acquitted by reason of insanity, except  
14 that a person shall not be discharged or placed on leave without  
15 first being evaluated and recommended for discharge or leave by  
16 the department's program for forensic psychiatry, and authorized  
17 leave or absence from the hospital may be extended for a period  
18 of 5 years. AS USED IN THIS SECTION AND IN SECTIONS 1051 TO  
19 1063:~~

~~20 (A) "ACQUITTEE" MEANS A PERSON ACQUITTED OF A CRIME BY  
21 REASON OF INSANITY.~~

~~22 (B) "AUTHORIZED COMMUNITY PLACEMENT" MEANS PLACEMENT OTHER  
23 THAN STATE HOSPITALIZATION, WHICH IS ORDERED BY THE BOARD SUBJECT  
24 TO CONDITIONS PRESCRIBED BY AN AUTHORIZED COMMUNITY PLACEMENT  
25 TREATMENT PLAN PURSUANT TO SECTION 1057.~~

~~26 (C) "BOARD" MEANS THE FORENSIC REVIEW BOARD CREATED IN  
27 SECTION 1051.~~

1 (D) "CENTER" MEANS THE CENTER FOR FORENSIC PSYCHIATRY  
2 ESTABLISHED PURSUANT TO SECTION 128.

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

5 (F) "CRITERIA FOR CONTINUING JURISDICTION" MEANS THE CRI-  
6 TERIA DESCRIBED IN SECTION 1055(2) FOR JURISDICTION OF THE BOARD  
7 OVER AN ACQUITTEE.

8 (G) "FORENSIC LIAISON" MEANS AN EMPLOYEE OR CONTRACTEE OF A  
9 COUNTY COMMUNITY MENTAL HEALTH PROGRAM WHO IS DESIGNATED BY THAT  
10 COUNTY PROGRAM TO BE THE PRIMARY CONTACT WITH THE FORENSIC REVIEW  
11 BOARD AND TO REPRESENT THE RESPONSIBLE COUNTY PROGRAM IN PLANNING  
12 AND IMPLEMENTING TREATMENT FOR AN ACQUITTEE RECEIVING AUTHORIZED  
13 COMMUNITY PLACEMENT.

14 (H) "INSANITY" MEANS THAT TERM AS DEFINED IN SECTION 21A OF  
15 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
16 1927, BEING SECTION 768.21A OF THE MICHIGAN COMPILED LAWS.

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

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

1 (K) "MENTAL RETARDATION" MEANS SIGNIFICANTLY SUBAVERAGE  
2 GENERAL INTELLECTUAL FUNCTIONING THAT ORIGINATES DURING THE  
3 DEVELOPMENTAL PERIOD AND IS ASSOCIATED WITH IMPAIRMENT IN ADAP-  
4 TIVE BEHAVIOR.

5 (L) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN  
6 SECTION 400.

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

10 (N) "RESPONSIBLE COUNTY PROGRAM" MEANS THAT COUNTY COMMUNITY  
11 MENTAL HEALTH PROGRAM DESIGNATED PURSUANT TO SECTION 243 AS  
12 RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE RECEIVING AUTHORIZED  
13 COMMUNITY PLACEMENT.

14 SEC. 1053. (1) UPON A FINDING THAT AN INDIVIDUAL IS NOT  
15 GUILTY BY REASON OF INSANITY, THE COURT SHALL IMMEDIATELY COMMIT  
16 THE ACQUITTEE TO THE CUSTODY OF THE CENTER FOR FORENSIC PSYCHIA-  
17 TRY FOR A PERIOD OF NOT MORE THAN 60 DAYS. THE COURT SHALL FOR-  
18 WARD TO THE CENTER A REPORT CONTAINING ALL OF THE FOLLOWING:

19 (A) A STATEMENT OF THE CRIME OF WHICH THE ACQUITTEE WOULD  
20 HAVE BEEN CONVICTED EXCEPT FOR THE FINDING OF INSANITY, AND THE  
21 MAXIMUM STATUTORY SENTENCE FOR THAT CRIME.

