

HOUSE BILL NO. 4596

June 10, 2025, Introduced by Reps. Wortz, Outman and Thompson and referred to Committee on Judiciary.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 1034 and 1044 (MCL 330.2034 and 330.2044).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1034. (1) ~~No~~**Except as otherwise provided under section**
2 **1044, an** order or combination of orders issued under section 1032
3 or 1040, or both, ~~shall~~**must only** have force and effect for a total
4 period ~~in excess of that is the lesser of~~ 15 months **after the date**
5 **on which the defendant was admitted for treatment to render the**
6 **defendant competent to stand trial at a state facility** or 1/3 of

1 the maximum sentence the defendant could receive if convicted of
 2 the charges. ~~against him, whichever is lesser; nor~~ **The order must**
 3 **not have force and effect** after the charges against the defendant
 4 are dismissed.

5 (2) The court shall ~~provide for notification of~~ **notify the**
 6 defense counsel, the prosecution, and the medical supervisor of
 7 treatment ~~whenever~~ **of either of the following:**

8 (a) **When** the charges against the defendant are dismissed. ~~and~~
 9 ~~whenever~~

10 (b) **When** an order ~~whose~~ **is voided by the court before the**
 11 **order's** stated time period has ~~not elapsed. is voided by the court.~~

12 (3) If the defendant is to be discharged or released because
 13 of the expiration of an order or orders under section 1032 or 1040,
 14 the supervisor of treatment prior to the discharge or release may
 15 file a petition asserting that the defendant is a person requiring
 16 treatment as defined ~~by~~ **in** section 401 or meets the criteria for
 17 judicial admission ~~as defined by~~ **under** section 515 with the probate
 18 court of the defendant's county of residence.

19 Sec. 1044. (1) The charges against a defendant **who is**
 20 determined incompetent to stand trial ~~shall~~ **must** be dismissed **for**
 21 **either of the following:**

22 (a) ~~When~~ **If** the prosecutor notifies the court of ~~his~~ **the**
 23 **prosecutor's** intention not to prosecute the case. ~~or~~

24 (b) ~~Fifteen~~ **The later of the following dates, 15** months after
 25 the date on which the defendant was originally determined
 26 incompetent to stand trial **or 15 months after the date on which the**
 27 **defendant was admitted for treatment to render the defendant**
 28 **competent to stand trial at a state facility.**

29 (2) ~~When~~ **Except as otherwise provided in this section, if**

1 charges are dismissed ~~pursuant to~~ **under** subsection (1), the same
2 charges, or other charges arising from the transaction which gave
3 rise to the dismissed charges, ~~shall~~ **must** not subsequently be filed
4 against the defendant. ~~, except as provided in this section.~~

5 (3) If the charges were dismissed ~~pursuant to~~ **under** subsection
6 (1)(b) and if the crime charged was ~~punishable by a sentence of~~
7 ~~life imprisonment,~~ **felony**, the prosecutor may at any time petition
8 the court for permission to again file charges. In the case of
9 ~~other misdemeanor~~ charges dismissed ~~pursuant to~~ **under** subsection
10 (1)(b), the prosecutor may, within that period of time after the
11 charges were dismissed equal to 1/3 of the maximum sentence that
12 the defendant could receive on the charges, petition the court for
13 permission to again file charges.

14 (4) The court shall grant permission to again file charges
15 **under subsection (3)** if after a hearing it determines that the
16 defendant is competent to stand trial. Prior to the hearing, the
17 court may order the defendant to be examined by personnel of the
18 center for forensic psychiatry or other qualified person as an
19 outpatient, but may not commit the defendant to the center or any
20 other facility for the examination.

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