



CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

*

SB 0558

*

The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee. The State Bar of Michigan has authorized the Criminal Jurisprudence & Practice Committee to advocate its position.

The State Bar of Michigan's position on this matter is to support.

The total membership of the Criminal Jurisprudence & Practice Committee is 15.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 13. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact persons:

Nichole Jongsma Derks

J. Kevin McKay

E-Mail/Phone:

nderks@fosterswift.com

kevin.mckay@kentcountymi.gov

Bill Numbers:

[SB 0558](#) (Schuitmaker) Mental health, other; Corrections, alternatives; Criminal procedure, mental capacity. Mental health; other; program to divert persons with serious mental illness from justice system to treatment; establish. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding sec. 207a & repeals sec. 207 of 1974 PA 258 (MCL 330.1207).

Date position was adopted:

November 14, 2013

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

13 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

Position:

Support the Concept

Explanation of the position, including any recommended amendments:

The committee voted 13 in favor to support the bill in concept. It was agreed that in establishing mental health programs, you need to have criteria for assessing individuals and following procedures. This bill would provide that.

However, the committee is interested in how the county-to-county mental health agency would work with the established (and soon to be established) mental health courts. There doesn't appear to be any court involvement in the inter-agency agreement. It is an executive branch program.

Finally, there were a number of unanswered questions as to pre-conviction vs. post-conviction and section repeal. The committee believes the bill is a good idea but needs to be thought out in more detail.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2013-SB-0558>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

This bill affects the functioning of the soon-to-be established mental health courts, especially in regards to court involvement in the inter-agency program.