

**SUBSTITUTE FOR  
SENATE BILL NO. 94**

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 October  
9 1, 2021.

