

JUVENILE JUSTICE

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: In Montana, the Youth Court Act ([Title 41, chapter 5, MCA](#)) generally governs the state’s response to criminal activity by minors. The system is designed to resolve the majority of changes informally, with formal procedures before a judge reserved for more serious or frequent charges. A “youth” is considered an individual who is less than 18 years old. The legislative purposes of the act are:

- “(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;
- (2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:
 - (a) immediate, consistent, enforceable, and avoidable consequences of youths' actions;
 - (b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders;
 - (c) in appropriate cases, restitution as ordered by the youth court; and
 - (d) that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, or religious heritage whenever appropriate;
- (3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;
- (4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.”

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The act also sets out how a youth may be transferred to district court to resolve certain criminal charges. The Judicial Branch has authority over the youth court system, with the Department of Corrections entering the process only to take custody of certain youth who are sentenced to be held in a youth correctional facility.

The bills in this summary were obtained by searching the following subjects in the LAWS databases: Corrections, Courts, Crimes, Criminal Procedure, Minors.

Legislative Services Division Materials:

[Solitary Confinement and Juveniles](#), November 2017

Other Materials:

[Youth Court webpage](#) – Judicial Branch

[Youth Court Report Card 2017](#) – Office of Court Administrator

Introduced Legislation

2017

[House Bill No. 111](#) - Chapter Number Assigned -- AN ACT REVISING LAWS REGARDING THE MAINTENANCE OF MINOR IN POSSESSION CONVICTION AND ADJUDICATION INFORMATION; ELIMINATING THE REQUIREMENT THAT A COURT REPORT A MINOR IN POSSESSION CONVICTION OR ADJUDICATION TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; ELIMINATING THE REQUIREMENT THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES MAINTAIN A LIST OF PERSONS CONVICTED OF THE OFFENSE OF MINOR IN POSSESSION; AND AMENDING SECTIONS 41-5-215, 41-5-216, AND 45-5-624, MCA.

[House Bill No. 135](#) -- Chapter Number Assigned -- AN ACT REVISING THE YOUTH COURT ACT TO ALLOW FOR INFORMATION SHARING; REVISING THE RECORDS THAT MUST BE SEALED ON A YOUTH'S 18TH BIRTHDAY; REVISING ACCESS TO AND MAINTENANCE OF ELECTRONIC RECORDS IN MANAGEMENT INFORMATION SYSTEMS; REVISING REQUIREMENTS FOR THE DEPARTMENT OF CORRECTIONS TO TRANSMIT CERTAIN RECORDS TO YOUTH COURT UPON THE YOUTH'S 18TH BIRTHDAY; AMENDING SECTIONS 41-5-216, 41-5-220, AND 41-5-1524, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 327](#) -- (H) Died in Standing Committee -- AN ACT GENERALLY REVISING JUVENILE JUSTICE LAWS; REVISING THE DECLARATION OF PURPOSE OF THE MONTANA YOUTH COURT ACT; REQUIRING A PROBATION OR ASSESSMENT OFFICER TO SCREEN A YOUTH FOR CHILD ABUSE OR NEGLECT DURING A PRELIMINARY INQUIRY IN CERTAIN CIRCUMSTANCES; REVISING THE PURPOSES OF THE JUVENILE DELINQUENCY INTERVENTION ACT AND THE CRIMINALLY CONVICTED YOUTH ACT; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE NOTIFICATION TO THE STATE PROTECTION AND ADVOCACY PROGRAM FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES WHEN A CHILD SUFFERS ABUSE OR NEGLECT AT A FACILITY UNDER CERTAIN CIRCUMSTANCES; REQUIRING THAT SANCTIONS AND PUNISHMENT FOR VIOLATIONS OF RULES IN YOUTH CORRECTIONAL FACILITIES UNDER THE CONTROL OF THE DEPARTMENT OF

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CORRECTIONS MEET CERTAIN CRITERIA; AND AMENDING SECTIONS 41-5-102, 41-5-1202, 41-5-1802, 41-5-2002, 41-5-2502, 52-2-603, AND 52-5-102, MCA.

[House Bill No. 332](#) -- (H) Died in Standing Committee -- AN ACT REVISING THE MAXIMUM AGE OF COMMITMENT FOR A YOUTH CORRECTIONAL FACILITY; AND AMENDING SECTIONS 41-5-1513, 41-5-1524, 52-5-101, 52-5-107, 52-5-111, AND 52-5-127, MCA.

