

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

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 90 days
9 after the date it is enacted into law.

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).

23 (f) Senate Bill No. ____ or House Bill No. ____ (request no.
24 03152'15).

25 (g) Senate Bill No. ____ or House Bill No. 4954 (request no.
26 03363'15).

27 (h) Senate Bill No. ____ or House Bill No. 4952 request no.

1 03366'15).