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American Civil Liberties Union of Nevada

MEMORANDUM

DATE: March 12, 2003

TO: Chairman Mark Amodei
All Members of the Senate Judiciary Committee

FROM: Rich Siegel

RE: Amendment to ~~SB 137~~ AB 60

The ACLU of Nevada offers the following minor amendment to ~~SB 137~~ *AB 60* in order to assure that each juvenile Defendant facing certification as an adult fully understands and comprehends the proceedings that they are facing. While many Juvenile Court Judges take the necessary steps to insure that is the case, this minor addition will better guarantee that all Judges and Courts handling certification proceedings will uniformly accomplish this Constitutionally necessary determination.

Add to Sec. 53

In Bill:

3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:

Add (c): *the child is developmentally or mentally incompetent to understand his situation and the court proceedings or to aid his attorney in those proceedings.*