

SSB 5122 - S AMD TO S AMD (S-1625.1/21) **370**
By Senator Holy

NOT ADOPTED 03/04/2021

1 On page 4, line 19, after "age of" strike "~~((eight))~~ 13" and
2 insert "eight"

3 On page 4, line 20, after "crime." insert "Children age eight
4 through 12 who are charged with any class C felony, any gross
5 misdemeanors, or any misdemeanors are considered incapable of
6 committing a crime."

7 On page 4, beginning on line 21, after "with" strike "murder in
8 the first or second degree" and insert "any class A felony or any
9 class B felony"

10 On page 4, beginning on line 23, after "be" strike "~~((removed by~~
11 ~~proof))~~ rebutted by clear and convincing evidence" and insert
12 "removed by proof"

EFFECT: Children under the age of 8 are incapable of committing a crime. Children 8 through 12 years old who are charged with any class C felony, gross misdemeanors, or misdemeanors are considered incapable of committing a crime. Children age 8 through 12 who are charged with any class A felony or any class B felony are presumed to be incapable of committing crime but the presumption of being incapable of committing a crime can be removed by proof.

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