

Legislative Analysis



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ELIMINATE REFERENCES TO SCAO

Senate Bill 1261 as passed by the Senate
Sponsor: Sen. Michael D. Bishop

Senate Bill 1262 (Substitute H-1)
Sponsor: Sen. Bruce Patterson

Senate Bill 1263 as passed by the Senate
Sponsor: Sen. Alan Sanborn

House Committee: Judiciary
Senate Committee: Judiciary

First Analysis (6-23-04)

BRIEF SUMMARY: The bills would amend various acts to remove unnecessary references to the State Court Administrative Office.

FISCAL IMPACT: The bills would have no fiscal impact.

THE APPARENT PROBLEM:

The State Court Administrative Office (SCAO) aids the Michigan Supreme Court in administration of the state's trial courts. Under the general direction of the supreme court, the SCAO has responsibility for assisting in the administration of justice in the state's trial courts. According to counsel for the state supreme court, a number of statutes make reference to the State Court Administrative Office when there is no need for the involvement of the SCAO. At the request of the SCAO, legislation is being offered to amend several statutes to remove references to the office.

THE CONTENT OF THE BILLS:

Specifically, the bills would do the following:

Senate Bill 1261 would amend the Insurance Code (MCL 500.6111) to remove the State Court Administrative Office (SCAO) from being involved in the development of a biennial automobile theft report.

The code requires the Automobile Theft Prevention Authority, by July 1 of every odd-numbered year, to prepare a report that details the theft of automobiles in this state for the previous two years, assesses the impact of the thefts on auto insurance rates, summarizes prevention programs, and outlines allocations made by the authority. The report must be

submitted to the Senate and House standing committees on insurance issues and the commissioner of the Office of Financial and Insurance Services.

The director of the Department of State Police, insurers, the commissioner, and the SCAO are required to cooperate in the development of the report, as requested by the authority, and make available records and statistics concerning auto thefts. The bill would delete the reference to the SCAO in this provision.

Senate Bill 1262 would amend the Mental Health Code (MCL 330.1422) to require community mental health service programs to give notice to the department and to the probate court of each county in the program's service area, rather than the State Court Administrative Office (SCAO), of the hospitals designated to receive individuals taken into protective custody.

Under the code, each community mental health services program (CMHSP) must designate the hospitals with which it has a contract to receive and detain individuals taken into protective custody under Section 427 or 428 of the code. Each CMHSP also must notify the Department of Community Health and the SCAO of the designated hospitals. The bill would require a CMHSP to notify the appropriate court, instead of the SCAO.

(Section 427 allows a peace officer to take an individual into protective custody and transport him or her to a preadmission screening unit designated by a CMHSP, if the peace officer observes the individual conducting himself or herself in a manner that leads the officer to believe the individual is a "person requiring treatment". Upon arrival, the officer must execute an application for hospitalization of the individual. Under Section 428, if the person who executed an application for hospitalization of an individual is unable to secure an examination by a physician or a licensed psychologist, the application may be presented to the court, which may order a peace officer to take an individual into protective custody and transport him or her to a preadmission screening unit designated by a CMHSP.)

Senate Bill 1263 would amend the Code of Criminal Procedure (MCL 764.1) to delete the requirement that the State Court Administrative Office establish paper quality and durability standards for arrest warrants.

HOUSE COMMITTEE ACTION:

An H-1 Substitute was adopted for Senate Bill 1262. Instead of requiring notice to be given to the Department of Community Health and the "appropriate court", the substitute would require CMHSPs to give notice to the department and the probate court of each county in the program's service area as to the hospitals designated to receive individuals taken into protective custody.

ARGUMENTS:

For:

Several statutes require involvement of the State Court Administrative Office (SCAO) where none is needed. For instance, there is no need for the SCAO to be involved in the development of the biennial report on auto thefts in the state. The main purpose of the SCAO is to assist the trial courts in the administration of justice. To fulfill that duty, the SCAO publishes a number of manuals, maintains a Parenting Time web site, and convened a meeting of chief judges and other trial court representatives in 2003 to look at the problem of jail overcrowding. Obviously, compiling statistics on auto thefts does not fall within the office's purview.

Similarly, the SCAO is not qualified to make a determination on the paper quality and durability standards for arrest warrants. Further, it is important that community mental health services programs notify the appropriate courts in their service areas as to which hospitals the CMHSP has a contract with to receive persons taken into protective custody, not the SCAO. The bills make sense and eliminate unnecessary or inappropriate responsibilities for the SCAO.

POSITIONS:

The Deputy Counsel for the state supreme court testified in favor of the bills. (6-22-04)

A representative of the Department of Community Health indicated support for Senate Bill 1262. (6-22-04)

A representative of the Office of Financial and Insurance Services indicated a position of neutrality on Senate Bill 1261. (6-22-04)

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