22 (B) AN IDENTIFICATION OF EACH VICTIM OF THE OFFENSE FOR  
23 WHICH THE ACQUITTEE HAS BEEN FOUND NOT GUILTY BY REASON OF INSAN-  
24 ITY AND A STATEMENT OF WHETHER THE VICTIM WISHES TO BE NOTIFIED  
25 OF ANY SUBSEQUENT BOARD HEARINGS REGARDING THE ACQUITTEE, AND OF  
26 ANY AUTHORIZED COMMUNITY PLACEMENT, DISCHARGE, OR ESCAPE OF THE  
27 ACQUITTEE.

1 (C) A STATEMENT OF THE FINDINGS REGARDING INSANITY AND A  
2 SUMMARY OF THE FACTS ON WHICH THOSE FINDINGS ARE BASED.

3 (2) NOT LATER THAN 60 DAYS AFTER AN ACQUITTEE IS COMMITTED  
4 TO THE CENTER UNDER SUBSECTION (1), THE CENTER SHALL SUBMIT A  
5 REPORT TO THE COURT, PROSECUTING ATTORNEY, AND DEFENSE COUNSEL  
6 CONTAINING ITS OPINION AS TO WHETHER THE ACQUITTEE MEETS THE CRI-  
7 TERIA FOR CONTINUING JURISDICTION. IF THE CENTER CONCLUDES THAT  
8 THE ACQUITTEE MEETS THE CRITERIA FOR CONTINUING JURISDICTION, IT  
9 SHALL CONSULT WITH THE RESPONSIBLE COUNTY PROGRAM AND THE REPORT  
10 REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE A RECOMMENDED INI-  
11 TIAL TREATMENT PLAN PREPARED IN CONJUNCTION WITH THE FORENSIC  
12 LIAISON OF THE RESPONSIBLE COUNTY PROGRAM. THE REPORT SHALL  
13 INCLUDE A RANGE OF APPROPRIATE PLACEMENT OPTIONS. IN DETERMINING  
14 THE LEAST RESTRICTIVE TREATMENT FOR AN ACQUITTEE, THE CENTER  
15 SHALL HAVE AS ITS PRIMARY CONCERN THE NEED FOR ADEQUATE PROTEC-  
16 TION OF THE PUBLIC.

17 SEC. 1054. (1) IF THE REPORT OF THE CENTER CONCLUDES THAT  
18 THE ACQUITTEE MEETS THE CRITERIA FOR CONTINUING JURISDICTION, THE  
19 COURT SHALL ORDER THE ACQUITTEE PLACED UNDER THE JURISDICTION OF  
20 THE FORENSIC REVIEW BOARD FOR SO LONG AS THE CRITERIA FOR CON-  
21 TINUING JURISDICTION ARE MET, SUBJECT TO A MAXIMUM PERIOD OF  
22 JURISDICTION DESCRIBED IN SUBSECTION (2).

23 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
24 MAXIMUM PERIOD OF JURISDICTION OF THE BOARD SHALL BE EQUAL TO THE  
25 MAXIMUM SENTENCE PROVIDED BY LAW FOR THE CRIME OF WHICH THE  
26 ACQUITTEE WAS FOUND NOT GUILTY BY REASON OF INSANITY, OR 6  
27 MONTHS, WHICHEVER IS LONGER. IF AN ACQUITTEE ACQUITTED OF A

1 FELONY INVOLVING VIOLENCE AGAINST A PERSON HAS PREVIOUSLY BEEN  
2 FOUND NOT GUILTY BY REASON OF INSANITY OF A VIOLENT FELONY  
3 AGAINST A PERSON, THE ACQUITTEE SHALL BE COMMITTED TO THE JURIS-  
4 DICTION OF THE BOARD WITHOUT A MAXIMUM LIMITATION.

5 (3) UPON PLACING AN ACQUITTEE UNDER THE JURISDICTION OF THE  
6 BOARD, THE COURT SHALL INFORM THE ACQUITTEE OF THE HEARING RIGHTS  
7 DESCRIBED IN SECTION 1058 AND THE RIGHT TO APPEAL UNDER SECTION  
8 1061.

