

HOUSE BILL No. 4951

October 7, 2015, Introduced by Reps. Forlini, Kesto, Garrett, Kosowski, Lucido, Love, Chang, Santana, Byrd, Robinson, Geiss, Yanez, Darany, Howrylak, LaVoy, Durhal, Rutledge, Irwin, Neeley, Hovey-Wright, Plawecki, Moss, Callton and Zemke and referred to the Committee on Criminal Justice.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 1060a (MCL 330.2060a), as added by 2012 PA 540.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1060a. (1) "Competency evaluation" means a court-ordered
2 examination of a juvenile directed to developing information
3 relevant to a determination of his or her competency to proceed at
4 a particular stage of a court proceeding involving a juvenile who
5 is the subject of a delinquency petition.

6 (2) "Competency hearing" means a hearing to determine whether
7 a juvenile is competent to proceed.

8 (3) "Incompetent to proceed" means that a juvenile, based on
9 age-appropriate norms, lacks a reasonable degree of rational and

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1 factual understanding of the proceeding or is unable to do 1 or
2 more of the following:

3 (a) Consult with and assist his or her attorney in preparing
4 his or her defense in a meaningful manner.

5 (b) Sufficiently understand the charges against him or her.

6 (4) "Juvenile" means a person who is less than ~~17~~18 years of
7 age who is the subject of a delinquency petition.

8 Enacting section 1. This amendatory act takes effect [October 1,
9 2018.]

10 Enacting section 2. This amendatory act does not take effect
11 unless all of the following bills of the 98th Legislature are
12 enacted into law:

13 (a) Senate Bill No.____ or House Bill No. 4947 (request no.
14 02527'15).

15 (b) Senate Bill No.____ or House Bill No. 4948 (request no.
16 02551'15).

17 (c) Senate Bill No.____ or House Bill No. 4950 (request no.
18 02679'15).

19 (d) Senate Bill No.____ or House Bill No. 4949 (request no.
20 02680'15).

21 (e) Senate Bill No.____ or House Bill No. 4953 (request no.
22 02681'15).

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(f) Senate Bill No.____ or House Bill No. 4954 (request no.
25 03363'15).

26 (g) Senate Bill No.____ or House Bill No. 4952 request no.

1 03366'15).