

HOUSE BILL NO. 6437

October 11, 2022, Introduced by Reps. LaGrand, Hope, Ellison, Glanville, Kuppa, Brenda Carter, Garza, Haadsma and Sowerby and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 1m to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

1
2 **Sec. 1m. (1) After a defendant has been convicted at trial or**
3 **entered a guilty plea but before the defendant has been sentenced,**
4 **the court, in its discretion, may order that the defendant undergo**
5 **a psychological evaluation. The prosecuting attorney, defense**

1 counsel, or defendant may request a psychological evaluation under
2 this section.

3 (2) The court, in its discretion, may grant or deny a request
4 by the prosecuting attorney, defense counsel, or defendant under
5 subsection (1).

6 (3) The prosecuting attorney, defense counsel, or defendant
7 may object to a psychological evaluation requested by another party
8 under this section. The court, in its discretion, may sustain an
9 objection under this subsection.

10 (4) If a psychological evaluation is ordered under this
11 section, the defendant may refuse to participate; however, if the
12 defendant agrees to participate in the evaluation, the defendant
13 may not challenge the findings of the evaluation.

14 (5) An evaluation ordered under this section must be performed
15 by a mental health professional and completed before a sentence is
16 entered.

17 (6) If a psychological evaluation is performed under this
18 section, the sentencing court shall review the evaluation and state
19 its findings on the record at the time of sentencing. The court
20 shall indicate on the record whether or not the results of the
21 psychological evaluation influenced its sentencing of the
22 defendant.

23 (7) As used in this section, "mental health professional"
24 means that term as defined in section 100b(19) (a), (b), and (d) of
25 the mental health code, 1974 PA 258, MCL 330.1100b.