



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 558 (as introduced 9-26-13)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

Date Completed: 11-12-13

CONTENT

The bill would amend the Mental Health Code to require each county to have a written interagency agreement with a community mental health services program (CMHSP) and other governmental entities to divert people with serious mental illness from justice system involvement to treatment; and would repeal a section of the Code requiring a CMHSP to provide incarceration diversion services to people with serious mental illness, serious emotional disturbance, and developmental disability.

Section 207 of the Code requires each CMHSP to provide services designed to divert people with serious mental illness, serious emotional disturbance, and developmental disability from possible jail incarceration when appropriate. The services must be consistent with the policy established by the Department of Community Health (DCH). The bill would repeal this section.

Under the bill, each county would have to have a written interagency agreement in place for a collaborative program to divert people with serious mental illness from justice system involvement to treatment. Parties to the agreement would have to include at least all of the following:

- The county sheriff's department.
- The county prosecutor's office.
- The CMHSP that provides services in that county.
- For a county with a population of more than 100,000, the chief of police and the city attorney of any city within the county.

At a minimum, the agreement would have to cover all of the following:

- Guidelines for program eligibility.
- Interparty communication and coordination.
- Day-to-day program administration.
- Involvement of service consumers, family members, and other stakeholders.
- How the program would work with local courts.
- How the program would address potential participants before and after criminal charges were filed.
- Resource sharing between the parties to the agreement.
- Screening and assessment procedures.
- Guidelines for case management.
- How the program would work with local jails.

- Criteria for completing the program.
- Mental health treatment services that were available through the program.
- Procedures for first response to potential cases, including response to crises.
- How the program administrators would report the program's actions and outcomes to the public.

The DCH and other parties to the agreement could establish additional policies and procedures to be included in the agreement. In addition, the DCH and other parties would have to promulgate rules to implement the bill's provisions according to the Administrative Procedures Act. The rules would have to include incentives for compliance with the bill's requirements and sanctions for instances of noncompliance.

Proposed MCL 330.1207a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would require counties to have interagency agreements to direct seriously mentally ill individuals from the judicial system to treatment. There would be minor administrative costs to the State to establish policies and procedure and to promulgate rules. To the extent that the diversion of cases resulted in lower jail and prison costs, both State and local government could realize indeterminate savings.

Fiscal Analyst: Steve Angelotti

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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.