

# SENATE BILL NO. 94

February 07, 2019, Introduced by Senators IRWIN, SANTANA, WOJNO, ALEXANDER, CHANG, HOLLIER, BULLOCK, HERTEL, MCMORROW and MOSS and referred to the Committee on Judiciary and Public Safety.

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.

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

3           (3) "Incompetent to proceed" means that a juvenile, based on  
4 age-appropriate norms, lacks a reasonable degree of rational and  
5 factual understanding of the proceeding or is unable to do 1 or  
6 more of the following:

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

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

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

12          Enacting section 1. This amendatory act takes effect January  
13 1, 2021.