

HOUSE BILL No. 6382

September 24, 2002, Introduced by Rep. Meyer and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 1001a, 1020, 1022, 1024, 1026, 1028, 1030,
1031, 1032, 1034, 1036, 1038, 1040, 1042, 1044, and 1050
(MCL 330.2001a, 330.2020, 330.2022, 330.2024, 330.2026, 330.2028,
330.2030, 330.2031, 330.2032, 330.2034, 330.2036, 330.2038,
330.2040, 330.2042, 330.2044, and 330.2050), section 1001a as
amended by 1993 PA 252.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1001a. (1) "Center for forensic psychiatry program" OR
2 "CENTER" means that program established by the center for foren-
3 sic psychiatry to provide services related to all of the
4 following:

5 (a) ~~Persons~~ INDIVIDUALS who are alleged to be incompetent
6 to stand trial.

1 (b) ~~Persons~~ INDIVIDUALS who are acquitted of criminal
2 charges by reason of insanity.

3 (c) ~~Persons~~ INDIVIDUALS who are transferred to the center
4 FOR FORENSIC PSYCHIATRY from places of detention or from other
5 state psychiatric hospitals.

6 (2) "Corrections mental health program" means that program
7 of the department of corrections that is responsible for the pro-
8 vision of mental health services to certain prisoners under this
9 chapter.

10 (3) "Hearing committee" means a committee appointed by the
11 corrections mental health program pursuant to section 1003c.

12 (4) "JUVENILE" MEANS AN INDIVIDUAL SUBJECT TO THE JURISDIC-
13 TION OF THE FAMILY DIVISION OF THE CIRCUIT COURT PURSUANT TO
14 SECTION 2(A)(1) OF CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939
15 PA 288, MCL 712A.2.

16 (5) ~~(4)~~ "Mental health services" means ~~the provision of~~
17 PROVIDING mental health care in a protective environment to pris-
18 oners with mental illness or mental retardation, including, but
19 not limited to, chemotherapy, ~~and~~ individual THERAPY, and group
20 ~~therapies~~ THERAPY.

21 (6) ~~(5)~~ "Mental illness" means a substantial THOUGHT OR
22 MOOD disorder ~~of thought or mood~~ that significantly impairs
23 judgment, behavior, capacity to recognize reality, or ability to
24 cope with the ordinary demands of life.

25 (7) ~~(6)~~ "Mentally retarded" means significantly subaverage
26 general intellectual functioning that originates during the

1 developmental period and is associated with impairment in
2 adaptive behavior.

3 Sec. 1020. (1) A defendant to a criminal charge ~~shall be~~
4 OR A JUVENILE FACING A CHARGE THAT WOULD BE A CRIME IF COMMITTED
5 BY AN ADULT IS presumed competent to stand trial. He OR SHE
6 shall be determined incompetent to stand trial only if he OR SHE
7 is incapable because of his OR HER mental condition, REGARDLESS
8 OF HIS OR HER AGE, of understanding the nature and object of the
9 proceedings against him OR HER or of assisting in his OR HER
10 defense in a rational manner. The court shall determine the
11 capacity of a defendant OR JUVENILE to assist in his OR HER
12 defense by his OR HER ability to perform the tasks reasonably
13 necessary for him OR HER to perform in the preparation of his OR
14 HER defense and during his OR HER trial.

15 (2) A defendant OR JUVENILE shall not be determined incompe-
16 tent to stand trial because psychotropic drugs or other medica-
17 tion have been or are being administered under proper medical
18 direction, and even though without ~~such~~ THE medication the
19 defendant OR JUVENILE might be incompetent to stand trial.
20 However, ~~when~~ IF the defendant OR JUVENILE is receiving such
21 medication, the court may, ~~prior to~~ BEFORE making its determi-
22 nation on the issue of incompetence to stand trial, require the
23 filing of a statement by the treating physician that ~~such~~ THE
24 medication will not adversely affect the defendant's OR
25 JUVENILE'S understanding of the proceedings or his OR HER ability
26 to assist in his OR HER defense.

1 Sec. 1022. (1) A defendant OR JUVENILE who is determined
2 incompetent to stand trial shall not be proceeded against while
3 he OR SHE is incompetent.

4 (2) ~~Any~~ A pretrial motion may be made by ~~either~~ the
5 defense, THE JUVENILE, THE JUVENILE'S ATTORNEY, THE GUARDIAN
6 AD LITEM, THE COURT, or THE prosecution while a defendant OR
7 JUVENILE is incompetent to stand trial, and the issues presented
8 by the motion shall be heard and decided if the presence of the
9 defendant OR JUVENILE is not essential for a fair hearing and
10 decision on the motion.

