

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

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, who is noncompliant**
14 **with treatment that has been recommended by a mental health**
15 **professional, and whose noncompliance with treatment has been a**
16 **factor in the individual's placement in a psychiatric hospital,**
17 **prison, or jail at least 2 times within the last 36 months or**
18 **whose noncompliance with treatment has been a factor in the**
19 **individual's committing 1 or more acts, attempts, or threats of**
20 **serious violent behavior toward himself or herself or others**
21 **within the last 48 months. An individual under this subdivision**
22 **is eligible to receive assisted outpatient treatment under**
23 **section 433 or 469a.**

24 (2) An individual whose mental processes have been weakened
25 or impaired by a dementia, an individual with a primary diagnosis
26 of epilepsy, or an individual with alcoholism or other drug
27 dependence is not a person requiring treatment under this chapter

1 unless the individual also meets the criteria specified in
2 subsection (1). An individual described in this subsection may
3 be hospitalized under the informal or formal voluntary
4 hospitalization provisions of this chapter if he or she is
5 considered clinically suitable for hospitalization by the
6 hospital director.

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

- 10 (a) Senate Bill No. 684.
- 11 (b) Senate Bill No. 685.
- 12 (c) Senate Bill No. 686.
- 13 (d) Senate Bill No. 1464.