

SENATE BILL NO. 221

April 17, 2025, Introduced by Senators SANTANA, WOJNO, IRWIN and HERTEL and referred to Committee on Health Policy.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
(MCL 330.1001 to 330.2106) by adding section 1021 and chapter 10A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1021. Sections 1022 to 1044 do not apply to an individual
2 charged with a misdemeanor offense who has been diverted to
3 assisted outpatient treatment under chapter 10A.

4 **CHAPTER 10A**

5 Sec. 1075. (1) At the time a misdemeanor offense is charged,
6 or at any later time before trial, the prosecuting attorney, the

1 defendant, or defense counsel may bring a motion seeking an
2 assessment by a physician, psychologist, or qualified health
3 professional to determine if the defendant meets the criteria for
4 diversion to assisted outpatient treatment under this chapter.
5 Except for a physician who is a psychiatrist, the physician,
6 psychologist, or qualified health professional must discuss the
7 findings and plan for care with a psychiatrist during or
8 immediately after the examination.

9 (2) The defendant or defense counsel may oppose a motion made
10 by the prosecuting attorney under subsection (1). The prosecuting
11 attorney may oppose a motion made by the defendant or defense
12 counsel under subsection (1).

13 (3) If a motion under subsection (1) is opposed by the
14 prosecuting attorney, defendant, or defense counsel, the defendant
15 must not be diverted into assisted outpatient treatment and the
16 competency provisions of chapter 10 must be followed, as
17 applicable.

18 (4) If, upon assessment under subsection (1), it is determined
19 that the defendant meets the criteria for assisted outpatient
20 treatment, the prosecuting attorney shall file a petition as
21 provided for a person requiring treatment under section 434(7).

22 (5) If a petition is filed under subsection (4), the judge of
23 the district court may request assignment from the state court
24 administrative office as a probate judge to hear and determine the
25 petition or direct the prosecuting attorney to file the petition in
26 the probate court in the defendant's county of residence. If the
27 petition is filed in the probate court as provided under this
28 subsection, the probate court shall hear and determine the
29 petition.

1 (6) If, at the hearing on the petition for assisted outpatient
2 treatment, the prosecuting attorney or the defendant objects to
3 entry of the order for assisted outpatient treatment, the petition
4 must be dismissed and the procedures under sections 1022 to 1044
5 apply to the case.

6 (7) If, at the hearing on the petition for assisted outpatient
7 treatment, there is no objection to entry of the order for assisted
8 outpatient treatment, the court shall enter the order.

9 (8) As used in this section:

10 (a) "Person requiring treatment" means that term as defined in
11 section 401.

12 (b) "Qualified health professional" means that term as defined
13 in section 461.

14 Sec. 1076. (1) If diversion from criminal prosecution and into
15 assisted outpatient treatment is ordered after a hearing on a
16 petition under section 1075, the court that heard the petition
17 shall enter an order providing for assisted outpatient treatment
18 for not more than 180 days.

19 (2) If a defendant fails to comply with the terms of the
20 assisted outpatient treatment order, the provisions under section
21 475 apply to the case. If a criminal prosecution continues during
22 the 180-day period provided for in this section, there may be no
23 bond conditions other than that the defendant will not violate any
24 no contact order, will appear as required, will not leave the state
25 without permission of the court, and will not commit any crime
26 while released. Any bond or bond conditions are separate from and
27 not to be included in the determination of whether the defendant
28 has complied with the assisted outpatient treatment order.

29 Sec. 1077. (1) The misdemeanor charges against a defendant

1 receiving assisted outpatient treatment must remain pending until
2 dismissed by the district court for purposes of enforcing
3 conditions of release. The conditions of release for a defendant
4 receiving assisted outpatient treatment must be separate from
5 compliance with the treatment plan. Compliance with the assisted
6 outpatient treatment must not be a condition of release.

7 (2) All matters that concern noncompliance with the assisted
8 outpatient treatment plan must be addressed in a civil proceeding
9 under section 475.

10 (3) Except as otherwise provided in this subsection, a pending
11 misdemeanor charge must be dismissed by the district court 90 days
12 after the entry of the assisted outpatient treatment order. If the
13 defendant was charged with a serious misdemeanor, the misdemeanor
14 charge must be dismissed 180 days after the entry of the assisted
15 outpatient treatment order.

16 (4) As used in this section, "serious misdemeanor" means that
17 term as defined in section 61 of the William Van Regenmorter crime
18 victim's rights act, 1985 PA 87, MCL 780.811.

19 Sec. 1078. Upon the termination of the assisted outpatient
20 treatment, the provider of the assisted outpatient treatment shall
21 notify the prosecutor, district court, and probate court, as
22 applicable, that the assisted outpatient treatment has been
23 terminated.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 219 of the 103rd Legislature is enacted into
26 law.