

HOUSE BILL NO. 5642

April 18, 2024, Introduced by Reps. Kuhn, Wozniak, St. Germaine, DeBoyer, Tisdell, Aragona and Steele and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 6f to chapter V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

1
2 **Sec. 6f. (1) If at the time a defendant is arrested for a**
3 **misdemeanor or felony offense and the defendant is in possession of**
4 **a firearm, the court may, as part of the defendant's bond**
5 **conditions, order that the defendant undergo a mental health**

1 screening assessment. An order for a mental health screening
2 assessment under this subsection must include a date by which the
3 assessment must be completed.

4 (2) An assessment ordered under subsection (1) must be
5 completed by a mental health professional within the time period
6 included in the order issued under subsection (1). If the defendant
7 fails to obtain a mental health screening assessment within the
8 time period required in the order under subsection (1), the court
9 shall require the defendant to appear and show cause for the
10 failure. The court may amend the defendant's conditions of release
11 or revoke bond for a failure to obtain the mental health screening
12 assessment required under this section at the court's discretion.

13 (3) The defendant may elect to be assessed by a mental health
14 professional of the defendant's choosing or if the defendant is
15 indigent, or otherwise elects not to seek an assessment by a mental
16 health professional of the defendant's choosing, the defendant must
17 be assessed by a mental health professional from the community
18 corrections or community mental health office in the applicable
19 county.

20 (4) The court shall review the results of the mental health
21 screening assessment and may modify the defendant's conditions of
22 release as the court determines appropriate in light of the
23 assessment. If the assessment indicates the defendant may pose a
24 danger to the defendant's self, another named individual, or the
25 community at large, the court shall modify the defendant's
26 conditions of release or revoke the defendant's bond as the court
27 determines appropriate. If the assessment indicates the defendant
28 poses a danger to the defendant's self, another named individual,
29 or the community at large, the court shall review the defendant's

1 conditions of release or detention not less than every 30 days.

2 (5) If an assessment has not yet been ordered under subsection
3 (1), the officer in charge of an investigation, the defense
4 counsel, or the prosecuting attorney of a case may request a mental
5 health screening assessment be performed as provided in this
6 section at the defendant's arraignment on the charge. The court
7 shall grant or deny a request under this subsection at its
8 discretion.

9 (6) As used in this section:

10 (a) "Mental health professional" means an individual who is
11 trained and experienced in the area of mental illness or
12 developmental disabilities and who is 1 of the following:

13 (i) A physician.

14 (ii) A psychologist.

15 (iii) A registered professional nurse licensed or otherwise
16 authorized to engage in the practice of nursing under part 172 of
17 the public health code, 1978 PA 368, MCL 333.17201 to 333.17242.

18 (iv) A licensed master's social worker licensed or otherwise
19 authorized to engage in the practice of social work at the master's
20 level under part 185 of the public health code, 1978 PA 368, MCL
21 333.18501 to 333.18518.

22 (v) A licensed professional counselor licensed or otherwise
23 authorized to engage in the practice of counseling under part 181
24 of the public health code, 1978 PA 368, MCL 333.18101 to 333.18117.

25 (b) "Physician" means an individual licensed or otherwise
26 authorized to engage in the practice of medicine under part 170 of
27 the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, or
28 to engage in the practice of osteopathic medicine and surgery under
29 part 175 of the public health code, 1978 PA 368, MCL 333.17501 to

1 333.17556.

2 (c) "Psychologist" means an individual who is licensed or
3 otherwise authorized to engage in the practice of psychology under
4 part 182 of the public health code, 1978 PA 368, MCL 333.18201 to
5 333.18237, and who devotes a substantial portion of the
6 individual's time to the diagnosis and treatment of individuals
7 with serious mental illness, serious emotional disturbance,
8 substance use disorder, or developmental disability.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5643 (request no.
11 05787'24 a) of the 102nd Legislature is enacted into law.