



General Assembly

Amendment

January Session, 2011

LCO No. 7448

HB0663707448HDO

Offered by:

REP. FOX, 146th Dist.

REP. ARESIMOWICZ, 30th Dist.

REP. OLSON, 46th Dist.

To: Subst. House Bill No. 6637

File No. 705

Cal. No. 440

"AN ACT CONCERNING DETERMINATIONS OF COMPETENCY IN JUVENILE AND YOUTH IN CRISIS MATTERS."

1 Strike lines 93 to 100, inclusive, in their entirety and substitute the
2 following in lieu thereof:

3 "(c) A child or youth alleged to have committed an offense is
4 presumed to be competent. The age of the child or youth is not a per se
5 determinant of incompetency. The burden of proving that the child or
6 youth is not competent by a preponderance of the evidence and the
7 burden of going forward with the evidence shall be on the party
8 raising the issue of competency, except that if the court raises the issue
9 of competency, the burden of going forward with the evidence shall be
10 on the state. The court may call its own witnesses and conduct its own
11 inquiry."

12 In line 139, strike "appreciate" and substitute "understand" in lieu
13 thereof