

**SUBSTITUTE FOR
SENATE BILL NO. 181**

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as
amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 476. (1) The hospital director may at any time dis-
2 charge a voluntarily or judicially hospitalized patient whom the
3 hospital director considers clinically suitable for discharge.
4 (2) The hospital director shall discharge a patient hospi-
5 talized by court order when the patient's mental condition is
6 such that he or she no longer meets the criteria of a person
7 requiring treatment.
8 (3) If a patient discharged under subsection (1) or (2) has
9 been hospitalized by court order, or if court proceedings are

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1 pending, the court shall be notified of the discharge by the
2 hospital.

3 (4) IF THE COURT ORDERS A PERSON TO BE HOSPITALIZED UNDER AN
4 INITIAL OR CONTINUING ORDER FOR HOSPITALIZATION SUBSEQUENT TO
5 DISMISSAL OF FELONY CHARGES UNDER SECTION 1044(1)(B), THE COURT
6 SHALL INCLUDE BOTH OF THE FOLLOWING STATEMENTS IN THE INITIAL OR
7 CONTINUING ORDER UNLESS THE TIME FOR PETITIONING TO REFILE
8 CHARGES UNDER SECTION 1044 HAS ELAPSED:

9 (A) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
10 PATIENT'S SCHEDULED RELEASE OR DISCHARGE, THE DIRECTOR OF THE
11 TREATING FACILITY SHALL NOTIFY THE PROSECUTOR'S OFFICE IN THE
12 COUNTY IN WHICH CHARGES AGAINST THE PERSON WERE ORIGINALLY
13 BROUGHT THAT THE PATIENT'S RELEASE OR DISCHARGE IS PENDING.

14 (B) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
15 SCHEDULED RELEASE OR DISCHARGE, THE PATIENT TO BE RELEASED OR
16 DISCHARGED UNDERGO A COMPETENCY EXAMINATION AS DESCRIBED IN SEC-
17 TION 1026. A COPY OF THE WRITTEN REPORT OF THE EXAMINATION ALONG
18 WITH THE NOTICE REQUIRED IN SUBDIVISION (A) SHALL BE SUBMITTED TO
19 THE PROSECUTOR'S OFFICE IN THE COUNTY IN WHICH THE CHARGES
20 AGAINST THE PATIENT WERE ORIGINALLY BROUGHT. THE WRITTEN REPORT
21 IS ADMISSIBLE AS PROVIDED IN SECTION 1030(3).

22 Sec. 525. (1) The director of a center may at any time dis-
23 charge an administratively or judicially admitted resident whom
24 the director considers suitable for discharge.

25 (2) The director of a center shall discharge a resident
26 admitted by court order when the resident no longer meets the
27 criteria for judicial admission.

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1 (3) If a resident discharged under subsection (1) or (2) has
2 been admitted to a center by court order, or if court proceedings
3 are pending, both the court and the community mental health serv-
4 ices program shall be notified of the discharge by the center.

5 (4) IF THE COURT ORDERS A PERSON TO BE JUDICIALLY ADMITTED
6 UNDER SECTION 515 SUBSEQUENT TO DISMISSAL OF FELONY CHARGES UNDER
7 SECTION 1044(1)(B), THE COURT SHALL INCLUDE BOTH OF THE FOLLOWING
8 STATEMENTS IN THE ORDER UNLESS THE TIME FOR PETITIONING TO REFILE
9 CHARGES UNDER SECTION 1044 HAS ELAPSED:

10 (A) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
11 RESIDENT'S SCHEDULED RELEASE OR DISCHARGE, THE DIRECTOR OF THE
12 TREATING FACILITY SHALL NOTIFY THE PROSECUTOR'S OFFICE IN THE
13 COUNTY IN WHICH CHARGES AGAINST THE RESIDENT WERE ORIGINALLY
14 BROUGHT THAT THE RESIDENT'S RELEASE OR DISCHARGE IS PENDING.

15 (B) A REQUIREMENT THAT NOT LESS THAN 30 DAYS BEFORE THE
16 RESIDENT'S SCHEDULED RELEASE OR DISCHARGE, THE RESIDENT UNDERGO A
17 COMPETENCY EXAMINATION AS DESCRIBED IN SECTION 1026. A COPY OF
18 THE WRITTEN REPORT OF THE EXAMINATION ALONG WITH THE NOTICE
19 REQUIRED IN SUBDIVISION (A) SHALL BE SUBMITTED TO THE
20 PROSECUTOR'S OFFICE IN THE COUNTY IN WHICH THE CHARGES AGAINST
21 THE RESIDENT WERE ORIGINALLY BROUGHT. THE WRITTEN REPORT IS
22 ADMISSIBLE AS PROVIDED IN SECTION 1030(3).