

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

**330.2038 Reports; admissibility.**

Sec. 1038. (1) The medical supervisor of treatment shall transmit a written report to the court, prosecuting attorney, defense counsel, and the center for forensic psychiatry:

- (a) At least once every 90 days from the date of an order issued pursuant to section 1032.
- (b) Whenever he is of the opinion that the defendant is no longer incompetent to stand trial.
- (c) Whenever he is of the opinion that there is not a substantial probability that the defendant, with treatment, will attain competence to stand trial within the time limit established by section 1034.
- (2) The reports shall be admissible pursuant to section 1030(3) and shall contain:
  - (a) The clinical findings of the supervisor of treatment.
  - (b) The facts, in reasonable detail, upon which the findings are based, and upon request of the court, defense, or prosecution additional facts germane to the findings.
  - (c) The opinion of the supervisor of treatment on the issue of the incompetence of the defendant to stand trial.
  - (d) If the opinion is that the defendant is incompetent to stand trial, the opinion of the supervisor of treatment on whether the defendant has made progress toward attaining competence to stand trial during the course of treatment.

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