



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1261, 1262, and 1263 (as enrolled)
Sponsor: Senator Michael D. Bishop (S.B. 1261)
Senator Bruce Patterson (S.B. 1262)
Senator Alan Sanborn (S.B. 1263)

Senate Committee: Judiciary
House Committee: Judiciary

Date Completed: 8-31-04

PUBLIC ACTS 316-318 of 2004

RATIONALE

A number of statutes had provided for the State Court Administrative Office (SCAO) to be involved in various activities. For instance, the Insurance Code required the SCAO to cooperate with the Automobile Theft Prevention Authority in the preparation of its biennial report; the Mental Health Code required community mental health services programs (CMHSPs) to notify the SCAO of hospitals designated to receive people taken into protective custody; and the Code of Criminal Procedure required the SCAO to establish paper quality standards for arrest warrants. According to the SCAO, its involvement in these activities was unnecessary.

CONTENT

Senate Bills 1261, 1262, and 1263 amended, respectively, the Insurance Code, the Mental Health Code, and the Code of Criminal Procedure to eliminate the required participation of the State Court Administrative Office in particular activities under those statutes.

Senate Bill 1261

The Insurance 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, and the Commissioner are required to cooperate in the development of the report, as requested by the Authority, and make available records and statistics concerning auto thefts. Previously, the SCAO also was required to participate in these activities. The bill deleted reference to the SCAO.

Senate Bill 1262

Under the Mental Health Code, each 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 of the designated hospitals. Previously, each CMHSP also had to notify the SCAO of the designated hospitals. The bill requires a CMHSP to notify the probate court of each county in the CMHSP's service area, 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

The bill deleted the requirement in the Code of Criminal Procedure that the SCAO establish paper quality and durability standards for arrest warrants.

MCL 500.6111 (S.B. 1261)
330.1422 (S.B. 1262)
764.1 (S.B. 1263)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to the SCAO, it has no useful information to provide to the Automobile Theft Prevention Authority's biennial report, so it need not cooperate with the Authority in the development of that report.

Supporting Argument

While individual probate courts might have an interest in the hospitals with which a CMHSP contracts to receive or detain individuals taken into protective custody, the SCAO has no need for that information. Senate Bill 1262 addressed this situation by requiring a CMHSP to notify the appropriate court rather than the SCAO.

Supporting Argument

According to the SCAO, it has never developed paper quality and durability standards for arrest warrants and the Code of Criminal Procedure's requirement that it do so was unwarranted. Although it likely would not have resulted in an overturned conviction or the exclusion of evidence, a claim that a warrant was not on the required quality of paper could have been used as the basis for a criminal appeal. Since paper quality standards are not pertinent to a

criminal charge and since the SCAO has never perceived a need to develop the standards, the requirement was unnecessary.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

According to the SCAO, the bills will have no fiscal impact.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.