

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1525 Discretionary discharge; mandatory discharge; notice; statements.

Sec. 525. (1) The director of a facility may at any time discharge an administratively admitted resident or a resident admitted by court order whom the director considers suitable for discharge.

(2) The director of a facility shall discharge a resident admitted by court order when the resident no longer meets the criteria for treatment.

(3) If a resident discharged under subsection (1) or (2) has been admitted to a facility by court order, or if court proceedings are pending, both the court and the community mental health services program shall be notified of the discharge by the facility. If a resident met the criteria for treatment under section 515(b), the prosecuting attorney must also be notified of the discharge by a facility.

(4) If the court orders a person to be admitted under section 515 subsequent to dismissal of felony charges under section 1044(1)(b), the court shall include both of the following statements in the order unless the time for petitioning to refile charges under section 1044 has elapsed:

(a) A requirement that not less than 30 days before the resident's scheduled release or discharge, the director of the treating facility shall notify the prosecutor's office in the county in which charges against the resident were originally brought that the resident's release or discharge is pending.

(b) A requirement that not less than 30 days before the resident's scheduled release or discharge, the resident undergo a competency examination as described in section 1026. A copy of the written report of the examination along with the notice required in subdivision (a) shall be submitted to the prosecutor's office in the county in which the charges against the resident were originally brought. The written report is admissible as provided in section 1030(3).

History: 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996;—Am. 1998, Act 382, Imd. Eff. Oct. 23, 1998;—Am. 2018, Act 596, Eff. Mar. 28, 2019.