

SENATE BILL NO. 1218

June 25, 1998, Introduced by Senator GEAKE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 1001b and 1003b (MCL 330.2001b and 330.2003b), section 1001b as amended by 1995 PA 290 and section 1003b as amended by 1993 PA 252.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1001b. (1) "Place of detention" means a detention
2 facility operated by a political subdivision of the state.

3 (2) "Prisoner" means a person confined in a state correc-
4 tional facility, but does not include ~~a~~ ANY OF THE FOLLOWING:

5 (A) A person confined pursuant to an order of a juvenile
6 division of the probate court or ~~a~~ THE FAMILY DIVISION OF CIR-
7 CUIT COURT.

8 (B) A person confined in a place of detention.

1 (C) A PERSON WHO IS ON PAROLE FROM A STATE CORRECTIONAL
2 FACILITY.

3 (3) "Protective environment" means an environment that sup-
4 ports mental health services in accordance with a prisoner's
5 individual plan of services.

6 (4) "State correctional facility" means a facility THAT
7 HOUSES PRISONERS AND IS operated by the department of
8 corrections, ~~for the purpose of supervising and housing prison-~~
9 ~~ers before parole or discharge~~ AND ALSO INCLUDES A YOUTH CORREC-
10 TIONAL FACILITY OPERATED BY THE DEPARTMENT OF CORRECTIONS OR A
11 PRIVATE VENDOR UNDER SECTION 20G OF 1953 PA 232, MCL 791.220G.

12 Sec. 1003b. The following procedures apply to voluntary
13 admission to the corrections mental health program:

14 (a) ~~If~~ EXCEPT AS PROVIDED IN SUBDIVISION (B), IF a pris-
15 oner desires to be voluntarily admitted to the corrections mental
16 health program, the officer in charge of the state correctional
17 facility in which the prisoner is housed shall transfer the pris-
18 oner, if necessary, to the appropriate location designated by the
19 corrections mental health program for an examination by a psychi-
20 atrist or a psychologist, as applicable. If the examining psy-
21 chiatrist or psychologist certifies to the corrections mental
22 health program that the prisoner is mentally ill or mentally
23 retarded and is clinically suited for admission, the corrections
24 mental health program shall provide the prisoner with a written
25 individual plan of services pursuant to section 712. Upon the
26 prisoner's consent to the individual plan of services, the

1 corrections mental health program shall admit the prisoner to the
2 program.

3 (B) THE OFFICER IN CHARGE OF A YOUTH CORRECTIONAL FACILITY
4 OPERATED BY A PRIVATE VENDOR UNDER SECTION 20G OF 1953 PA 232,
5 MCL 791.220G, SHALL NOT ALLOW A PRISONER TO BE VOLUNTARILY TRANS-
6 FERRED TO THE CORRECTIONS MENTAL HEALTH PROGRAM FROM THAT FACIL-
7 ITY UNLESS PRIOR WRITTEN APPROVAL OF THAT TRANSFER IS GIVEN TO
8 THE OFFICER IN CHARGE BY THE DIRECTOR OF THE DEPARTMENT OF COR-
9 RECTIONS OR THE DIRECTOR'S DESIGNEE.

10 (C) ~~(b)~~ Except as otherwise provided in subdivision ~~(c)~~
11 (D), a prisoner who is voluntarily transferred under this section
12 shall not be admitted to the corrections mental health program
13 for more than 3 days, excluding Sundays and legal holidays, after
14 the prisoner gives written notice of his or her intention to ter-
15 minate the admission and return to the general population of the
16 state correctional facility. If the corrections mental health
17 program is advised by a prisoner of an intention to terminate
18 admission, the program shall promptly provide the written form
19 required for termination of admission and return the prisoner to
20 the general population of the state correctional facility.

21 (D) ~~(c)~~ If written notice of termination of admission has
22 been given pursuant to subdivision ~~(b)~~ (C) and has not been
23 withdrawn, and if the director of the corrections mental health
24 program determines that the prisoner continues to require mental
25 health services, the director, or a person designated by the
26 director, within 3 days, excluding Sundays and holidays, after
27 the receipt by the corrections mental health program of the

1 notice, shall provide the prisoner and the guardian of the
2 person, if applicable, with a notice of hearing explaining hear-
3 ing rights set forth in section 1003c. The prisoner shall not be
4 medicated for 24 hours prior to the hearing. If, following the
5 hearing, the hearing committee finds that the prisoner does not
6 require mental health services, the prisoner shall be placed
7 according to normal procedures of the department of corrections.
8 If the hearing committee finds that the prisoner continues to
9 require mental health services, the corrections mental health
10 program shall continue to provide those services.