

Act No. 276  
Public Acts of 2013  
Approved by the Governor  
December 30, 2013  
Filed with the Secretary of State  
December 30, 2013  
EFFECTIVE DATE: December 30, 2013

**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2013**

Introduced by Reps. Walsh, Cotter, Graves, Johnson, McCready, Heise, Haines, MacMaster, Howrylak, O'Brien, Hovey-Wright and Leonard

# ENROLLED HOUSE BILL No. 4696

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding sections 1094, 1095, and 1096.

*The People of the State of Michigan enact:*

Sec. 1094. (1) If the individual is charged in a criminal case or, in the case of a juvenile, is alleged to have engaged in activity that would constitute a criminal act if committed by an adult, his or her admission to mental health court is subject to all of the following conditions:

(a) The individual, if an adult, pleads guilty, no contest, or be convicted of any criminal charge on the record. The individual, if a juvenile, admits responsibility for the violation or violations that he or she is accused of having committed.

(b) The individual waives, in writing, the right to a speedy trial and, with the agreement of the prosecutor, the right to a preliminary examination.

(c) The individual signs a written agreement to participate in the mental health court. If the individual is a juvenile or an individual who has been assigned a guardian, the parent or legal guardian is required to sign all documents for the individual's admission in the mental health court.

(2) Nothing in this chapter shall be construed to preclude a court from providing mental health services to an individual before he or she enters a plea and is accepted into the mental health court.

(3) An individual who has waived his or her right to a preliminary examination, who has pled guilty or no contest or, in the case of a juvenile, has admitted responsibility, as part of his or her referral process to a mental health court, and who is subsequently not admitted to a mental health court may withdraw his or her plea and is entitled to a preliminary examination or, in the case of a juvenile, may withdraw his or her admission of responsibility.

(4) In addition to rights accorded a victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, the mental health court shall permit any victim of the offense or offenses of which the individual is charged or, in the case of a juvenile, any victim of the activity that the individual is alleged to have committed and that would constitute a criminal act if committed by an adult, as well as any victim of a prior offense of which that individual was convicted or, in the case of a juvenile, a prior offense for which the individual has been found

responsible, to submit a written statement to the court regarding the advisability of admitting the individual into the mental health court.

Sec. 1095. (1) Upon admitting an individual into a mental health court, all of the following apply:

(a) For an individual who is admitted to a mental health court based upon having criminal charges currently filed against him or her and who has not already pled guilty or no contest or, in the case of a juvenile, has not admitted responsibility, the court shall accept the plea of guilty or no contest or, in the case of a juvenile, the admission of responsibility.

(b) For an individual who pled guilty or no contest to, or admitted responsibility for, criminal charges for which he or she was admitted into the mental health court, the court shall do either of the following:

(i) In the case of an individual who pled guilty or no contest to criminal offenses that are not traffic offenses and who may be eligible for discharge and dismissal under the agreement for which he or she was admitted into mental health court upon successful completion of the mental health court program, the court shall not enter a judgment of guilt or, in the case of a juvenile, shall not enter an adjudication of responsibility.

(ii) In the case of an individual who pled guilty to a traffic offense or who pled guilty to an offense but may not be eligible for discharge and dismissal pursuant to the agreement with the court and prosecutor upon successful completion of the mental health court program, the court shall enter a judgment of guilt or, in the case of a juvenile, shall enter an adjudication of responsibility.

(iii) Pursuant to the agreement with the individual and the prosecutor, the court may either delay further proceedings as provided in section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or proceed to sentencing, as applicable, and place the individual on probation or other court supervision in the mental health court program with terms and conditions according to the agreement and as considered necessary by the court.

(2) The court shall maintain jurisdiction over the mental health court participant as provided in this chapter until final disposition of the case, but not longer than the probation period fixed under section 2 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.2. In the case of a juvenile participant, the court may obtain jurisdiction over the juvenile's parents or guardians in order to assist in ensuring the juvenile's continued participation and successful completion of the mental health court and may issue and enforce any appropriate and necessary order regarding the parent or guardian.

(3) The mental health court may require an individual admitted into the court to pay a reasonable mental health court fee that is reasonably related to the cost to the court for administering the mental health court program as provided in the memorandum of understanding. The clerk of the mental health court shall transmit the fees collected to the treasurer of the local funding unit at the end of each month.

Sec. 1096. (1) A mental health court shall provide a mental health court participant with all of the following:

(a) Consistent and close monitoring of the participant and interaction among the court, treatment providers, probation, and the participant.

(b) If determined by the mental health court to be necessary or appropriate, periodic and random testing for the presence of any nonprescribed controlled substance or alcohol in a participant's blood, urine, or breath, using to the extent practicable the best available, accepted, and scientifically valid methods.

(c) Periodic evaluation assessments of the participant's circumstances and progress in the program.

(d) A regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement.

(e) Mental health services, substance use disorder services, education, and vocational opportunities as appropriate and practicable.

(2) Upon an individual's completion of the required mental health court program participation, an exit evaluation should be conducted in order to assess the individual's continuing need for mental health, developmental disability, or substance abuse services.

(3) Any statement or other information obtained as a result of participating in assessment, treatment, or testing while in a mental health court is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal controlled substance use.

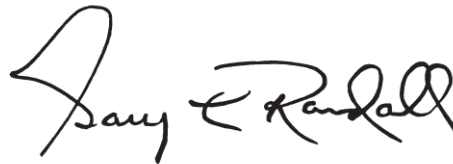
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

(a) House Bill No. 4694.

(b) House Bill No. 4695.

(c) House Bill No. 4697.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

**Compiler's note:** The bills referred to in enacting section 1 were enacted into law as follows:

House Bill No. 4694 was filed with the Secretary of State December 30, 2013, and became 2013 PA 274, Imd. Eff. Dec. 30, 2013.

House Bill No. 4695 was filed with the Secretary of State December 30, 2013, and became 2013 PA 275, Imd. Eff. Dec. 30, 2013.

House Bill No. 4697 was filed with the Secretary of State December 30, 2013, and became 2013 PA 277, Imd. Eff. Dec. 30, 2013.