11 (3) ~~When it appears~~ IF THE COURT DETERMINES that evidence
12 essential to the case the defense, JUVENILE, or prosecution plans
13 to present might not be available at the time of trial, the court
14 shall allow ~~such~~ THAT evidence to be taken and preserved.
15 ~~Evidence so taken shall be~~ THAT EVIDENCE IS admissible at the
16 trial only if it is not otherwise available OR BY STIPULATION OF
17 THE PARTIES. Procedures for ~~the~~ taking and preserving ~~of~~
18 evidence under this subsection, and the conditions under which
19 ~~such~~ THAT evidence ~~shall be~~ IS admissible at trial, shall be
20 provided by court rule.

21 Sec. 1024. The issue of incompetence to stand trial may be
22 raised by the defense, THE JUVENILE, THE court, or THE
23 prosecution. The time and form of the procedure for raising the
24 issue shall be provided by court rule.

25 Sec. 1026. (1) Upon a showing that the defendant OR
26 JUVENILE may be incompetent to stand trial, the court shall order
27 the defendant OR JUVENILE to undergo an examination by personnel

1 of either the center for forensic psychiatry or other facility
2 officially certified by the department ~~of mental health~~ to per-
3 form examinations relating to the issue of incompetence to stand
4 trial. The defendant OR JUVENILE shall make himself OR HERSELF
5 available for the examination at the places and times established
6 by the center or other certified facility. If the defendant OR
7 JUVENILE, after being notified, fails to make himself OR HERSELF
8 available for the examination, the court may order his OR HER
9 commitment to the center or other facility without a hearing.

10 (2) ~~When~~ IF the defendant OR JUVENILE is to be held in a
11 jail or similar place of detention pending trial, the center or
12 other facility may perform the examination in the jail OR SIMILAR
13 PLACE OF DETENTION or may notify the sheriff to transport the
14 defendant OR JUVENILE to the center or other facility for the
15 examination. ~~, and the~~ THE sheriff shall return the defendant
16 OR JUVENILE to the jail OR SIMILAR PLACE OF DETENTION upon com-
17 pletion of the examination.

18 (3) Except as provided in subsection (1), ~~when~~ IF the
19 defendant OR JUVENILE is not to be held in a jail or similar
20 place of detention pending trial, the court shall commit him OR
21 HER to the center or other facility only ~~when~~ IF the commitment
22 is necessary ~~for the performance of~~ TO PERFORM the
23 examination.

24 (4) The defendant OR JUVENILE shall be released by the
25 center or other facility upon completion of the examination.

26 Sec. 1028. (1) ~~When~~ IF the defendant OR JUVENILE is
27 ordered to undergo an examination ~~pursuant to~~ UNDER

1 section 1026, the center or other facility shall, for the purpose
2 of gathering psychiatric and other information pertinent to the
3 issue of the incompetence of the defendant OR JUVENILE to stand
4 trial, examine the defendant OR JUVENILE and consult with
5 ~~defense~~ counsel FOR THE DEFENSE OR THE JUVENILE, and may con-
6 sult with the prosecutor or other persons. ~~Defense counsel~~
7 COUNSEL FOR THE DEFENSE OR JUVENILE shall make himself OR HERSELF
8 available for consultation with the center or other facility.
9 The examination shall be performed, ~~defense~~ counsel FOR THE
10 DEFENSE OR JUVENILE consulted, and a written report submitted to
11 the court, prosecuting attorney, and ~~defense~~ counsel FOR THE
12 DEFENSE OR JUVENILE within 60 days of the date of the order.

13 (2) The report shall contain AT LEAST ALL OF THE FOLLOWING:

14 (a) The clinical findings of the center or other facility.

15 (b) The facts, in reasonable detail, upon which the findings
16 are based, and upon request of the court, COUNSEL FOR THE defense
17 OR JUVENILE, or prosecution additional facts ~~germane~~ RELEVANT
18 to the findings.

19 (c) The opinion of the center or other facility on the issue
20 of ~~the incompetence of~~ WHETHER the defendant OR JUVENILE IS
21 INCOMPETENT to stand trial.

22 (d) If the opinion is that the defendant OR JUVENILE is
23 incompetent to stand trial, the opinion of the center or other
24 facility on the likelihood of the defendant ~~attaining~~ OR JUVENILE
25 WILL ATTAIN competence to stand trial, if provided a course
26 of treatment, within the time limit established by section 1034.

