



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4793 (Substitute H-1 as reported without amendment)

Sponsor: Representative Peter J. Lucido

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Mental Health Code to provide for the confidentiality of a petition filed with a court asserting that an individual is a "person requiring treatment" under the Code and any clinical certificate filed with the petition, if the individual were found not to be a person requiring treatment.

Under Chapter 4 (Civil Admission and Discharge Procedures: Mental Illness) of the Code, any individual who is at least 18 years of age may file a petition with the court asserting that an individual is a person requiring treatment. The petition must contain certain information, including the facts that are the basis for the assertion. Under the bill, if an individual subject to a petition were found not to be a person requiring treatment, the petition and any clinical certificate that accompanied it would have to be maintained by the court as a confidential record to prevent disclosure to any person who was not specifically authorized under Chapter 4 to receive notice of the petition or clinical certificate.

The bill would take effect 90 days after its enactment.

(Under Chapter 4, "person requiring treatment" means an individual who has mental illness and meets a condition listed in the Code relating to 1) an expectation, supported by an act or threats, that the person will seriously injure himself or herself or another person as a result of the illness; 2) the person's inability to attend to his or her basic physical needs that must be attended to in order for the person to avoid serious harm; 3) the person's inability to understand the need for treatment due to impaired judgment, and an expectation that significant physical harm will result, or 4) the person's unlikelihood to participate in treatment voluntarily, his or her noncompliance with recommended treatment necessary to prevent a relapse or deterioration, and past noncompliance that has resulted in placement or incarceration or serious violent behavior.)

MCL 330.1434

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State and could have a minimal negative fiscal impact on local governments. To the extent that courts currently maintain these files publicly, there could be some administration costs to treat them as confidential files.

Date Completed: 4-12-16

Fiscal Analyst: Ryan Bergan