9 SEC. 1055. (1) WITHIN 20 DAYS AFTER AN ACQUITTEE HAS BEEN  
10 COMMITTED TO ITS JURISDICTION UNDER SECTION 1054, THE BOARD SHALL  
11 HOLD A HEARING TO DETERMINE WHETHER THE ACQUITTEE MEETS THE CRI-  
12 TERIA FOR CONTINUING JURISDICTION AS SET FORTH IN SUBSECTION  
13 (2). THE HEARING SHALL COMPLY WITH SECTION 1058. THE BOARD HAS  
14 CONTINUING JURISDICTION OVER THE ACQUITTEE IF IT FINDS BY A PRE-  
15 PONDERANCE OF THE EVIDENCE THAT THE ACQUITTEE MEETS THE REQUIRE-  
16 MENTS OF SUBSECTION (2). IF THE BOARD DETERMINES THAT AN ACQUIT-  
17 TEE DOES NOT MEET THE CRITERIA FOR CONTINUING JURISDICTION, IT  
18 SHALL DISCHARGE THE ACQUITTEE UPON NOTIFICATION TO THE COURT, THE  
19 PROSECUTING ATTORNEY, AND THE RESPONSIBLE COUNTY PROGRAM.

20 (2) AN ACQUITTEE IS SUBJECT TO CONTINUING JURISDICTION OF  
21 THE BOARD IF THE MAXIMUM PERIOD OF BOARD JURISDICTION ORDERED BY  
22 THE COURT HAS NOT EXPIRED AND THE ACQUITTEE MEETS EITHER OF THE  
23 FOLLOWING CRITERIA:

24 (A) SUFFERS FROM MENTAL ILLNESS AND AS A RESULT OF THAT  
25 MENTAL ILLNESS, WHETHER IT IS ACTIVE OR IN A STATE OF REMISSION,  
26 1 OF THE FOLLOWING APPLIES:

1 (i) THE ACQUITTEE IS A DANGER TO OTHERS.

2 (ii) THE ACQUITTEE'S JUDGMENT IS SO IMPAIRED THAT HE OR SHE  
3 CANNOT APPRECIATE THE NEED FOR TREATMENT, OR THE ACQUITTEE IS  
4 UNABLE TO ATTEND TO TREATMENT, AND WITHOUT TREATMENT THE ACQUIT-  
5 TEE WILL, WITH REASONABLE CLINICAL PROBABILITY, PRESENT A DANGER  
6 TO OTHERS.

7 (B) SUFFERS FROM MENTAL RETARDATION AND CAN REASONABLY BE  
8 EXPECTED TO INTENTIONALLY OR UNINTENTIONALLY SERIOUSLY PHYSICALLY  
9 INJURE ANOTHER PERSON.

10 (3) IF THE BOARD DETERMINES THAT AN ACQUITTEE MEETS THE CRI-  
11 TERIA FOR CONTINUING JURISDICTION, IT SHALL ORDER THAT THE  
12 ACQUITTEE BE COMMITTED TO, OR RETAINED IN, THE CENTER, A STATE  
13 REGIONAL PSYCHIATRIC HOSPITAL, OR ANOTHER APPROPRIATE TREATMENT  
14 FACILITY, OR IT MAY ORDER AUTHORIZED COMMUNITY PLACEMENT PURSUANT  
15 TO SECTION 1057.

16 (4) PLACEMENT AND TREATMENT OF THE ACQUITTEE WHILE UNDER THE  
17 JURISDICTION OF THE BOARD SHALL BE PROVIDED PURSUANT TO A WRITTEN  
18 TREATMENT PLAN DEVELOPED BY STAFF OF THE CENTER, THE FORENSIC  
19 LIAISON OF THE RESPONSIBLE COUNTY PROGRAM, AND OTHER INDIVIDUALS  
20 CONSIDERED APPROPRIATE BY THE BOARD. THE TREATMENT PLAN SHALL BE  
21 APPROVED BY THE BOARD AND A SUMMARY OF THE PLAN SHALL BE PROVIDED  
22 TO THE ACQUITTEE, THE COURT, THE PROSECUTING ATTORNEY, AND ANY  
23 VICTIM IDENTIFIED UNDER SECTION 1053 IF REQUESTED BY THAT  
24 VICTIM.

