

DISMISSAL OF CHARGES AGAINST DEFENDANTS DEEMED INCOMPETENT TO STAND TRIAL

Phone: (517) 373-8080
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House Bill 4596 as reported from committee
Sponsor: Rep. Jennifer Wortz
House Committee: Judiciary
Complete to 9-24-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4596 would amend Chapter 10 of the Mental Health Code to change the requirements for the dismissal of charges against defendants deemed incompetent to stand trial.

Under the bill, a court order (or a combination of orders) determining (or redetermining) a defendant's competence to stand trial could remain in effect only for the lesser of the following:

- A total of 15 months after the date the defendant was admitted for treatment at a state facility to render the defendant competent to stand trial. (Current law sets this limit at 15 months from the date of the court's order deeming the defendant incompetent to stand trial.)
- One-third of the maximum sentence the defendant could receive if convicted of the charges. (This provision is in current law and would be retained by the bill.)

The code also now requires that charges against a defendant who is determined incompetent to stand trial must be dismissed 15 months after the date the defendant was originally determined incompetent to stand trial.

The bill would instead require that the charges be dismissed 15 months after the original incompetency order *or* 15 months after the date the defendant was admitted for treatment to render the defendant competent to stand trial at a state facility, whichever is later.¹

Finally, under current law, if charges are dismissed due to the time frame described above, and the crime charged was punishable by a sentence of life imprisonment, a prosecutor may petition the court *at any time* for permission to file the charges again. For other crimes (misdemeanors and felonies that are not punishable by life imprisonment), the prosecutor may petition to file the charges again within a window that equals *one-third of the maximum sentence* of imprisonment the defendant could receive for the charges. The court must grant permission to refile the charges if it determines after a hearing that the defendant is competent to stand trial.

The bill would amend the above provisions to allow a prosecutor to file charges again *at any time* for any felony charges, regardless of the maximum term of imprisonment for the crime. The window for refiling *within one-third* of the maximum sentence would apply only to any misdemeanor charges.

The bill would take effect 90 days after being enacted.

MCL 330.2034 and 330.2044

¹ Under both current law and the bill, the charges also must be dismissed if the prosecutor notifies the court of their intention to not prosecute the case.

BACKGROUND AND BRIEF DISCUSSION:

Under the Mental Health Code, criminal defendants are presumed competent to stand trial unless a judge determines that, because of the defendant's mental condition, the defendant is incapable of understanding the nature and object of the proceedings against them or of assisting in their own defense in a rational manner.² If a defendant is deemed incompetent to stand trial and the court determines that there is a substantial probability that, through medical treatment, the defendant will attain competence to stand trial within 15 months, the court is required to order the defendant to undergo the medical treatment to render them competent to stand trial.³ The code also requires the court to hear and redetermine the issue of the defendant's competence to stand trial and to assess their progress during treatment whenever the court receives a report from the supervisor of treatment or whenever deemed appropriate by the court, unless the defense waives the hearing.⁴

FISCAL IMPACT:

House Bill 4596 would have no fiscal impact on the state or on local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (9-3-25):

- Prosecuting Attorneys Association of Michigan
- Branch County Sheriff's Office

The ACLU of Michigan indicated opposition to the bill. (9-10-25)

Legislative Analyst: Aaron A. Meek
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

² <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-330-2020>

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-330-2032>

⁴ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-330-2040>