

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5234

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding sections 3g and 3h to chapter XI.

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

CHAPTER XI

1  
2           **SEC. 3G. (1) A COUNTY SHERIFF MAY NOTIFY THE COURT IN WRITING**  
3 **THAT A PRISONER MAY BE ELIGIBLE FOR MEDICAL PROBATION IF THE COUNTY**  
4 **SHERIFF HAS CONSULTED WITH A PHYSICIAN AND THE PHYSICIAN DETERMINED**  
5 **EITHER OF THE FOLLOWING:**

6           **(A) THE PRISONER IS PHYSICALLY OR MENTALLY INCAPACITATED DUE**  
7 **TO A MEDICAL CONDITION THAT RENDERS THE PRISONER UNABLE TO PERFORM**  
8 **ACTIVITIES OF BASIC DAILY LIVING, AND THE PRISONER REQUIRES 24-HOUR**  
9 **CARE. THE PHYSICIAN SHALL EVALUATE WHEN THE PHYSICAL OR MENTAL**  
10 **INCAPACITATION AROSE.**

1 (B) THE PRISONER REQUIRES ACUTE LONG-TERM MEDICAL TREATMENT OR  
2 SERVICES.

3 (2) A COUNTY SHERIFF'S NOTIFICATION SUBMITTED TO THE COURT  
4 UNDER SUBSECTION (1) MUST BE ACCOMPANIED WITH THE EVIDENCE THE  
5 PHYSICIAN CONSIDERED IN MAKING A DETERMINATION UNDER SUBSECTION  
6 (1) (A) OR (B).

7 (3) SUBJECT TO SUBSECTION (4), A COURT MAY ENTER AN ORDER OF  
8 PROBATION PLACING A PRISONER ON MEDICAL PROBATION UNDER THE CHARGE  
9 AND SUPERVISION OF A PROBATION OFFICER IF THE COURT FINDS THAT THE  
10 PRISONER REQUIRES ACUTE LONG-TERM MEDICAL TREATMENT OR SERVICES, OR  
11 THAT THE PRISONER IS PHYSICALLY OR MENTALLY INCAPACITATED WITH A  
12 MEDICAL CONDITION THAT RENDERS THE PRISONER UNABLE TO PERFORM  
13 ACTIVITIES OF BASIC DAILY LIVING AND THE PRISONER REQUIRES 24-HOUR  
14 CARE.

15 (4) A COURT SHALL NOT PLACE A PRISONER ON MEDICAL PROBATION  
16 UNLESS ALL OF THE FOLLOWING APPLY:

17 (A) A PLACEMENT OPTION HAS BEEN SECURED FOR THE PRISONER IN  
18 THE COMMUNITY. A PLACEMENT OPTION MAY INCLUDE, BUT IS NOT LIMITED  
19 TO, HOME CONFINEMENT OR A MEDICAL FACILITY.

20 (B) THE COUNTY SHERIFF HAS MADE A REASONABLE EFFORT TO  
21 DETERMINE WHETHER EXPENSES RELATED TO THE PRISONER'S PLACEMENT  
22 SECURED UNDER SUBDIVISION (A) ARE COVERED BY MEDICAID, A HEALTH  
23 CARE POLICY, A CERTIFICATE OF INSURANCE, OR ANOTHER SOURCE FOR THE  
24 PAYMENT OF MEDICAL EXPENSES OR WHETHER THE PRISONER HAS SUFFICIENT  
25 INCOME OR ASSETS TO PAY FOR EXPENSES RELATED TO THE PLACEMENT.

26 (C) THE COURT CONDUCTED A PUBLIC HEARING IN WHICH THE  
27 PROSECUTING ATTORNEY OF THE COUNTY AND EACH VICTIM WHO REQUESTS

1 NOTICE IN THE MANNER PROVIDED IN THE WILLIAM VAN REGENMORTER CRIME  
2 VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834, ARE  
3 PROVIDED ADEQUATE NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE  
4 HEARD DURING THE HEARING.

5 (5) IF A COURT'S PLACEMENT OF A PRISONER ON MEDICAL PROBATION  
6 RESULTS IN EXPENSES INCURRED BY THE COUNTY THAT ARE NOT COVERED BY  
7 A PAYMENT SOURCE IDENTIFIED UNDER SUBSECTION (4) (B), TO THE EXTENT  
8 PERMITTED UNDER APPLICABLE LAW, THE COUNTY MAY SEEK REIMBURSEMENT  
9 FOR THOSE EXPENSES.