25 (5) IN DETERMINING THE LEAST RESTRICTIVE TREATMENT FOR AN  
26 ACQUITTEE, THE BOARD SHALL HAVE AS ITS PRIMARY CONCERN THE NEED  
27 FOR ADEQUATE PROTECTION OF THE PUBLIC. IN DECIDING WHETHER THE



1 ACQUITTEE SHOULD BE PLACED AT THE CENTER OR IN A REGIONAL  
2 PSYCHIATRIC HOSPITAL, THE BOARD SHALL CONSIDER THE LEVEL OF  
3 SECURITY REQUIRED AS WELL AS TREATMENT AVAILABILITY.

4 SEC. 1056. (1) IF AT ANY TIME AFTER THE COMMITMENT OF AN  
5 ACQUITTEE TO THE CENTER, A STATE REGIONAL PSYCHIATRIC HOSPITAL,  
6 OR ANOTHER APPROPRIATE TREATMENT FACILITY, THE DIRECTOR OF THE  
7 FACILITY BELIEVES THAT THE ACQUITTEE NO LONGER MEETS THE CRITERIA  
8 FOR CONTINUING JURISDICTION OR THAT THE DANGER TO OTHERS CAN BE  
9 ADEQUATELY CONTROLLED WITH SUPERVISION AND TREATMENT OF THE  
10 ACQUITTEE IF THE ACQUITTEE RECEIVES AUTHORIZED COMMUNITY PLACE-  
11 MENT, THE DIRECTOR SHALL APPLY TO THE BOARD FOR AN ORDER OF DIS-  
12 CHARGE OR AUTHORIZED COMMUNITY PLACEMENT. THE APPLICATION SHALL  
13 BE ACCOMPANIED BY A REPORT SETTING FORTH THE FACTS SUPPORTING THE  
14 OPINION OF THE FACILITY DIRECTOR.

15 (2) THE BOARD SHALL HOLD A HEARING ON AN APPLICATION MADE  
16 UNDER SUBSECTION (1) WITHIN 60 DAYS OF ITS RECEIPT. THE ACQUIT-  
17 TEE SHALL BE DISCHARGED OR SHALL RECEIVE AUTHORIZED COMMUNITY  
18 PLACEMENT PURSUANT TO SECTION 1057 UNLESS THE BOARD FINDS BY A  
19 PREPONDERANCE OF THE EVIDENCE THE ACQUITTEE'S LACK OF FITNESS FOR  
20 DISCHARGE OR AUTHORIZED COMMUNITY PLACEMENT.

21 (3) AN ACQUITTEE WHO HAS BEEN COMMITTED TO A FACILITY PURSU-  
22 ANT TO SECTION 1055, OR ANOTHER PERSON ACTING ON THE ACQUITTEE'S  
23 BEHALF, MAY APPLY TO THE BOARD FOR AN ORDER OF DISCHARGE OR  
24 AUTHORIZED COMMUNITY PLACEMENT UPON THE GROUNDS THAT THE ACQUIT-  
25 TEE NO LONGER MEETS THE CRITERIA FOR CONTINUING JURISDICTION OR  
26 THAT THE DANGER TO OTHERS CAN BE ADEQUATELY CONTROLLED WITH

