



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: July 23, 2014

TO: All Judges
Court Administrators
Probate Registers

FROM: Bobbi Morrow, Management Analyst

RE: Mental Health Orders in LEIN

As most of you are aware, statute requires the court to submit a subsequent order to the Michigan State Police before an order for involuntary hospitalization or an order finding an individual legally incapacitated can be removed from the law enforcement information network (LEIN). See MCL 330.1464a and MCL 700.5107. It has come to our attention that some courts are entering an expiration date on the mental health orders being forwarded to MSP LEIN. An expiration date will not satisfy the requirement of a subsequent order from the court for removal from LEIN. Please see the attached Law Enforcement Information Network Training Bulletin on the topic.

If you have any questions, please contact Bobbi Morrow at morrowb@courts.mi.gov or 517-373-2173.



LAW ENFORCEMENT INFORMATION NETWORK TRAINING BULLETIN

At the request of the Criminal Justice Information Services (CJIS) Board, the Michigan State Police (MSP) convened a committee to discuss issues with access to mental health-related records for the purposes of issuing firearms-related permits. While the committee found there was adequate access to mental health-related court orders, the committee shared the concern that mental health orders required to be entered into the Law Enforcement Information Network (LEIN) may not be getting entered in a consistent manner.

This LEIN Training Bulletin is being disseminated to educate and provide clarification to Michigan courts and law enforcement agencies on the requirements for entering certain mental health-related court orders into LEIN.

Mental Health Orders in LEIN

Michigan Compiled Law (MCL) 330.1464a states, *“Upon entry of a court order directing that an individual be involuntarily hospitalized or that an individual involuntarily undergo a program of alternative treatment or a combined hospitalization and alternative treatment, the court shall immediately order the department of state police to enter the court order into the law enforcement information network.”*

MCL 700.5107 states, *“Upon entry of an order finding that an individual is legally incapacitated, the court shall immediately order the department of state police to enter the order into the law enforcement information network.”*

When one of the above orders is entered into LEIN, the person who is the subject of the order is automatically disqualified from obtaining a Michigan license to purchase a pistol and from obtaining a Michigan license to carry a pistol concealed. Additionally, these orders are automatically forwarded to the National Instant Criminal Background Check System (NICS), which disqualifies the subject of the order from purchasing a firearm in Michigan and throughout the United States.

According to each of the above statutes, the Michigan State Police shall remove these orders from the law enforcement information network only upon receipt of a subsequent court order for their removal. A mental order cancelled from LEIN, however, does not restore the individual’s firearms rights. The subject of the order remains disqualified from obtaining any of the above mentioned firearms-related licenses and from purchasing a firearm.

Courts that issue these mental orders (also known as Order Following Hearing on Petition for Admission, PCM 214) are advised to immediately forward these orders to the Michigan State Police Post that covers their jurisdiction. Post personnel will immediately enter the order into LEIN. Courts are encouraged to include as many personal identifiers as possible to assist in positively identifying the subject. Similarly, courts are advised to immediately forward subsequent orders for the removal of these mental orders from LEIN to the Michigan State Police Post that covers their jurisdiction. Post personnel will immediately remove the orders from LEIN.

Questions regarding the entry of mental orders into LEIN may be directed to Ms. Liz Canfield at (517) 241-0639 or canfielde@michigan.gov, or Ms. Debra Smith at (517) 241-2075 or smithd85@michigan.gov.