

# HOUSE BILL NO. 4749

June 14, 2023, Introduced by Reps. Harris, Tisdell, Kuhn, Steele and BeGole and referred to the Committee on Health Policy.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 20b to chapter VIII.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER VIII

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2       Sec. 20b. (1) At the time a misdemeanor is charged, or at any  
3 later time before trial, the prosecuting attorney or defense  
4 counsel may bring a motion to refer the defendant to the community  
5 mental health services program. The court shall grant a motion for

1 referral to the community mental health services program made under  
2 this subsection.

3 (2) The community mental health services program shall  
4 evaluate the defendant's needs and, if appropriate, either enter or  
5 connect the defendant to the appropriate mental health programming  
6 to ensure that the defendant receives necessary mental health  
7 treatment in the community. In addition to the motion under  
8 subsection (1), the prosecuting attorney or defense counsel may  
9 file a petition for a clinical evaluation to determine whether the  
10 defendant is a person requiring treatment.

11 (3) If the appropriate authorization for the release of  
12 information is provided, the community mental health services  
13 program shall provide the findings of the evaluation to the  
14 prosecuting attorney and defense counsel.

15 (4) If a defendant is deemed incompetent to stand trial on a  
16 misdemeanor punishable by 1 year in jail or less, the defendant  
17 must be referred to the local community mental health services  
18 program for further review and treatment. The prosecuting attorney  
19 may file a petition with the probate court of the defendant's  
20 county of residence or of the county in which the criminal trial  
21 would be held to determine if the defendant is a person requiring  
22 treatment using the community mental health services program  
23 finding of incompetency as part of the required proofs. If a  
24 defendant is determined incompetent under this subsection, the  
25 criminal case must be dismissed.

26 (5) If, after a petition by the prosecuting attorney under  
27 subsection (4), the defendant is determined by the probate court or  
28 community mental health services program to not be a person  
29 requiring treatment, the community mental health services program

1 shall enter or connect the defendant to the appropriate mental  
2 health programming to ensure the defendant receives treatment as  
3 deemed appropriate by the community mental health services program.

4 (6) As used in this section, "person requiring treatment"  
5 means that term as defined in section 401 of the mental health  
6 code, 1974 PA 258, MCL 330.1401.