1 SUPERVISION AND TREATMENT OF THE ACQUITTEE IF THE ACQUITTEE  
2 RECEIVES AUTHORIZED COMMUNITY PLACEMENT.

3       (4) IF APPLICATION IS MADE UNDER SUBSECTION (3), THE BOARD  
4 SHALL REQUIRE A REPORT FROM THE DIRECTOR OF THE FACILITY TO WHICH  
5 THE ACQUITTEE WAS COMMITTED. THE REPORT SHALL SET FORTH THE  
6 FACILITY DIRECTOR'S OPINION AND FACTS SUPPORTING THAT OPINION AS  
7 TO WHETHER THE ACQUITTEE MEETS THE CRITERIA FOR CONTINUING JURIS-  
8 DICTION AND, IF SO, WHETHER THE DANGER TO OTHERS CAN BE ADE-  
9 QUATELY CONTROLLED IF THE ACQUITTEE RECEIVES AUTHORIZED COMMUNITY  
10 PLACEMENT. AT A HEARING ON THE APPLICATION, THE ACQUITTEE MUST  
11 PROVE BY A PREPONDERANCE OF THE EVIDENCE THE ACQUITTEE'S FITNESS  
12 FOR DISCHARGE OR AUTHORIZED COMMUNITY PLACEMENT, UNLESS MORE THAN  
13 2 YEARS HAVE PASSED SINCE THE STATE HAD THE BURDEN OF PROOF ON  
14 THAT ISSUE, IN WHICH CASE THE BOARD SHALL DISCHARGE THE ACQUITTEE  
15 OR ORDER AUTHORIZED COMMUNITY PLACEMENT PURSUANT TO SECTION 1057  
16 UNLESS IT FINDS BY A PREPONDERANCE OF THE EVIDENCE THE  
17 ACQUITTEE'S LACK OF FITNESS FOR DISCHARGE OR AUTHORIZED COMMUNITY  
18 PLACEMENT.

19       (5) APPLICATIONS FOR DISCHARGE OR AUTHORIZED COMMUNITY  
20 PLACEMENT UNDER SUBSECTION (3) SHALL NOT BE FILED MORE OFTEN THAN  
21 ONCE EVERY 6 MONTHS, COMMENCING WITH THE DATE OF THE INITIAL  
22 BOARD HEARING. THE BOARD IS NOT REQUIRED TO HOLD A HEARING ON A  
23 FIRST APPLICATION UNDER SUBSECTION (3) ANY SOONER THAN 90 DAYS  
24 AFTER THE INITIAL HEARING. HOWEVER, HEARINGS RESULTING FROM SUB-  
25 SEQUENT REQUESTS SHALL BE HELD WITHIN 60 DAYS AFTER THE FILING OF  
26 THE APPLICATION.

1 (6) AN ACQUITTEE SHALL NOT BE HELD IN A FACILITY MORE THAN  
2 90 DAYS FROM THE DATE OF THE COURT ORDER COMMITTING THE ACQUITTEE  
3 TO THE JURISDICTION OF THE BOARD WITHOUT AN INITIAL HEARING  
4 BEFORE THE BOARD TO DETERMINE WHETHER THE ACQUITTEE SHOULD  
5 RECEIVE AUTHORIZED COMMUNITY PLACEMENT OR BE DISCHARGED.

6 (7) AN ACQUITTEE SHALL NOT BE HELD IN A FACILITY FOR A  
7 PERIOD OF TIME EXCEEDING 2 YEARS WITHOUT A HEARING BEFORE THE  
8 BOARD TO DETERMINE WHETHER THE ACQUITTEE SHOULD RECEIVE AUTHO-  
9 RIZED COMMUNITY PLACEMENT OR BE DISCHARGED.

10 SEC. 1057. (1) IF THE BOARD DETERMINES AT THE INITIAL OR AT  
11 ANY SUBSEQUENT HEARING THAT THE CRITERIA FOR CONTINUING JURISDIC-  
12 TION HAVE BEEN MET, THAT THE DANGER TO OTHERS CAN BE ADEQUATELY  
13 CONTROLLED WITH SUPERVISION AND TREATMENT OF THE ACQUITTEE IN THE  
14 COMMUNITY, AND THAT THE NECESSARY SUPERVISION AND TREATMENT ARE  
15 AVAILABLE, THE BOARD MAY ORDER AUTHORIZED COMMUNITY PLACEMENT OF  
16 THE ACQUITTEE SUBJECT TO THOSE CONDITIONS AS ARE IN THE BEST  
17 INTERESTS OF THE PROTECTION OF SOCIETY AND THE WELFARE OF THE  
18 ACQUITTEE AND ARE SET FORTH IN AN AUTHORIZED COMMUNITY PLACEMENT  
19 TREATMENT PLAN DESCRIBED IN SUBSECTION (3).

