



260656

CRC ACTION

Commissioner .  
Comm: UNFAV .  
01/25/2018 .  
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The Committee on Declaration of Rights (Donalds) recommended the following:

**CRC Amendment (with title amendment)**

Delete lines 22 - 37

and insert:

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile



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10 proceeding, be tried in an appropriate court as an adult. A  
11 child found delinquent shall be disciplined as provided by law.

12 (c) It is the policy of this state that, because children  
13 are more neurologically, psychologically, and emotionally  
14 underdeveloped than adults, in order to prosecute a child in  
15 adult criminal court, the state attorney must consider the level  
16 of development of the child and conclude based on that level of  
17 development that public safety would best be served by  
18 prosecuting the child as an adult. The factors to be considered  
19 shall be as provided by law. The decision to prosecute a child  
20 in adult criminal court may be reviewed by the circuit court.

21  
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete lines 3 - 5

25 and insert:

26 require that a state attorney consider a child's level  
27 of development before prosecuting the child as an  
28 adult and authorizing the circuit court to review the  
29 state attorney's prosecution decision.