

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 683

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 401 (MCL 330.1401), as amended by 1995 PA  
290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 401. (1) As used in this chapter, "person requiring  
2 treatment" means (a), (b), ~~or~~ (c), or (d):

3       (a) An individual who has mental illness, and who as a result  
4 of that mental illness can reasonably be expected within the near  
5 future to intentionally or unintentionally seriously physically  
6 injure himself, ~~or~~ herself, or another individual, and who has  
7 engaged in an act or acts or made significant threats that are  
8 substantially supportive of the expectation.

9       (b) An individual who has mental illness, and who as a result  
10 of that mental illness is unable to attend to those of his or her

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1 basic physical needs such as food, clothing, or shelter that must  
2 be attended to in order for the individual to avoid serious harm  
3 in the near future, and who has demonstrated that inability by  
4 failing to attend to those basic physical needs.

5 (c) An individual who has mental illness, whose judgment is  
6 so impaired that he or she is unable to understand his or her  
7 need for treatment and whose continued behavior as the result of  
8 this mental illness can reasonably be expected, on the basis of  
9 competent clinical opinion, to result in significant physical  
10 harm to himself, ~~or~~ herself, or others. This individual shall  
11 receive involuntary mental health treatment initially only under  
12 the provisions of sections 434 through 438. ~~of this act.~~

13 (d) An individual who has mental illness, [whose understanding of  
14 the need for treatment is impaired to the point that he or she is  
15 unlikely to participate in treatment voluntarily,] who is currently  
16 noncompliant with treatment that has been recommended by a mental  
17 health professional, [and that has been determined to be necessary to  
18 prevent a relapse or harmful deterioration of his or her condition] and  
19 whose noncompliance with treatment has  
20 been a factor in the individual's placement in a psychiatric  
21 hospital, prison, or jail at least 2 times within the last 48  
22 months or whose noncompliance with treatment has been a factor in  
23 the individual's committing 1 or more acts, attempts, or threats  
24 of serious violent behavior within the last 48 months[.

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25 ] An individual under this subdivision is [only] eligible to  
26 receive assisted outpatient treatment under section 433 or 469a.

27 (2) An individual whose mental processes have been weakened

1 or impaired by a dementia, an individual with a primary diagnosis  
2 of epilepsy, or an individual with alcoholism or other drug  
3 dependence is not a person requiring treatment under this chapter  
4 unless the individual also meets the criteria specified in  
5 subsection (1). An individual described in this subsection may  
6 be hospitalized under the informal or formal voluntary  
7 hospitalization provisions of this chapter if he or she is  
8 considered clinically suitable for hospitalization by the  
9 hospital director.

10 Enacting section 1. This amendatory act does not take  
11 effect unless all of the following bills of the 92nd Legislature  
12 are enacted into law:

- 13 (a) Senate Bill No. 684.
- 14 (b) Senate Bill No. 685.
- 15 (c) Senate Bill No. 686.
- 16 (d) Senate Bill No. 1464.