20 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
21 RESPONSIBLE COUNTY PROGRAM AS DETERMINED PURSUANT TO SECTION  
22 243(1) SHALL SUPERVISE THE ACQUITTEE IF THE BOARD ORDERS AUTHO-  
23 RIZED COMMUNITY PLACEMENT PURSUANT TO SUBSECTION (1). IF THE  
24 RESPONSIBLE COUNTY PROGRAM SUBMITS A WRITTEN REQUEST TO THE BOARD  
25 PURSUANT TO SECTION 243(2), SEEKING TO BE RELEASED FROM THE  
26 RESPONSIBILITY OF SUPERVISING THE ACQUITTEE, THE BOARD SHALL MAKE  
27 A DETERMINATION BASED ON STANDARDS SET FORTH IN RULES PROMULGATED

1 PURSUANT TO SECTION 1052(2)(C) AS TO WHETHER IT IS IN THE BEST  
2 INTERESTS OF THE PUBLIC OR OF THE ACQUITTEE FOR THAT COUNTY PRO-  
3 GRAM TO BE RELEASED FROM ITS DUTY TO SUPERVISE. IF THE BOARD  
4 DETERMINES THAT THE COUNTY PROGRAM SHOULD BE RELEASED FROM ITS  
5 DUTY TO SUPERVISE, OR IF THE BOARD DETERMINES THAT IT IS IN THE  
6 BEST INTERESTS OF THE PUBLIC OR THE ACQUITTEE FOR THE ACQUITTEE  
7 TO BE SUPERVISED BY ANOTHER COUNTY PROGRAM, THE BOARD MAY CON-  
8 TRACT WITH ANOTHER COUNTY PROGRAM TO PROVIDE SUPERVISION OF THE  
9 ACQUITTEE. IF THE BOARD IS UNABLE TO FIND ANOTHER COUNTY PROGRAM  
10 WILLING AND QUALIFIED TO PROVIDE SUPERVISION OF THE ACQUITTEE,  
11 THE BOARD MAY CONTRACT WITH AN INDIVIDUAL OR AGENCY OTHER THAN A  
12 COUNTY PROGRAM TO PROVIDE THE SUPERVISION OF AN ACQUITTEE RECEIV-  
13 ING AUTHORIZED COMMUNITY PLACEMENT.

14 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF THE  
15 BOARD ORDERS AUTHORIZED COMMUNITY PLACEMENT FOR AN ACQUITTEE PUR-  
16 SUANT TO SUBSECTION (1), PLACEMENT AND TREATMENT OF THE ACQUITTEE  
17 SHALL BE PROVIDED PURSUANT TO A WRITTEN AUTHORIZED COMMUNITY  
18 PLACEMENT TREATMENT PLAN APPROVED BY THE BOARD AND DEVELOPED BY  
19 THE RESPONSIBLE COUNTY PROGRAM WITH THE ASSISTANCE OF CLINICAL  
20 STAFF OF THE CENTER. IF SUPERVISION IS BEING PROVIDED BY AN  
21 INDIVIDUAL OR AGENCY OTHER THAN A COUNTY PROGRAM PURSUANT TO SUB-  
22 SECTION (2), THE PLAN SHALL BE DEVELOPED BY CLINICAL STAFF OF THE  
23 CENTER AND THE INDIVIDUAL OR AGENCY THAT IS SUPERVISING THE  
24 ACQUITTEE IN THE COMMUNITY. THE PLAN SHALL BE REVIEWED ANNUALLY,  
25 AND APPROVED ANNUALLY BY THE BOARD. A COPY OF THE PLAN SHALL BE  
26 PROVIDED TO THE ACQUITTEE, THE COURT, THE PROSECUTING ATTORNEY,  
27 AND ANY VICTIM IDENTIFIED UNDER SECTION 1053 IF REQUESTED BY THAT

1 VICTIM. THE AUTHORIZED COMMUNITY PLACEMENT TREATMENT PLAN SHALL  
2 INCLUDE AT A MINIMUM ALL OF THE FOLLOWING:

3 (A) THE CONDITIONS WITH WHICH THE ACQUITTEE MUST COMPLY IN  
4 ORDER TO CONTINUE RECEIVING AUTHORIZED COMMUNITY PLACEMENT.