1 (3) The opinion concerning competency to stand trial derived
2 from the examination may not be admitted as evidence for any
3 purpose in the pending criminal OR JUVENILE proceedings, except
4 on the issues to be determined in the hearings required or per-
5 mitted by sections 1030 and 1040. The foregoing bar of testimony
6 ~~shall not be construed to~~ DOES NOT prohibit the examining qual-
7 ified clinician from presenting at other stages in the criminal
8 OR JUVENILE proceedings opinions concerning criminal responsibil-
9 ity, disposition, or other issues if they were originally
10 requested by the court and are available. Information gathered
11 in the course of a prior examination that is of historical value
12 to the examining qualified clinician may be utilized in ~~the for-~~
13 ~~mulation of~~ FORMULATING an opinion in ~~any~~ A subsequent court
14 ordered evaluation.

15 Sec. 1030. (1) Upon receipt of the written report, the
16 court shall ~~cause~~ ORDER the defendant OR JUVENILE to appear in
17 court and shall hold a hearing within 5 days or upon the conclu-
18 sion of the case, proceeding, or other matter then before it,
19 whichever is sooner, unless the defense, COUNSEL FOR THE
20 JUVENILE, or THE prosecution for good cause requests a delay for
21 a reasonable time.

22 (2) On the basis of the evidence admitted at the hearing,
23 the court shall determine the issue of ~~the incompetence of~~
24 WHETHER the defendant OR JUVENILE IS INCOMPETENT to stand trial.
25 If the defendant OR JUVENILE is determined incompetent to stand
26 trial, the court shall also determine whether there is a
27 substantial probability that the defendant OR JUVENILE, if

1 provided a course of treatment, will attain competence to stand
2 trial within the time limit established by section 1034.

3 (3) The written report shall be admissible as ~~competent~~
4 evidence in the hearing, unless the defense, COUNSEL FOR THE
5 JUVENILE, or THE prosecution objects, but not for any other pur-
6 pose in the pending criminal OR JUVENILE proceeding. The
7 defense, COUNSEL FOR THE JUVENILE, THE prosecution, and the court
8 on its own motion may present additional evidence relevant to the
9 issues to be determined at the hearing.

10 (4) If the defendant OR JUVENILE is receiving medication and
11 is not determined incompetent to stand trial, the court may, in
12 order to maintain the competence of the defendant OR JUVENILE to
13 stand trial, ~~make such orders as it deems~~ ISSUE AN ORDER THE
14 COURT CONSIDERS appropriate for ~~the~~ continued administration of
15 ~~such~~ medication pending and during trial.

16 Sec. 1031. If the defendant OR JUVENILE is determined
17 incompetent to stand trial ~~—~~ and ~~if~~ the court determines that
18 there is not a substantial probability that, if provided a course
19 of treatment, he OR SHE will attain competence to stand trial
20 within the time limit established by section 1034, the court may
21 direct a prosecuting attorney to file a petition asserting that
22 the defendant is a person requiring treatment as defined by sec-
23 tion 401 or meets the criteria for judicial admission as defined
24 by section 515 OR THAT THE JUVENILE IS A MINOR REQUIRING TREAT-
25 MENT AS DEFINED IN SECTION 498B with the probate court of the
26 defendant's OR JUVENILE'S county of residence.

1 Sec. 1032. (1) If the defendant OR JUVENILE is determined
2 incompetent to stand trial, and if the court determines that
3 there is a substantial probability that, if provided a course of
4 treatment, he OR SHE will attain competence to stand trial within
5 the time limit established by section 1034, the court shall order
6 ~~him~~ THE DEFENDANT OR JUVENILE to undergo treatment to render
7 him OR HER competent to stand trial.

8 (2) The court shall appoint a medical supervisor of the
9 course of treatment. The supervisor may be THE DEPARTMENT OR any
10 person or agency willing to supervise the course of treatment.
11 ~~, or the department of mental health.~~

12 (3) The court may commit the defendant OR JUVENILE to the
13 custody of the department, ~~of mental health,~~ or to the custody
14 of any other inpatient mental health facility if it agrees, only
15 if commitment is necessary for the effective administration of
16 the course of treatment. If the defendant OR JUVENILE, absent
17 commitment to the department ~~of mental health~~ or other inpa-
18 tient facility, would otherwise be held in a jail or similar
19 place of detention pending trial, the court may enter an order
20 restricting the ~~defendant in his~~ DEFENDANT'S OR JUVENILE'S
21 movements to the buildings and grounds of the facility at which
22 he OR SHE is to be treated.

