



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 978 (as introduced 4-26-96)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 11-8-96

CONTENT

The bill would amend the Mental Health Code to require that, 30 days before a defendant was to be discharged or released because of the expiration of a court order for treatment after an examination and determination that he or she was incompetent to stand trial, the treatment supervisor notify the prosecution by certified mail of the defendant's proposed discharge or release.

In addition, if a court ordered a person to be hospitalized for a mental illness or developmental disability under the Mental Health Code's civil admission and discharge provisions, and if that person had had charges dismissed due to an extended period of incompetence to stand trial and the time for refiling the charges had not elapsed, the court would have to include both of the following in its hospitalization order:

- A requirement that, 30 days before the person's scheduled release or discharge, the prosecutor's office in the county in which charges against the person were originally brought be notified of the pending release or discharge.
- A requirement that the person to be released or discharged undergo an examination for competency to stand trial and that a copy of the written report of the examination be submitted to the prosecutor's office in the county in which the charges against the person were originally filed.

MCL 330.2034 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: S. Angelotti
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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.