



HOUSE BILL No. 4025

January 11, 1995, Introduced by Reps. Profit and Wallace and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 517 of Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," being section 330.1517 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 517 of Act No. 258 of the Public Acts of
2 1974, being section 330.1517 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 517. (1) ~~Hearings, other than preliminary hearings,~~
5 A HEARING convened to determine whether an individual meets the
6 criteria for judicial admission ~~shall be~~ IS governed by sec-
7 tions 517 to 522. ~~, except that they shall not perforce be~~
8 SECTIONS 517 TO 522 ARE applicable to the hearing provided for in
9 section 511 ONLY TO THE EXTENT PROVIDED IN THAT SECTION.

1 (2) Upon receipt of a petition and a report as provided for
2 in section 516 or 532, or receipt of a petition as provided for
3 in section 531, the court shall DO ALL OF THE FOLLOWING:

4 (a) Fix a date for a hearing, ~~said date to be~~ WHICH DATE
5 IS within 14 days ~~of~~ AFTER the court's receipt of the documents
6 or document.

7 (b) Fix a place for a hearing, either in a facility or other
8 convenient place, within or without the county.

9 (c) Cause notice of a petition and of the time and place of
10 any hearing to be given to the individual asserted to meet the
11 criteria for judicial admission, ~~his~~ THE INDIVIDUAL'S attorney,
12 the petitioner, the prosecuting or other attorney specified in
13 subsection (4), the director of any facility to which the indi-
14 vidual is admitted, the individual's spouse if his or her where-
15 abouts are known, the guardian, if any, of the individual, and
16 such other relatives or persons ~~as the court may determine.~~
17 ~~Such~~ AT THE DISCRETION OF THE COURT. THE notice shall be given
18 at the earliest practicable time and sufficiently in advance of
19 the hearing date to permit preparation for the hearing.

20 (d) ~~Cause the individual to be given within~~ WITHIN 4 days
21 ~~of~~ AFTER the court's receipt of the documents described in sec-
22 tion 516, CAUSE THE INDIVIDUAL TO BE GIVEN a copy of the petition
23 ~~, a copy of~~ AND the report, unless ~~he~~ THE INDIVIDUAL has pre-
24 viously been given a copy of the petition and the report, ~~notice~~
25 ~~of his right to a full court hearing, notice of his right to be~~
26 ~~present at the hearing, notice of his right to be represented~~

1 AND CAUSE THE INDIVIDUAL TO BE NOTIFIED OF THE INDIVIDUAL'S RIGHT
2 TO ALL OF THE FOLLOWING:

3 (i) A FULL COURT HEARING.

4 (ii) AN APPEARANCE AT THE HEARING, OR TO WAIVE HIS OR HER
5 APPEARANCE AND STIPULATE TO THE ALLEGATIONS IN THE PETITION.

6 (iii) REPRESENTATION by legal counsel. ~~, notice of his~~
7 ~~right to demand~~

8 (iv) DEMAND OF a jury trial. ~~, and notice of his right to~~
9 ~~an~~

10 (v) AN independent medical or psychological evaluation.

11 (e) Subsequently give copies of all orders to the persons
12 identified in subdivision (c).

13 (3) The individual asserted to meet the criteria for judi-
14 cial admission is entitled to be represented by legal counsel in
15 the same manner as counsel is provided ~~pursuant to~~ IN section
16 454, and is entitled TO ALL OF THE FOLLOWING:

17 (a) To be present at the hearing, OR TO WAIVE HIS OR HER
18 APPEARANCE AND STIPULATE TO THE ALLEGATIONS IN THE PETITION.

19 (b) To have upon demand a trial by jury of 6.

20 (c) To obtain a continuance for any reasonable time for good
21 cause.

22 (d) To present documents and witnesses.

23 (e) To cross-examine witnesses.

24 (f) To require testimony in court in person from ~~one~~ 1
25 physician or ~~one~~ 1 psychologist who has personally examined
26 ~~him~~ THE INDIVIDUAL.

1 (g) To receive an independent examination by a physician or
2 psychologist of ~~his~~ THE INDIVIDUAL'S choice on the issue of
3 whether he OR SHE meets the criteria for judicial admission.

4 (4) The prosecuting attorney of the county in which a court
5 has its principal office shall participate, either in person or
6 by assistant, in hearings convened UNDER THIS CHAPTER by the
7 court of ~~his county under this chapter~~ THE PROSECUTING
8 ATTORNEY'S COUNTY, except that a prosecutor need not participate
9 in or be present at a hearing whenever a petitioner or some other
10 appropriate person has retained private counsel who will be
11 present in court and will present to the court the case for a
12 finding that the individual meets the criteria for judicial
13 admission.

14 (5) Unless the individual or ~~his~~ THE INDIVIDUAL'S attorney
15 objects, the failure to timely notify a spouse, guardian, or
16 other person determined by the court to be entitled to notice
17 ~~shall not be~~ IS NOT cause to adjourn or continue ~~any~~ A
18 hearing.

19 (6) The individual, any interested person, or the court on
20 its own motion may request a change of venue because of resi-
21 dence, convenience to parties, witnesses, or the court, or the
22 individual's mental or physical condition.