23 Sec. 1034. (1) ~~No~~ AN order or combination of orders
24 issued under section 1032 or 1040, or both, shall NOT have force
25 and effect for a total period in excess of 15 months or 1/3 of
26 the maximum sentence the defendant could receive if convicted of
27 the charges against him OR HER, OR 1/3 OF THE MAXIMUM SENTENCE

1 THE JUVENILE COULD HAVE RECEIVED IF CONVICTED AS AN ADULT,
2 whichever is ~~lesser; nor~~ LESS. AN ORDER OR COMBINATION OF
3 ORDERS ISSUED UNDER SECTION 1032 OR 1040, OR BOTH, SHALL NOT HAVE
4 FORCE AND EFFECT after the charges against the defendant OR
5 JUVENILE are dismissed.

6 (2) The court shall provide for notification of defense
7 counsel, THE JUVENILE'S COUNSEL, the prosecution, and the medical
8 supervisor of treatment ~~whenever~~ WHEN the charges against the
9 defendant OR JUVENILE are dismissed and ~~whenever~~ WHEN an order
10 whose stated time period has not elapsed is voided by the court.

11 (3) If the defendant OR JUVENILE is to be discharged or
12 released because of the expiration of an order or orders under
13 section 1032 or 1040, the supervisor of treatment ~~prior to~~
14 BEFORE the discharge or release may file a petition asserting
15 that the defendant is a person requiring treatment as defined by
16 section 401, ~~or~~ THAT THE DEFENDANT meets the criteria for judi-
17 cial admission as defined by section 515, OR THAT THE JUVENILE IS
18 A MINOR REQUIRING TREATMENT AS DEFINED IN SECTION 498B, with the
19 probate court of the defendant's OR JUVENILE'S county of
20 residence.

21 Sec. 1036. The DEFENDANT'S OR JUVENILE'S right ~~of the~~
22 ~~defendant~~ to be at liberty pending trial, on bail or otherwise,
23 shall not be impaired because the issue of incompetence to stand
24 trial has been raised, because the defendant OR JUVENILE has been
25 determined incompetent to stand trial, or because the defendant
26 OR JUVENILE has been ordered to undergo treatment to render him
27 OR HER competent to stand trial, except to the extent authorized

1 by section 1026 for the purpose of an examination or by section
2 1032 for the purpose of administering a course of treatment.

3 Sec. 1038. (1) The medical supervisor of treatment shall
4 transmit a written report to the court, prosecuting attorney,
5 defense counsel, THE JUVENILE'S COUNSEL, and the center for
6 forensic psychiatry IN EACH OF THE FOLLOWING INSTANCES:

7 (a) At least once every 90 days from the date of an order
8 issued pursuant to section 1032.

9 (b) ~~Whenever~~ WHEN he OR SHE is of the opinion that the
10 defendant OR JUVENILE is no longer incompetent to stand trial.

11 (c) ~~Whenever~~ WHEN he OR SHE is of the opinion that there
12 is not a substantial probability that the defendant OR JUVENILE,
13 with treatment, will attain competence to stand trial within the
14 time limit established by section 1034.

15 (2) The reports shall be admissible ~~pursuant to~~ UNDER sec-
16 tion 1030(3) and shall contain ALL OF THE FOLLOWING:

17 (a) The clinical findings of the supervisor of treatment.

18 (b) The facts, in reasonable detail, upon which the findings
19 are based, and ~~upon request of the court, defense, or~~
20 ~~prosecution~~ ANY additional facts ~~germane~~ RELEVANT to the find-
21 ings IF REQUESTED BY COURT, DEFENSE COUNSEL, JUVENILE'S COUNSEL,
22 OR PROSECUTION.

23 (c) The opinion of the supervisor of treatment on the issue
24 of the incompetence of the defendant OR JUVENILE to stand trial.

25 (d) If the opinion is that the defendant OR JUVENILE is
26 incompetent to stand trial, the opinion of the supervisor of
27 treatment on whether the defendant OR JUVENILE has made progress

1 toward attaining competence to stand trial during the course of
2 treatment.

