

1 ~~(a) That the defendant is guilty of an offense.~~

2 ~~(b) That the defendant was mentally ill at the time of the~~
3 ~~commission of that offense.~~

4 ~~(c) That the defendant was not legally insane at the time of~~
5 ~~the commission of that offense.~~

6 (2) If the defendant asserts a defense of insanity in com-
7 pliance with section 20a and the defendant waives his OR HER
8 right to trial, by jury or by judge, the trial judge, with the
9 approval of the prosecuting attorney, may accept a plea of guilty
10 but mentally ill in lieu of a plea of guilty or a plea of nolo
11 contendere. The judge ~~may~~ SHALL not accept a plea of guilty
12 but mentally ill until, with the defendant's consent, ~~he~~ THE
13 JUDGE has examined the report or reports prepared ~~pursuant to~~
14 IN COMPLIANCE WITH section 20a, THE JUDGE has held a hearing on
15 the issue of the defendant's mental illness at which either party
16 may present evidence, and THE JUDGE is satisfied that the
17 defendant HAS PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT THE
18 DEFENDANT was mentally ill at the time of the offense to which
19 the plea is entered. The reports shall be made a part of the
20 record of the case.

21 (3) If a defendant is found guilty but mentally ill or
22 enters a plea to that effect which is accepted by the court, the
23 court shall impose any sentence ~~which~~ THAT could be imposed
24 ~~pursuant to~~ BY law upon a defendant who is convicted of the
25 same offense. If the defendant is committed to the custody of
26 the department of corrections, ~~he~~ THE DEFENDANT shall undergo
27 further evaluation and be given such treatment as is

1 psychiatrically indicated for his OR HER mental illness or
2 retardation. Treatment may be provided by the department of cor-
3 rections or by the department of ~~mental~~ COMMUNITY health ~~after~~
4 ~~his transfer pursuant to sections 1000 or 1002 of Act No. 258 of~~
5 ~~the Public Acts of 1974, being sections 330.2000 or 330.2002 of~~
6 ~~the Michigan Compiled Laws~~ AS PROVIDED BY LAW. Sections 1004
7 and 1006 of ~~Act No. 258 of the Public Acts of 1974 shall~~ THE
8 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.2004 TO 330.2006, apply
9 to the discharge of ~~such a~~ THE defendant from a facility of the
10 department of ~~mental~~ COMMUNITY health to which ~~he~~ THE
11 DEFENDANT has been admitted and ~~shall apply~~ to the return of
12 ~~such a~~ THE defendant to the department of corrections for the
13 balance of the defendant's sentence. When a treating facility
14 designated by either the department of corrections or the depart-
15 ment of ~~mental~~ COMMUNITY health discharges ~~such a~~ THE
16 defendant ~~prior to~~ BEFORE the expiration of ~~his~~ THE
17 DEFENDANT'S sentence, that treating facility shall transmit to
18 the parole board a report on the condition of the defendant
19 ~~which~~ THAT contains the clinical facts, the diagnosis, the
20 course of treatment, ~~and~~ the prognosis for the remission of
21 symptoms, the potential for recidivism, ~~and for~~ the danger OF
22 THE DEFENDANT to himself OR HERSELF or TO the public, and recom-
23 mendations for future treatment. ~~In the event that~~ IF the
24 parole board ~~pursuant to law or administrative rules should con-~~
25 ~~sider him~~ CONSIDERS THE DEFENDANT for parole, the board shall
26 consult with the treating facility at which the defendant is
27 being treated or from which ~~he~~ THE DEFENDANT has been

1 discharged and a comparable report on the condition of the
2 defendant shall be filed with the board. If ~~he~~ THE DEFENDANT
3 is placed on parole, ~~by the parole board, his~~ THE DEFENDANT'S
4 treatment shall, upon recommendation of the treating facility, be
5 made a condition of parole. ~~, and failure~~ FAILURE to continue
6 treatment except by agreement with the designated facility and
7 parole board ~~shall be a basis~~ IS GROUNDS for ~~the institution~~
8 ~~of parole violation hearings~~ REVOCATION OF PAROLE.

9 (4) If a defendant who is found guilty but mentally ill is
10 placed on probation under the jurisdiction of the sentencing
11 court ~~pursuant to~~ AS PROVIDED BY law, the trial judge, upon
12 recommendation of the center for forensic psychiatry, shall make
13 treatment a condition of probation. Reports as specified by the
14 trial judge shall be filed with the probation officer and the
15 sentencing court. Failure to continue treatment, except by
16 agreement with the treating agency and the sentencing court,
17 ~~shall be a basis~~ IS GROUNDS for ~~the institution~~ REVOCATION of
18 probation. ~~violation hearings.~~ The period of probation shall
19 not be for less than 5 years and shall not be shortened without
20 receipt and consideration of a forensic psychiatric report by the
21 sentencing court. Treatment shall be provided by an agency of
22 the department of ~~mental~~ COMMUNITY health ~~,~~ or, with the
23 approval of the sentencing court and at individual expense, by
24 private agencies, private physicians, or other mental health
25 personnel. A psychiatric report shall be filed with the proba-
26 tion officer and the sentencing court every 3 months during the
27 period of probation. If a motion on a petition to discontinue

1 probation is made by the defendant, the probation officer shall
2 request a report as specified from the center for forensic psy-
3 chiatry or any other facility certified by department of ~~mental~~
4 COMMUNITY health for the performance of forensic psychiatric
5 evaluation.