

# HOUSE BILL NO. 5593

December 01, 2021, Introduced by Rep. Calley and referred to the Committee on Health Policy.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 20b to chapter VIII.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER VIII

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2       Sec. 20b. (1) At the time a misdemeanor offense is charged, or  
3 at any later time before trial, the prosecuting attorney or defense  
4 counsel may bring a motion to refer the person to the community  
5 mental health services program. The court shall grant a motion for

1 referral to the community mental health services program made under  
2 this subsection.

3 (2) The community mental health services program shall  
4 evaluate the person's needs and, if appropriate, either enter or  
5 connect the person to the appropriate mental health programming to  
6 ensure that the person receives necessary mental health treatment  
7 in the community. In addition to the motion under subsection (1),  
8 the prosecuting attorney or defense counsel may file a petition for  
9 a clinical evaluation to determine whether the person is a person  
10 requiring treatment.

11 (3) If the appropriate authorization for the release of  
12 information is provided, the community mental health services  
13 program must provide the findings of the assessment to the  
14 prosecuting attorney and defense counsel.

15 (4) If a person is deemed incompetent to stand trial on a  
16 misdemeanor offense punishable by 1 year in jail or less, that  
17 person must be referred to the local community mental health  
18 services program for further review and treatment. The prosecuting  
19 attorney may file a petition with the probate court of the  
20 defendant's county of residence or of the county in which the  
21 criminal trial would be held to determine if the person is a person  
22 requiring treatment using the community mental health services  
23 program finding of incompetency as part of the required proofs. If  
24 a person is determined incompetent under this subsection, the  
25 criminal case must be dismissed.

26 (5) If after a petition by the prosecuting attorney under  
27 subsection (4) the person is determined by the probate court or  
28 community mental health services program to not be a person  
29 requiring treatment, the community mental health services program

1 must enter or connect the person to the appropriate mental health  
2 programming to ensure the person receives treatment as deemed  
3 appropriate by the community mental health services program.

4 (6) As used in this section, "person requiring treatment"  
5 means that term as defined in section 401 of the mental health  
6 code, 1974 PA 258, MCL 330.1401.