HOUSE SUBSTITUTE FOR

SENATE BILL NO. 558

A bill to amend 1974 PA 258, entitled

"Mental health code,"

(MCL 330.1001 to 330.2106) by adding section 207a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   SEC. 207A. (1) NOT LATER THAN OCTOBER 1, 2014, EACH COUNTY

2 SHALL HAVE A WRITTEN INTERAGENCY AGREEMENT IN PLACE FOR A

3 COLLABORATIVE PROGRAM TO PROVIDE MENTAL HEALTH TREATMENT AND

4 ASSISTANCE, IF PERMITTED BY LAW AND CONSIDERED APPROPRIATE, TO

5 PERSONS WITH SERIOUS MENTAL ILLNESS WHO ARE CONSIDERED AT RISK FOR

6 1 OR MORE OF THE FOLLOWING:

7   (A) ENTERING THE CRIMINAL JUSTICE SYSTEM.

8   (B) NOT RECEIVING NEEDED MENTAL HEALTH TREATMENT SERVICES

9 DURING A PERIOD OF INCARCERATION IN A COUNTY JAIL.

1   (C) NOT RECEIVING NEEDED MENTAL HEALTH TREATMENT SERVICES UPON

2 RELEASE OR DISCHARGE FROM INCARCERATION IN A COUNTY JAIL.

3   (D) BEING COMMITTED TO THE JURISDICTION OF THE DEPARTMENT OF

4 CORRECTIONS.

5   (2) PARTIES TO THE INTERAGENCY AGREEMENT REFERENCED IN

6 SUBSECTION (1) SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

7   (A) THE COUNTY SHERIFF'S DEPARTMENT.

8   (B) THE COUNTY PROSECUTOR'S OFFICE.

9   (C) THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM THAT PROVIDES

10 SERVICES IN THAT COUNTY.

11   (D) THE COUNTY BOARD OF COMMISSIONERS.

12   (E) A DISTRICT COURT JUDGE WHO SERVES IN THAT COUNTY OR, IF

13 THERE IS MORE THAN 1 DISTRICT IN THE COUNTY, A DISTRICT COURT JUDGE

14 WHO SERVES IN THE COUNTY WHO IS DESIGNATED EITHER BY THE CHIEF

15 JUDGE OF A DISTRICT COURT WITHIN THAT COUNTY OR A CHIEF JUDGE WITH

16 AUTHORITY OVER A DISTRICT COURT IN THAT COUNTY.

17   (F) A CIRCUIT COURT JUDGE WHO SERVES IN THAT COUNTY WHO IS

18 DESIGNATED EITHER BY THE CHIEF JUDGE OF THE CIRCUIT COURT OR BY A

19 CHIEF JUDGE WITH AUTHORITY OVER THE CIRCUIT COURT IN THAT COUNTY.

20   (3) THE INTERAGENCY AGREEMENT REFERENCED IN SUBSECTION (1)

21 SHALL, AT A MINIMUM, COVER ALL OF THE FOLLOWING AREAS:

22   (A) GUIDELINES FOR PROGRAM ELIGIBILITY.

23   (B) INTERPARTY COMMUNICATION AND COORDINATION.

24   (C) DAY-TO-DAY PROGRAM ADMINISTRATION.

25   (D) INVOLVEMENT OF SERVICE CONSUMERS, FAMILY MEMBERS, AND

26 OTHER STAKEHOLDERS.

27   (E) HOW THE PROGRAM SHALL WORK WITH LOCAL COURTS.

1   (F) HOW THE PROGRAM SHALL ADDRESS POTENTIAL PARTICIPANTS

2 BEFORE AND AFTER CRIMINAL CHARGES HAVE BEEN FILED.

3   (G) RESOURCE SHARING BETWEEN THE PARTIES TO THE INTERAGENCY

4 AGREEMENT.

5   (H) SCREENING AND ASSESSMENT PROCEDURES.

6   (I) GUIDELINES FOR CASE MANAGEMENT.

7   (J) HOW THE PROGRAM DESCRIBED IN SUBSECTION (1) WILL WORK WITH

8 COUNTY JAILS.

9   (K) CRITERIA FOR COMPLETING THE PROGRAM DESCRIBED IN

10 SUBSECTION (1).

11   (*l*) MENTAL HEALTH TREATMENT SERVICES THAT ARE AVAILABLE THROUGH

12 THE PROGRAM DESCRIBED IN SUBSECTION (1).

13   (M) PROCEDURES FOR FIRST RESPONSE TO POTENTIAL CASES,

14 INCLUDING RESPONSE TO CRISES.

15   (N) HOW THE ADMINISTRATORS OF THE PROGRAM DESCRIBED IN

16 SUBSECTION (1) WILL REPORT THE PROGRAM'S ACTIONS AND OUTCOMES TO

17 THE PUBLIC.

18   (4) A COUNTY THAT HAS A WRITTEN INTERAGENCY AGREEMENT

19 REFERENCED IN SUBSECTION (1) IN PLACE ON THE EFFECTIVE DATE OF THE

20 AMENDATORY ACT THAT ADDED THIS SECTION MAY MAINTAIN THAT

21 INTERAGENCY AGREEMENT, BUT MUST ENSURE THAT ITS INTERAGENCY

22 AGREEMENT CONTAINS ALL OF THE PROVISIONS DESCRIBED IN SUBSECTION

23 (3).

24   (5) THE DEPARTMENT, THE STATE COURT ADMINISTRATIVE OFFICE, AND

25 PARTIES TO THE INTERAGENCY AGREEMENT MAY ESTABLISH ADDITIONAL

26 POLICIES AND PROCEDURES TO BE INCLUDED IN THE COUNTY INTERAGENCY

27 AGREEMENT REQUIRED UNDER THIS SECTION.

1   (6) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS

2 SECTION ACCORDING TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,

3 1969 PA 306, MCL 24.201 TO 24.328.

4   (7) A COUNTY IS NOT REQUIRED TO PROVIDE FUNDS FOR THE PROGRAM

5 DESCRIBED IN SUBSECTION (1). IN IMPLEMENTING THE PROVISIONS OF THIS

6 SECTION, A COUNTY IS REQUIRED TO EXPEND FUNDS FOR THE PROGRAM

7 DESCRIBED IN SUBSECTION (1) ONLY TO THE EXTENT APPROPRIATED

8 ANNUALLY BY THE LEGISLATURE FOR THE PROGRAM.