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DIGEST

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Heitmeier

SB No. 61

Present law provides the procedure for determining whether a child has the mental capacity to proceed in certain delinquency proceedings.

Proposed law retains present law and further provides that subsequent to a finding that a child is incompetent to proceed pursuant to a felony charge, upon a showing of good cause that the child presents a danger of flight, the court may authorize DHH to use appropriate restraints on the person of a child during transport, until further order of the court. Requires the use of restraints to comply with the DHH policy on seclusion and restraints.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds Ch. C. Art. 837(I))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill.

1. Clarifies that proposed law applies where a child is found to be incompetent pursuant to a felony charge and the child is a flight risk.
2. Requires the use of restraints pursuant to proposed law to comply with the DHH policy on seclusion and restraints.