

## Report on Public Policy Position

**Name of section:**

Criminal Law Section

**Contact person:**

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**Bill number:**

[SB 246](#) (Schuitmaker) Juveniles; criminal procedure; juvenile competency standards; revise. Amends sec. 1, ch. XIIA of [1939 PA 288](#) (MCL 712A.1) & adds secs. 18n, 18o, 18p, 18q, 18r & 18s to ch. XIIA.

[SB 247](#) (Schuitmaker) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends secs. 498d, 498e & 498h of [1974 PA 258](#) (MCL [330.1498d](#) et seq.) & adds secs. 1060, 1060a, 1060b, 1060c, 1062, 1064, 1066, 1068, 1070, 1072 & 1074.

**Date position was adopted:**

April 19, 2011

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

12

**Number who voted in favor and opposed to the position:**

10 Voted for position

0 Voted against position

2 Abstained from vote

0 Did not vote

**Position:**

Support in Principle

**Explanation of the position, including any recommended amendments:**

While the Section sees this legislation as necessary in filling a gap in the juvenile system, we are not in favor of only social workers doing the competency evaluations. The Section has an issue with the qualifications of the examiners, and feel n amendment is required, stating that if a forensic mental health examiner is not available, the court should appoint another qualified person for the competency exam.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2011-SB-0246>

<http://legislature.mi.gov/doc.aspx?2011-SB-0247>