

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.2022 Proceeding against incompetent defendant prohibited; pretrial motions; preservation and admissibility of evidence.

Sec. 1022. (1) A defendant who is determined incompetent to stand trial shall not be proceeded against while he is incompetent.

(2) Any pretrial motion may be made by either the defense or prosecution while a defendant is incompetent to stand trial, and the issues presented by the motion shall be heard and decided if the presence of the defendant is not essential for a fair hearing and decision on the motion.

(3) When it appears that evidence essential to the case the defense or prosecution plans to present might not be available at the time of trial, the court shall allow such evidence to be taken and preserved. Evidence so taken shall be admissible at the trial only if it is not otherwise available. Procedures for the taking and preserving of evidence under this subsection, and the conditions under which such evidence shall be admissible at trial, shall be provided by court rule.

History: 1974, Act 258, Eff. Aug. 6, 1975.