

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

771.3h Compassionate release; eligibility; notification to court by county sheriff; amended judgment of sentence; conditions; expenses; reimbursement.

Sec. 3h.

(1) A county sheriff may notify the court in writing that a prisoner may be eligible for compassionate release if the county sheriff has consulted with a physician and the physician determined that the prisoner has a life expectancy of not more than 6 months. The notification must be accompanied with the evidence the physician considered in making the determination regarding the prisoner's life expectancy.

(2) Subject to subsection (3), a court may grant compassionate release to a prisoner if the court finds that the prisoner has a life expectancy of not more than 6 months and that the release of the prisoner would not reasonably pose a threat to public safety or the prisoner. If a court grants a prisoner compassionate release, the court shall enter an amended judgment of sentence specifying that the prisoner is released from the term of imprisonment imposed for the offense for which the prisoner was originally convicted.

(3) A court shall not grant a prisoner compassionate release 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, placement in the prisoner's home or a medical facility.

(b) The 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.

(4) If a court's grant of compassionate release to a prisoner results in expenses incurred by the county that are not covered by a payment source identified under subsection (3)(b), to the extent permitted under applicable law, the county may seek reimbursement for those expenses.

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