3 Sec. 1040. (1) The court shall forthwith hear and redeter-
4 mine the issue of the incompetence of the defendant OR JUVENILE
5 to stand trial and, if the defendant OR JUVENILE is redetermined
6 incompetent to stand trial, shall hear and determine whether the
7 defendant OR JUVENILE has made progress toward attaining compe-
8 tence to stand trial during his OR HER course of treatment,
9 ~~whenever~~ WHEN the court receives a report from the supervisor
10 of treatment, unless the defense OR JUVENILE waives the hearing,
11 or ~~whenever deemed~~ WHEN CONSIDERED appropriate by the court.

12 (2) Section 1030 ~~shall govern~~ GOVERNS hearings held pursu-
13 ant to this section.

14 (3) If the defendant OR JUVENILE is not redetermined incom-
15 petent to stand trial at a hearing held ~~pursuant to~~ UNDER this
16 section, trial shall commence as soon as practicable. If the
17 defendant OR JUVENILE is redetermined incompetent to stand trial,
18 and if the court determines that the defendant OR JUVENILE has
19 made progress toward attaining competence to stand trial, the
20 court may modify or continue any orders it previously issued
21 under section 1032.

22 Sec. 1042. Time spent in custody because of orders issued
23 ~~pursuant to~~ UNDER sections 1026, 1032, and 1040 shall be cred-
24 ited against any sentence OR DISPOSITION imposed on the defendant
25 OR JUVENILE in the pending criminal case or in any other case
26 arising from the same transaction.

1 Sec. 1044. (1) The charges against a defendant OR JUVENILE
2 determined incompetent to stand trial shall be dismissed IF
3 EITHER OF THE FOLLOWING APPLIES:

4 (a) When the prosecutor notifies the court of his OR HER
5 intention not to prosecute the case. ~~or~~

6 (b) Fifteen months ~~after~~ HAVE ELAPSED SINCE the date on
7 which the defendant OR JUVENILE was originally determined incom-
8 petent to stand trial.

9 (2) ~~When~~ IF charges are dismissed ~~pursuant to~~ UNDER
10 subsection (1), the same charges, or other charges arising from
11 the transaction ~~which~~ THAT gave rise to the dismissed charges,
12 shall not subsequently be filed against the defendant OR
13 JUVENILE, except as provided in this section.

14 (3) If the charges were dismissed ~~pursuant to~~ UNDER
15 subsection (1)(b) and if the crime charged was punishable by a
16 sentence of life imprisonment, OR, IN THE CASE OF A JUVENILE,
17 WOULD HAVE BEEN A CRIME PUNISHABLE BY A SENTENCE OF LIFE IMPRIS-
18 ONMENT IF COMMITTED BY AN ADULT, the prosecutor may at any time
19 petition the court for permission to again file charges. In the
20 case of other charges dismissed ~~pursuant to~~ UNDER
21 subsection (1)(b), the prosecutor may, within that period of time
22 after the charges were dismissed equal to 1/3 of the maximum sen-
23 tence that the defendant could receive on the charges OR THAT A
24 JUVENILE COULD HAVE RECEIVED IF CONVICTED AS AN ADULT, petition
25 the court for permission to again file charges.

26 (4) The court shall grant permission to again file charges
27 if after a hearing it determines that the defendant OR JUVENILE

1 is competent to stand trial. ~~Prior to~~ BEFORE the hearing, the
2 court may order the defendant OR JUVENILE to be examined by per-
3 sonnel of the center for forensic psychiatry or other qualified
4 person as an outpatient, but may not commit the defendant OR
5 JUVENILE to the center or any other facility for the
6 examination.

7 Sec. 1050. (1) The court shall immediately commit ~~any~~
8 ~~person~~ A JUVENILE FOUND NOT RESPONSIBLE BY REASON OF INSANITY
9 FOR AN OFFENSE THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT OR
10 AN INDIVIDUAL who is acquitted of a criminal charge by reason of
11 insanity to the custody of the center for forensic psychiatry,
12 for ~~a period not to exceed~~ NOT MORE THAN 60 days. The court
13 shall forward to the center a full report, in the form of a set-
14 tled record, of the facts concerning the crime ~~which~~ THAT the
15 patient was found to have committed but of which he OR SHE was
16 acquitted OR FOUND NOT RESPONSIBLE FOR by reason of insanity.
17 The center shall thoroughly examine and evaluate the PATIENT'S
18 present mental condition ~~of the person~~ in order to reach an
19 opinion on whether the ~~person~~ PATIENT meets the criteria of a
20 person requiring treatment or for judicial admission set forth in
21 section 401 or 515 OR IS A MINOR REQUIRING TREATMENT AS DEFINED
22 IN SECTION 498B.

