

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

***** 771.3g.added THIS ADDED SECTION IS EFFECTIVE AUGUST 14, 2018 *****

771.3g.added Medical probation; eligibility; notification to court by county sheriff; order; expenses; reimbursement; reexamination as condition; revocation; definitions.

Sec. 3g. (1) A county sheriff may notify the court in writing that a prisoner may be eligible for medical probation if the county sheriff has consulted with a physician and the physician determined either of the following:

(a) The prisoner is physically or mentally incapacitated due to a medical condition that renders the prisoner unable to perform activities of basic daily living, and the prisoner requires 24-hour care. The physician shall evaluate when the physical or mental incapacitation arose.

(b) The prisoner requires acute long-term medical treatment or services.

(2) A county sheriff's notification submitted to the court under subsection (1) must be accompanied with the evidence the physician considered in making a determination under subsection (1)(a) or (b).

(3) Subject to subsection (4), a court may enter an order of probation placing a prisoner on medical probation under the charge and supervision of a probation officer if the court finds that the prisoner requires acute long-term medical treatment or services, or that the prisoner is physically or mentally incapacitated with a medical condition that renders the prisoner unable to perform activities of basic daily living and the prisoner requires 24-hour care.

(4) A court shall not place a prisoner on medical probation unless all of the following apply:

(a) A placement option has been secured for the prisoner in the community. A placement option may include, but is not limited to, home confinement or a medical facility.

(b) The county sheriff has made a reasonable effort to determine whether expenses related to the prisoner's placement secured under subdivision (a) are covered by Medicaid, a health care policy, a certificate of insurance, or another source for the payment of medical expenses or whether the prisoner has sufficient income or assets to pay for expenses related to the placement.

(c) The court conducted a public hearing in which the prosecuting attorney of the county and each victim who requests notice in the manner provided in the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, are provided adequate notice of the hearing and an opportunity to be heard during the hearing.

(5) If a court's placement of a prisoner on medical probation results in expenses incurred by the county that are not covered by a payment source identified under subsection (4)(b), to the extent permitted under applicable law, the county may seek reimbursement for those expenses.

(6) An order of medical probation entered under subsection (3) may include as a condition of the medical probation that the prisoner submit to reexamination by a physician to assess whether the prisoner continues to meet the requirements for medical probation under subsection (3). At any time while the prisoner is placed on medical probation, the court or probation officer may require the prisoner to submit to a reexamination. If, after the prisoner is reexamined, the court finds that the requirements for medical probation under subsection (3) are no longer met, the court shall revoke medical probation and order the prisoner committed to the county jail for a term of imprisonment that does not exceed the penalty that was imposed, less time served, for the offense for which the prisoner was originally convicted and placed on medical probation.

(7) As used in this section and section 3h of this chapter:

(a) "County sheriff" includes the sheriff of a county in this state or the sheriff's designee.

(b) "Physician" means that term as defined in section 17001 of the public health code, 1978 PA 368, MCL 333.17001.

(c) "Prisoner" means an individual committed or sentenced to imprisonment under section 28 of chapter IX.

History: Add. 2018, Act 149, Eff. Aug. 14, 2018.