

HOUSE BILL No. 5487

September 29, 2009, Introduced by Reps. Byrnes, Haase, Segal, Lipton, Bauer, Crawford, Liss and Kowall and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 18n to chapter XIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

SEC. 18N. (1) A JUVENILE 10 YEARS OF AGE OR OLDER IS PRESUMED COMPETENT TO PROCEED UNLESS THE ISSUE OF COMPETENCY IS RAISED BY A PARTY. A JUVENILE LESS THAN 10 YEARS OF AGE IS PRESUMED INCOMPETENT TO PROCEED.

(2) THE COURT MAY ORDER, OR A JUVENILE, THE JUVENILE'S ATTORNEY, OR THE PROSECUTING ATTORNEY MAY REQUEST, A COMPETENCY EVALUATION TO DETERMINE WHETHER THE JUVENILE IS INCOMPETENT TO PROCEED IF THE JUVENILE IS BEING CHARGED AS A JUVENILE IN THE COURT. THE ISSUE OF THE JUVENILE'S COMPETENCY MAY BE RAISED BY THE COURT BEFORE WHICH THE PROCEEDINGS ARE PENDING OR BEING HELD, OR BY MOTION OF A PARTY, AT ANY TIME DURING THE PROCEEDING.

1 (3) AT THE TIME AN ISSUE OF THE JUVENILE'S COMPETENCY IS
2 RAISED, THE DELINQUENCY PROCEEDING SHALL TEMPORARILY CEASE UNTIL
3 DETERMINATION IS MADE ON THE COMPETENCE OF THE JUVENILE ACCORDING TO
4 THIS ACT.

5 Enacting section 1. This amendatory act does not take effect
6 unless all of the following bills of the 95th Legislature are
7 enacted into law:

8 (a) Senate Bill No. ____ or House Bill No. 5485 (request no.
9 04134'09).

10 (b) Senate Bill No. ____ or House Bill No. 5488 (request no.
11 04136'09).

12 (c) Senate Bill No. ____ or House Bill No. 5489 (request no.
13 04137'09).

14 (d) Senate Bill No. ____ or House Bill No. 5486 (request no.
15 04138'09).

16 (e) Senate Bill No. ____ or House Bill No. 5484 (request no.
17 04139'09).