23 (2) Within the 60-day period the center shall file a report
24 with the court, prosecuting attorney, JUVENILE'S COUNSEL, and
25 defense counsel. The report shall contain a summary of the crime
26 ~~which~~ THAT the patient committed but of which he OR SHE was
27 acquitted OR FOUND NOT RESPONSIBLE FOR by reason of insanity and

1 an opinion as to whether the ~~person~~ PATIENT meets the criteria
2 of a person requiring treatment or for judicial admission as
3 defined by section 401 or 515 OR IS A MINOR REQUIRING TREATMENT
4 AS DEFINED BY SECTION 498B, and the facts upon which the opinion
5 is based. If the opinion ~~stated is~~ STATES that the ~~person~~
6 PATIENT is a person requiring treatment, the report shall be
7 accompanied by certificates from 2 physicians, at least 1 of whom
8 shall be a psychiatrist, ~~which~~ THAT conform to the requirements
9 of section ~~400(j)~~ 100C(11). IF THE OPINION STATED IS THAT THE
10 PATIENT IS A MINOR REQUIRING TREATMENT, THE REPORT SHALL BE
11 ACCOMPANIED BY AN EVALUATION FROM A PSYCHIATRIST THAT CONFORMS TO
12 THE REQUIREMENTS OF SECTION 498G.

13 (3) After ~~receipt of~~ RECEIVING the report, the court may
14 direct the prosecuting attorney to file a petition ~~pursuant to~~
15 UNDER section 434 or 516 for an order of hospitalization or an
16 order of admission to a facility with the probate court of the
17 ~~person's~~ PATIENT'S county of residence or of the county in
18 which the criminal trial was held. ~~Any certificates~~ A
19 CERTIFICATE that accompanied the report of the center may be
20 filed with the petition, and ~~shall be~~ IS sufficient to cause a
21 hearing to be held ~~pursuant to~~ UNDER section 451 even if ~~they~~
22 ~~were~~ THAT CERTIFICATE WAS not executed within 72 hours ~~of the~~
23 ~~filing of~~ AFTER the petition WAS FILED. AN EVALUATION SUPPORT-
24 ING THE OPINION THAT THE PATIENT IS A MINOR REQUIRING TREATMENT
25 IS SUFFICIENT TO SUPPORT HOSPITALIZATION UNDER SECTION 498F. The
26 report from the court containing the facts concerning the crime
27 for which he OR SHE was acquitted by reason of insanity shall be

1 admissible in the hearings. THE REPORT FROM THE COURT CONTAINING
2 THE FACTS OF THE CRIME FOR WHICH HE OR SHE WAS FOUND NOT RESPON-
3 SIBLE BY REASON OF INSANITY SHALL BE CONSIDERED IN DETERMINING
4 WHETHER THE MINOR SHOULD BE HOSPITALIZED AND DETERMINING THE
5 TREATMENT TO BE PROVIDED.

6 (4) If the report states ~~the opinion~~ that the ~~person~~
7 PATIENT meets the criteria of a person requiring treatment, ~~or~~
8 MEETS THE CRITERIA for judicial admission, OR MEETS THE CRITERIA
9 OF A MINOR REQUIRING HOSPITALIZATION, and if a petition is to be
10 filed ~~pursuant to~~ UNDER subsection (3), the center may retain
11 the ~~person~~ PATIENT pending a hearing on the petition OR THE
12 MINOR'S TRANSFER TO A HOSPITAL. If a petition is not to be filed
13 OR THE PROSECUTION DOES NOT SEEK HOSPITALIZATION OF THE PATIENT
14 AS A MINOR REQUIRING TREATMENT, the prosecutor shall notify the
15 center in writing. The center, upon ~~receipt of~~ RECEIVING the
16 notification, shall ~~cause the person to be discharged~~ DISCHARGE
17 THE PATIENT.

18 (5) The release provisions of sections 476 to 479 ~~of this~~
19 ~~act shall~~ apply to a person found to have committed a crime by a
20 court or jury, but who is acquitted by reason of insanity, except
21 that a person shall not be discharged or placed on leave without
22 first being evaluated and recommended for discharge or leave by
23 the department's program for forensic psychiatry. ~~—, and~~
24 ~~authorized~~ AUTHORIZED leave or absence from the hospital may be
25 extended for a period of 5 years.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 91st Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 6381 (request
5 no. 07064'02).

6 (b) Senate Bill No. _____ or House Bill No. 6383 (request
7 no. 07066'02).