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SFA**BILL ANALYSIS**

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Senate Bill 181 (Substitute S-2 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Mental Health Code to provide that, if a court ordered a person to be hospitalized or admitted to a treatment facility after felony charges were dismissed due to the 15-month limit on treatment for a person deemed incompetent to stand trial, the court would have to include both of the following statements in the order, unless the time for petitioning to refile the dismissed charges had elapsed:

- A requirement that, at least 30 days before the patient's scheduled release or discharge, the director of the treating facility notify the prosecutor in the county in which charges against the person were originally brought.
- A requirement that, at least 30 days before the release or discharge, the patient undergo a competency examination. A copy of the written report of that examination would have to be submitted to the prosecutor's office and the report would be admissible in a competency hearing.

(Under the Mental Health Code, charges must be dismissed following 15 months of treatment after a person is determined incompetent to stand trial; the prosecutor may petition the court for permission to refile the charges within a period of time after the dismissal of charges that is equal to one-third of the maximum sentence that the defendant could receive on the charges. If the maximum penalty is imprisonment for life, the prosecutor may petition the court for permission to refile charges at any time.)

MCL 330.1476 & 330.1525

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would require that individuals who had been placed in an institution due to incompetence to stand trial undergo a competency examination before release from the institution. The results of such an examination would be provided to the relevant county prosecutor. As the cost of one examination for an institutionalized population undergoing constant intensive treatment is relatively small, the bill would result in a minor cost to the Department of Community Health.

Date Completed: 4-24-97

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.