

# SENATE BILL No. 1305

April 29, 2010, Introduced by Senators CROPSEY, McMANUS, KUIPERS and BISHOP and referred to the Committee on Judiciary.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 401 (MCL 330.1401), as amended by 2004 PA 496.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 401. (1) As used in this chapter, "person requiring  
2 treatment" means (a), (b), (c), or (d):

3           (a) An individual who has mental illness, and who as a result  
4 of that mental illness can reasonably be expected within the near  
5 future to intentionally or unintentionally seriously physically  
6 injure himself, herself, or another individual, and who has engaged  
7 in an act or acts or made significant threats that are  
8 substantially supportive of the expectation.

9           (b) An individual who has mental illness, and who as a result  
10 of that mental illness is unable to attend to those of his or her

1 basic physical needs such as food, clothing, or shelter that must  
2 be attended to in order for the individual to avoid serious harm in  
3 the near future, and who has demonstrated that inability by failing  
4 to attend to those basic physical needs.

5 (c) An individual who has mental illness, whose judgment is so  
6 impaired that he or she is unable to understand his or her need for  
7 treatment ~~and whose continued behavior as the result of this mental~~  
8 ~~illness can reasonably be expected, on the basis of competent~~  
9 ~~clinical opinion, to result in significant physical harm to~~  
10 ~~himself, herself, or others. This individual shall receive~~  
11 ~~involuntary mental health treatment initially only under the~~  
12 ~~provisions of sections 434 through 438~~ **ON THE BASIS OF COMPETENT**  
13 **CLINICAL OPINION.**

14 (d) An individual who has mental illness, whose understanding  
15 of the need for treatment is impaired to the point that he or she  
16 is unlikely to participate in treatment voluntarily, who is  
17 currently noncompliant with treatment that has been recommended by  
18 a mental health, professional and that has been determined to be  
19 necessary to prevent a relapse or harmful deterioration of his or  
20 her condition and whose noncompliance with treatment has been a  
21 factor in the individual's placement in a psychiatric hospital,  
22 prison, or jail at least 2 times within the last 48 months or whose  
23 noncompliance with treatment has been a factor in the individual's  
24 committing 1 or more acts, attempts, or threats of serious violent  
25 behavior within the last 48 months. An individual under this  
26 subdivision is only eligible to receive assisted outpatient  
27 treatment under section 433 or 469a.

1           (2) An individual whose mental processes have been weakened or  
2 impaired by a dementia, an individual with a primary diagnosis of  
3 epilepsy, or an individual with alcoholism or other drug dependence  
4 is not a person requiring treatment under this chapter unless the  
5 individual also meets the criteria specified in subsection (1). An  
6 individual described in this subsection may be hospitalized under  
7 the informal or formal voluntary hospitalization provisions of this  
8 chapter if he or she is considered clinically suitable for  
9 hospitalization by the hospital director.