**5122-S AMS HOLY S1874.3 - NOT FOR FLOOR USE**

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

By Senator Holy

**NOT ADOPTED 03/04/2021**

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

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

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

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