5 (B) THE FREQUENCY AND FORM OF PROGRESS REPORTS THAT ARE TO  
6 BE MADE BY SERVICE PROVIDERS TO THE RESPONSIBLE COUNTY PROGRAM OR  
7 OTHER SUPERVISOR AND BY THE RESPONSIBLE COUNTY PROGRAM OR OTHER  
8 SUPERVISOR TO THE BOARD.

9 (C) AN IDENTIFICATION OF THOSE CHANGES TO A TREATMENT PLAN  
10 THAT MUST BE APPROVED BY THE BOARD.

11 (4) THE AUTHORIZED COMMUNITY PLACEMENT TREATMENT PLAN MAY  
12 REQUIRE AS A CONDITION OF COMMUNITY PLACEMENT THAT THE ACQUITTEE  
13 REPORT TO ANY STATE OR LOCAL MENTAL HEALTH FACILITY FOR EVALU-  
14 ATION OR TREATMENT. THE BOARD MAY ORDER THE ACQUITTEE, AS A CON-  
15 DITION OF AUTHORIZED COMMUNITY PLACEMENT, TO COOPERATE WITH AND  
16 ACCEPT EVALUATION AND TREATMENT FROM THE FACILITY. CONDITIONS OF  
17 AUTHORIZED COMMUNITY PLACEMENT MAY BE MODIFIED BY ORDER OF THE  
18 BOARD, AND AUTHORIZED COMMUNITY PLACEMENT MAY BE TERMINATED PUR-  
19 SUANT TO SUBSECTION (5), (6), (7), OR (8).

20 (5) IF AT ANY TIME WHILE THE ACQUITTEE IS UNDER THE JURIS-  
21 DICTION OF THE BOARD IT APPEARS TO THE DIRECTOR OF THE RESPONSI-  
22 BLE COUNTY PROGRAM OR TO THE CHAIRPERSON OF THE BOARD IF THE  
23 ACQUITTEE IS BEING SUPERVISED BY SOMEONE OTHER THAN A COUNTY PRO-  
24 GRAM THAT THE ACQUITTEE HAS VIOLATED THE TERMS OF THE AUTHORIZED  
25 COMMUNITY PLACEMENT OR THAT THE MENTAL HEALTH OF THE ACQUITTEE  
26 HAS DETERIORATED, THE COUNTY DIRECTOR OR CHAIRPERSON OF THE BOARD  
27 MAY ORDER THE PERSON RETURNED TO THE CENTER OR A STATE REGIONAL

1 PSYCHIATRIC HOSPITAL FOR EVALUATION OR TREATMENT. A WRITTEN  
2 ORDER OF THE COUNTY DIRECTOR OR CHAIRPERSON OF THE BOARD IS SUFFICIENT WARRANT FOR A PEACE OFFICER TO TAKE CUSTODY OF THE  
3 ACQUITTEE AND TRANSPORT THE ACQUITTEE ACCORDINGLY. WITHIN 20  
4 DAYS FOLLOWING THE TRANSFER OF THE ACQUITTEE TO A FACILITY AS  
5 DESCRIBED IN THIS SUBSECTION, THE BOARD SHALL CONDUCT A HEARING  
6 IN ACCORDANCE WITH SECTION 1058. THE BOARD MAY CONTINUE THE  
7 ACQUITTEE ON AUTHORIZED COMMUNITY PLACEMENT OR, IF IT FINDS BY A  
8 PREPONDERANCE OF THE EVIDENCE THAT THE DANGER TO OTHERS CANNOT BE  
9 ADEQUATELY CONTROLLED IF AUTHORIZED COMMUNITY PLACEMENT IS CONTINUED, IT MAY ORDER THE PERSON COMMITTED TO THE CENTER, A STATE  
10 REGIONAL PSYCHIATRIC HOSPITAL, OR ANOTHER APPROPRIATE FACILITY.

