

Act No. 382  
Public Acts of 1998  
Approved by the Governor  
October 22, 1998  
Filed with the Secretary of State  
October 23, 1998  
EFFECTIVE DATE: October 23, 1998

STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

**Introduced by Senator Van Regenmorter**

# **ENROLLED SENATE BILL No. 181**

AN ACT to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

*The People of the State of Michigan enact:*

Sec. 476. (1) The hospital director may at any time discharge a voluntarily or judicially hospitalized patient whom the hospital director considers clinically suitable for discharge.

(2) The hospital director shall discharge a patient hospitalized by court order when the patient's mental condition is such that he or she no longer meets the criteria of a person requiring treatment.

(3) If a patient discharged under subsection (1) or (2) has been hospitalized by court order, or if court proceedings are pending, the court shall be notified of the discharge by the hospital.

(4) If the court orders a person to be hospitalized under an initial or continuing order for hospitalization subsequent to dismissal of felony charges under section 1044(1)(b), the court shall include both of the following statements in the initial or continuing 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 patient'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 person were originally brought that the patient's release or discharge is pending.

(b) A requirement that not less than 30 days before the scheduled release or discharge, the patient to be released or discharged 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 patient were originally brought. The written report is admissible as provided in section 1030(3).

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

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

(3) If a resident discharged under subsection (1) or (2) has been admitted to a center 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 center.

(4) If the court orders a person to be judicially 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).

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate.

*Mary B. Burt*

Clerk of the House of Representatives.

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor.