

**SUBSTITUTE FOR  
HOUSE BILL NO. 4523**

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 1093 (MCL 600.1093), as amended by 2018 PA 591.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1093. (1) Each mental health court shall determine  
2 whether an individual may be admitted to the mental health court.  
3 ~~No~~**An** individual ~~has~~**does not have** a right to be admitted into a  
4 mental health court. Admission into a mental health court program  
5 is at the discretion of the court based on the individual's legal  
6 or clinical eligibility. An individual may be admitted to mental  
7 health court regardless of prior participation or prior completion  
8 status. ~~However, in no case shall~~**Unless the mental health court**  
9 **judge and the prosecuting attorney, in consultation with any known**



1 **victim in the instant case, consent,** a violent offender **must not** be  
2 admitted into mental health court. **An individual who is currently**  
3 **charged with or has pled guilty to first degree murder in violation**  
4 **of section 316 of the Michigan penal code, 1931 PA 328, MCL**  
5 **750.316, or criminal sexual conduct in the first degree in**  
6 **violation of section 520b of the Michigan penal code, 1931 PA 328,**  
7 **MCL 750.520b, must not be admitted to a mental health court.**

8 (2) In addition to admission to a mental health court under  
9 this chapter, an individual who is eligible for admission under  
10 this chapter may also be admitted to a mental health court under  
11 any of the following circumstances:

12 (a) The individual has been assigned the status of youthful  
13 trainee under section 11 of chapter II of the code of criminal  
14 procedure, 1927 PA 175, MCL 762.11.

15 (b) The individual has had criminal proceedings against ~~him or~~  
16 ~~her~~ **the individual** deferred and has been placed on probation under  
17 any of the following:

18 (i) Section 7411 of the public health code, 1978 PA 368, MCL  
19 333.7411.

20 (ii) Section 4a of chapter IX of the code of criminal  
21 procedure, 1927 PA 175, MCL 769.4a.

22 (iii) Section 350a or 430 of the Michigan penal code, 1931 PA  
23 328, MCL 750.350a and 750.430.

24 (3) To be admitted to a mental health court, an individual  
25 ~~shall~~ **must** cooperate with and complete a preadmission screening and  
26 evaluation assessment and ~~shall~~ **must** submit to any future  
27 evaluation assessment as directed by the mental health court. A  
28 preadmission screening and evaluation assessment must include all  
29 of the following:



1 (a) A review of the individual's criminal history. A review of  
2 the law enforcement information network may be considered  
3 sufficient for purposes of this subdivision unless a further review  
4 is warranted. The court may accept other verifiable and reliable  
5 information from the prosecution or defense to complete its review  
6 and may require the individual to submit a statement as to whether  
7 or not ~~he or she~~ **the individual** has previously been admitted to a  
8 mental health court and the results of ~~his or her~~ **the individual's**  
9 participation in the prior program or programs.

10 (b) An assessment of the risk of danger or harm to the  
11 individual, others, or the community.

12 (c) A mental health assessment, clinical in nature, and using  
13 standardized instruments that have acceptable reliability and  
14 validity, meeting diagnostic criteria for a serious mental illness,  
15 serious emotional disturbance, co-occurring disorder, or  
16 developmental disability.

17 (d) A review of any special needs or circumstances of the  
18 individual that may potentially affect the individual's ability to  
19 receive mental health or substance abuse treatment and follow the  
20 court's orders.

21 (4) Except as otherwise permitted in this chapter, any  
22 statement or other information obtained as a result of  
23 participating in a preadmission screening and evaluation assessment  
24 under subsection (3) is confidential and is exempt from disclosure  
25 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
26 15.246, and must not be used in a criminal prosecution, unless it  
27 reveals criminal acts other than, or inconsistent with, personal  
28 drug use.

29 (5) The court may request that the department of state police



1 provide to the court information contained in the law enforcement  
2 information network pertaining to an individual applicant's  
3 criminal history for the purposes of determining an individual's  
4 eligibility for admission into the mental health court and general  
5 criminal history review.

6 Enacting section 1. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.