13 (6) THE DIRECTOR OF THE RESPONSIBLE COUNTY PROGRAM, THE  
14 DIRECTOR OF THE FACILITY PROVIDING TREATMENT TO AN ACQUITTEE  
15 RECEIVING AUTHORIZED COMMUNITY PLACEMENT, A PEACE OFFICER, OR A  
16 PERSON OR AGENCY RESPONSIBLE FOR THE SUPERVISION OF AN ACQUITTEE  
17 RECEIVING AUTHORIZED COMMUNITY PLACEMENT MAY TAKE THE ACQUITTEE  
18 INTO CUSTODY OR REQUEST THAT THE ACQUITTEE BE TAKEN INTO CUSTODY  
19 IF THERE IS REASONABLE CAUSE TO BELIEVE THE ACQUITTEE IS A SUBSTANTIAL DANGER TO OTHERS AND THAT THE ACQUITTEE IS IN NEED OF  
20 IMMEDIATE CARE, CUSTODY, OR TREATMENT. AN ACQUITTEE TAKEN INTO  
21 CUSTODY PURSUANT TO THIS SUBSECTION SHALL IMMEDIATELY BE TRANSPORTED TO THE CENTER OR A STATE REGIONAL PSYCHIATRIC HOSPITAL.  
22 WITHIN 20 DAYS FOLLOWING THE TRANSFER OF THE ACQUITTEE TO A  
23 FACILITY, THE BOARD SHALL CONDUCT A HEARING IN ACCORDANCE WITH  
24 SECTION 1058.

1 (7) AN ACQUITTEE RECEIVING AUTHORIZED COMMUNITY PLACEMENT  
2 UNDER THIS SECTION MAY APPLY TO THE BOARD FOR DISCHARGE FROM OR  
3 MODIFICATION OF AN ORDER OF AUTHORIZED COMMUNITY PLACEMENT ON THE  
4 GROUND THAT THE ACQUITTEE NO LONGER PRESENTS A SUBSTANTIAL DANGER  
5 TO OTHERS AND NO LONGER REQUIRES SUPERVISION, MEDICATION, CARE,  
6 OR TREATMENT. THE BOARD SHALL HOLD A HEARING ON THE APPLICATION  
7 AS PROVIDED IN SECTION 1058. THE ACQUITTEE, AT THE HEARING PUR-  
8 SUANT TO THIS SUBSECTION, MUST PROVE BY A PREPONDERANCE OF THE  
9 EVIDENCE THE ACQUITTEE'S FITNESS FOR DISCHARGE OR MODIFICATION OF  
10 THE ORDER OF AUTHORIZED COMMUNITY PLACEMENT. APPLICATIONS BY THE  
11 ACQUITTEE FOR DISCHARGE OR MODIFICATION OF AUTHORIZED COMMUNITY  
12 PLACEMENT SHALL NOT BE FILED MORE OFTEN THAN ONCE EVERY 6  
13 MONTHS.

14 (8) UPON APPLICATION BY THE RESPONSIBLE COUNTY PROGRAM OR BY  
15 A PERSON OR AGENCY RESPONSIBLE FOR SUPERVISION OF AN ACQUITTEE  
16 PURSUANT TO AN ORDER OF AUTHORIZED COMMUNITY PLACEMENT, THE BOARD  
17 SHALL CONDUCT A HEARING IN ACCORDANCE WITH SECTION 1058 TO DETER-  
18 MINE IF THE CONDITIONS OF AUTHORIZED COMMUNITY PLACEMENT SHALL BE  
19 CONTINUED, MODIFIED, OR TERMINATED. THE APPLICATION SHALL BE  
20 ACCOMPANIED BY A REPORT SETTING FORTH THE FACTS SUPPORTING THE  
21 APPLICATION.

22 (9) AN ACQUITTEE SHALL NOT SPEND MORE THAN 5 YEARS ON AUTHO-  
23 RIZED COMMUNITY PLACEMENT WITHOUT A HEARING TO DETERMINE WHETHER  
24 THE CRITERIA FOR CONTINUING JURISDICTION ARE STILL BEING MET.

25 (10) THE TOTAL PERIOD OF COMMITMENT UNDER THE JURISDICTION  
26 OF THE BOARD, INCLUDING AUTHORIZED COMMUNITY PLACEMENT, SHALL NOT

1 EXCEED THE MAXIMUM PERIOD DETERMINED BY THE COURT PURSUANT TO  
2 SECTION 1054.