

# HOUSE BILL NO. 4134

February 06, 2019, Introduced by Reps. Wozniak, LaGrand, Rendon, Filler, Guerra, Elder, Brann, Hauck and Love and referred to the Committee on Judiciary.

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.