



SENATE BILL No. 978

April 24, 1996, Introduced by Senators VAN REGENMORTER and HOFFMAN and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 1034 of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," being section 330.2034 of the Michigan Compiled Laws; and to add sections 487 and 542.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1034 of Act No. 258 of the Public Acts
2 of 1974, being section 330.2034 of the Michigan Compiled Laws, is
3 amended and sections 487 and 542 are added to read as follows:

4 SEC. 487. IF THE COURT ORDERS A PERSON TO BE HOSPITALIZED
5 UNDER THIS CHAPTER WHO HAS HAD CHARGES DISMISSED UNDER SECTION
6 1044(1)(B) AND THE TIME FOR REFILEING CHARGES UNDER SECTION 1044
7 HAS NOT ELAPSED, THE COURT SHALL INCLUDE BOTH OF THE FOLLOWING IN
8 ITS ORDER FOR HOSPITALIZATION:

1 (A) A REQUIREMENT THAT 30 DAYS BEFORE THE PERSON'S SCHEDULED
2 RELEASE OR DISCHARGE THE PROSECUTOR'S OFFICE IN THE COUNTY IN
3 WHICH CHARGES AGAINST THE PERSON WERE ORIGINALLY BROUGHT SHALL BE
4 NOTIFIED OF THE PENDING RELEASE OR DISCHARGE.

5 (B) A REQUIREMENT THAT THE PERSON TO BE RELEASED OR DIS-
6 CHARGED UNDERGO A COMPETENCY EXAMINATION AS DESCRIBED IN SECTION
7 1026 AND THAT A COPY OF THE WRITTEN REPORT OF THE EXAMINATION BE
8 SUBMITTED TO THE PROSECUTOR'S OFFICE IN THE COUNTY IN WHICH THE
9 CHARGES AGAINST THE PERSON WERE ORIGINALLY BROUGHT.

10 SEC. 542. IF THE COURT ORDERS A PERSON TO BE HOSPITALIZED
11 UNDER THIS CHAPTER WHO HAS HAD CHARGES DISMISSED UNDER SECTION
12 1044(1)(B) AND THE TIME FOR REFILEING CHARGES UNDER SECTION 1044
13 HAS NOT ELAPSED, THE COURT SHALL INCLUDE BOTH OF THE FOLLOWING IN
14 ITS ORDER FOR HOSPITALIZATION:

15 (A) A REQUIREMENT THAT 30 DAYS BEFORE THE PERSON'S SCHEDULED
16 RELEASE OR DISCHARGE THE PROSECUTOR'S OFFICE IN THE COUNTY IN
17 WHICH CHARGES AGAINST THE PERSON WERE ORIGINALLY BROUGHT SHALL BE
18 NOTIFIED OF THE PENDING RELEASE OR DISCHARGE.

19 (B) A REQUIREMENT THAT THE PERSON TO BE RELEASED OR DIS-
20 CHARGED UNDERGO A COMPETENCY EXAMINATION AS DESCRIBED IN SECTION
21 1026 AND THAT A COPY OF THE WRITTEN REPORT OF THE EXAMINATION BE
22 SUBMITTED TO THE PROSECUTOR'S OFFICE IN THE COUNTY IN WHICH THE
23 CHARGES AGAINST THE PERSON WERE ORIGINALLY BROUGHT.

24 Sec. 1034. (1) No order or combination of orders issued
25 under section 1032 or 1040, or both, shall have force and effect
26 for a total period in excess of 15 months or 1/3 of the maximum
27 sentence the defendant could receive if convicted of the charges

1 against him, whichever is lesser; nor after the charges against
2 the defendant are dismissed.

3 (2) The court shall provide for notification of defense
4 counsel, the prosecution, and the medical supervisor of treatment
5 whenever the charges against the defendant are dismissed and
6 whenever an order whose stated time period has not elapsed is
7 voided by the court.

8 (3) If the defendant is to be discharged or released because
9 of the expiration of an order or orders under section 1032 or
10 1040, the supervisor of treatment prior to the discharge or
11 release may file a petition asserting that the defendant is a
12 person requiring treatment as defined by section 401 or meets the
13 criteria for judicial admission as defined by section 515 with
14 the probate court of the defendant's county of residence.

15 (4) THIRTY DAYS BEFORE THE DEFENDANT IS TO BE DISCHARGED OR
16 RELEASED BECAUSE OF THE EXPIRATION OF AN ORDER OR ORDERS UNDER
17 SECTION 1032 OR 1040, THE SUPERVISOR OF TREATMENT SHALL NOTIFY
18 THE PROSECUTION BY CERTIFIED MAIL OF THE DEFENDANT'S PROPOSED
19 DISCHARGE OR RELEASE.