

Act No. 99
Public Acts of 2019
Approved by the Governor
October 31, 2019
Filed with the Secretary of State
October 31, 2019
EFFECTIVE DATE: October 1, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Wozniak, LaGrand, Rendon, Filler, Guerra, Elder, Brann, Hauck and Love

ENROLLED HOUSE BILL No. 4134

AN ACT to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health or substance use disorder services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness, substance use disorder, or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness, substance use disorder, or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 1060a (MCL 330.2060a), as added by 2012 PA 540.

The People of the State of Michigan enact:

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

(2) “Competency hearing” means a hearing to determine whether a juvenile is competent to proceed.

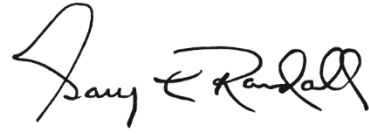
(3) “Incompetent to proceed” means that a juvenile, based on age-appropriate norms, lacks a reasonable degree of rational and factual understanding of the proceeding or is unable to do 1 or more of the following:

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

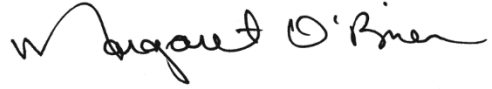
(b) Sufficiently understand the charges against him or her.

(4) “Juvenile” means a person who is less than 18 years of age who is the subject of a delinquency petition.

Enacting section 1. This amendatory act takes effect October 1, 2021.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor