Act No. 44
Public Acts of 2024
Approved by the Governor
May 22, 2024
Filed with the Secretary of State
May 22, 2024
EFFECTIVE DATE: August 20, 2024

STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024

Introduced by Reps. Hope, Breen, Byrnes, Glanville, Conlin, Brabec, Arbit, MacDonell, Andrews, Steckloff, Tyrone Carter, Liberati, Filler, Tsernoglou, Wilson, Hood, Dievendorf, Hill, Coffia, Snyder, Morse and Aiyash

ENROLLED HOUSE BILL No. 4523

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 1093 (MCL 600.1093), as amended by 2018 PA 591.

The People of the State of Michigan enact:

Sec. 1093. (1) Each mental health court shall determine whether an individual may be admitted to the mental health court. An individual does not have a right to be admitted into a mental health court. Admission into a mental health court program is at the discretion of the court based on the individual's legal or clinical eligibility. An individual may be admitted to mental health court regardless of prior participation or prior completion status. Unless the mental health court judge and the prosecuting attorney, in consultation with any known victim in the instant case, consent, a violent offender must not be admitted into mental health court. An individual must not be admitted to a mental health court if either of the following applies:

(a) The individual is currently charged with first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d, or child sexually abusive activity in violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(b) The individual has been convicted of first degree murder in violation of section 316 of the Michigan penal code, 1931 PA 328, MCL 750.316, or criminal sexual conduct in the first degree in violation of section 520b of the Michigan penal code, 1931 PA 328, MCL 750.520b.

(2) In addition to admission to a mental health court under this chapter, an individual who is eligible for admission under this chapter may also be admitted to a mental health court under any of the following circumstances:

(a) The individual has been assigned the status of youthful trainee under section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(b) The individual has had criminal proceedings against the individual deferred and has been placed on probation under any of the following:

(*i*) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411.

(*ii*) Section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a.

(*iii*) Section 350a or 430 of the Michigan penal code, 1931 PA 328, MCL 750.350a and 750.430.

(3) To be admitted to a mental health court, an individual must cooperate with and complete a preadmission screening and evaluation assessment and must submit to any future evaluation assessment as directed by the mental health court. A preadmission screening and evaluation assessment must include all of the following:

(a) A review of the individual's criminal history. A review of the law enforcement information network may be considered sufficient for purposes of this subdivision unless a further review is warranted. The court may accept other verifiable and reliable information from the prosecution or defense to complete its review and may require the individual to submit a statement as to whether or not the individual has previously been admitted to a mental health court and the results of the individual's participation in the prior program or programs.

(b) An assessment of the risk of danger or harm to the individual, others, or the community.

(c) A mental health assessment, clinical in nature, and using standardized instruments that have acceptable reliability and validity, meeting diagnostic criteria for a serious mental illness, serious emotional disturbance, co-occurring disorder, or developmental disability.

(d) A review of any special needs or circumstances of the individual that may potentially affect the individual's ability to receive mental health or substance abuse treatment and follow the court's orders.

(4) Except as otherwise permitted in this chapter, any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment under subsection (3) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

(5) The court may request that the department of state police provide to the court information contained in the law enforcement information network pertaining to an individual applicant's criminal history for the purposes of determining an individual's eligibility for admission into the mental health court and general criminal history review.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives

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Secretary of the Senate

Approved_____

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Governor