10 (6) AN ORDER OF MEDICAL PROBATION ENTERED UNDER SUBSECTION (3)  
11 MAY INCLUDE AS A CONDITION OF THE MEDICAL PROBATION THAT THE  
12 PRISONER SUBMIT TO REEXAMINATION BY A PHYSICIAN TO ASSESS WHETHER  
13 THE PRISONER CONTINUES TO MEET THE REQUIREMENTS FOR MEDICAL  
14 PROBATION UNDER SUBSECTION (3). AT ANY TIME WHILE THE PRISONER IS  
15 PLACED ON MEDICAL PROBATION, THE COURT OR PROBATION OFFICER MAY  
16 REQUIRE THE PRISONER TO SUBMIT TO A REEXAMINATION. IF, AFTER THE  
17 PRISONER IS REEXAMINED, THE COURT FINDS THAT THE REQUIREMENTS FOR  
18 MEDICAL PROBATION UNDER SUBSECTION (3) ARE NO LONGER MET, THE COURT  
19 SHALL REVOKE MEDICAL PROBATION AND ORDER THE PRISONER COMMITTED TO  
20 THE COUNTY JAIL FOR A TERM OF IMPRISONMENT THAT DOES NOT EXCEED THE  
21 PENALTY THAT WAS IMPOSED, LESS TIME SERVED, FOR THE OFFENSE FOR  
22 WHICH THE PRISONER WAS ORIGINALLY CONVICTED AND PLACED ON MEDICAL  
23 PROBATION.

24 (7) AS USED IN THIS SECTION AND SECTION 3H OF THIS CHAPTER:

25 (A) "COUNTY SHERIFF" INCLUDES THE SHERIFF OF A COUNTY IN THIS  
26 STATE OR THE SHERIFF'S DESIGNEE.

27 (B) "PHYSICIAN" MEANS THAT TERM AS DEFINED IN SECTION 17001 OF

1 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17001.

2 (C) "PRISONER" MEANS AN INDIVIDUAL COMMITTED OR SENTENCED TO  
3 IMPRISONMENT UNDER SECTION 28 OF CHAPTER IX.

4 SEC. 3H. (1) A COUNTY SHERIFF MAY NOTIFY THE COURT IN WRITING  
5 THAT A PRISONER MAY BE ELIGIBLE FOR COMPASSIONATE RELEASE IF THE  
6 COUNTY SHERIFF HAS CONSULTED WITH A PHYSICIAN AND THE PHYSICIAN  
7 DETERMINED THAT THE PRISONER HAS A LIFE EXPECTANCY OF NOT MORE THAN  
8 6 MONTHS. THE NOTIFICATION MUST BE ACCOMPANIED WITH THE EVIDENCE  
9 THE PHYSICIAN CONSIDERED IN MAKING THE DETERMINATION REGARDING THE  
10 PRISONER'S LIFE EXPECTANCY.

11 (2) SUBJECT TO SUBSECTION (3), A COURT MAY GRANT COMPASSIONATE  
12 RELEASE TO A PRISONER IF THE COURT FINDS THAT THE PRISONER HAS A  
13 LIFE EXPECTANCY OF NOT MORE THAN 6 MONTHS AND THAT THE RELEASE OF  
14 THE PRISONER WOULD NOT REASONABLY POSE A THREAT TO PUBLIC SAFETY OR  
15 THE PRISONER. IF A COURT GRANTS A PRISONER COMPASSIONATE RELEASE,  
16 THE COURT SHALL ENTER AN AMENDED JUDGMENT OF SENTENCE SPECIFYING  
17 THAT THE PRISONER IS RELEASED FROM THE TERM OF IMPRISONMENT IMPOSED  
18 FOR THE OFFENSE FOR WHICH THE PRISONER WAS ORIGINALLY CONVICTED.

19 (3) A COURT SHALL NOT GRANT A PRISONER COMPASSIONATE RELEASE  
20 UNLESS ALL OF THE FOLLOWING APPLY:

21 (A) A PLACEMENT OPTION HAS BEEN SECURED FOR THE PRISONER IN  
22 THE COMMUNITY. A PLACEMENT OPTION MAY INCLUDE, BUT IS NOT LIMITED  
23 TO, PLACEMENT IN THE PRISONER'S HOME OR A MEDICAL FACILITY.

24 (B) THE SHERIFF HAS MADE A REASONABLE EFFORT TO DETERMINE  
25 WHETHER EXPENSES RELATED TO THE PRISONER'S PLACEMENT SECURED UNDER  
26 SUBDIVISION (A) ARE COVERED BY MEDICAID, A HEALTH CARE POLICY, A  
27 CERTIFICATE OF INSURANCE, OR ANOTHER SOURCE FOR THE PAYMENT OF

1 MEDICAL EXPENSES OR WHETHER THE PRISONER HAS SUFFICIENT INCOME OR  
2 ASSETS TO PAY FOR EXPENSES RELATED TO THE PLACEMENT.

3 (C) THE COURT CONDUCTED A PUBLIC HEARING IN WHICH THE  
4 PROSECUTING ATTORNEY OF THE COUNTY AND EACH VICTIM WHO REQUESTS  
5 NOTICE IN THE MANNER PROVIDED IN THE WILLIAM VAN REGENMORTER CRIME  
6 VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834, ARE  
7 PROVIDED ADEQUATE NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE  
8 HEARD DURING THE HEARING.

9 (4) IF A COURT'S GRANT OF COMPASSIONATE RELEASE TO A PRISONER  
10 RESULTS IN EXPENSES INCURRED BY THE COUNTY THAT ARE NOT COVERED BY  
11 A PAYMENT SOURCE IDENTIFIED UNDER SUBSECTION (3) (B), TO THE EXTENT  
12 PERMITTED UNDER APPLICABLE LAW, THE COUNTY MAY SEEK REIMBURSEMENT  
13 FOR THOSE EXPENSES.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.