[House Bill No. 431](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO CRIMINAL LAW REGARDING JUVENILES; PROVIDING THAT COUNSEL FOR THE YOUTH MUST BE APPOINTED AT THE PRELIMINARY INQUIRY STAGE WHEN THE JUVENILE PROBATION OFFICER QUESTIONS THE YOUTH ABOUT CERTAIN OFFENSES; AMENDING SECTION 41-5-1202, MCA; AND PROVIDING AN APPLICABILITY DATE.

[House Bill No. 438](#) -- (H) Died in Standing Committee -- AN ACT ALLOWING THE DEPARTMENT TO REPURPOSE CERTAIN CORRECTIONAL FACILITIES SERVING YOUTH AND ADULT OFFENDERS; REDEFINING TERMS RELATED TO STATE YOUTH CORRECTIONAL FACILITIES AND STATE PRISONS; ALLOWING THE DEPARTMENT OF CORRECTIONS TO HOLD CERTAIN YOUTH AND ADULT OFFENDERS IN THE SAME FACILITY SUBJECT TO CERTAIN CONDITIONS; REVISING LAWS RELATED TO EXCESSIVE CAPACITY FOR CERTAIN CORRECTIONAL FACILITIES THAT HOUSE YOUTH AND THE DEPARTMENT'S DETERMINATION OF ALTERNATIVE PLACEMENTS; REQUIRING THE DEPARTMENT TO PRIORITIZE YOUTH NEEDS WHEN CONSIDERING THE CURRENT USE OF A FACILITY PREVIOUSLY USED TO HOUSE YOUTH; ELIMINATING A PROHIBITION ON THE DEPARTMENT ABANDONING, MOVING, OR DISCONTINUING A CORRECTIONAL FACILITY OR STATE INSTITUTION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 19-20-101, 20-4-134, 20-4-502, 20-9-327, 41-5-103, 41-5-106, 41-5-121, 41-5-122, 41-5-206, 41-5-355, 41-5-1304, 41-5-1416, 41-5-1503, 41-5-1504, 41-5-1513, 41-5-1522, 41-5-1523, 41-5-2002, 41-5-2005, 45-5-214, 45-7-307, 45-8-318, 46-23-201, 52-2-302, 52-5-101, 52-5-108, 52-5-109, 52-5-110, 52-5-111, 52-5-113, 52-5-114, 52-5-121, 52-5-126, 52-5-128, 52-5-129, 53-1-107, 53-1-109, 53-1-201, 53-1-202, 53-1-203, 53-1-207, 53-30-101, 53-30-102, AND 53-30-141, MCA.

[House Bill No. 398](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO YOUTH COURT RECORDS; PROVIDING THAT FORMAL YOUTH COURT RECORDS FILED WITH THE DISTRICT COURT ARE NOT PUBLIC; PROVIDING THAT AFTER YOUTH COURT RECORDS ARE SEALED THE YOUTH NO LONGER HAS A CRIMINAL HISTORY; AMENDING SECTIONS 3-10-518, 41-5-215, AND 41-5-216, MCA; AND PROVIDING AN APPLICABILITY DATE.

[House Bill No. 479](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO DISPOSITIONS OF YOUTH DETERMINED TO BE DELINQUENT; PROVIDING THAT COMMITTING FOUR OR MORE MISDEMEANORS IS NO LONGER PART OF THE CRITERIA THAT MAY RESULT IN A YOUTH BEING SENT TO A YOUTH CORRECTIONAL FACILITY; AND AMENDING SECTION 41-5-1513, MCA.

[Senate Bill No. 17](#) -- Chapter Number Assigned -- AN ACT PROVIDING THAT JUVENILE OFFENDERS WITH NO HISTORY OF SEXUAL OFFENSES OR FOR WHOM REGISTRATION IS NOT NECESSARY TO PROTECT THE PUBLIC DO NOT HAVE TO REGISTER AS SEXUAL OFFENDERS; AMENDING SECTION 41-5-1513, MCA; AND PROVIDING AN APPLICABILITY DATE.

2015

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[House Bill No. 47](#) -- Chapter Number Assigned -- AN ACT APPROPRIATING MONEY FOR MENTAL HEALTH CRISIS DIVERSION PILOT PROJECTS FOR YOUTH; REQUIRING A REPORT; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 134](#) -- Chapter Number Assigned - AN ACT PROHIBITING A YOUTH ADJUDICATED FOR ONLY MISDEMEANOR OFFENSES FROM BEING PLACED IN A STATE PRISON; AMENDING SECTION 41-5-208, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 233](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING THE JUVENILE DELINQUENCY INTERVENTION ACT; ALLOCATING PARENTAL CONTRIBUTIONS MADE BY A PARENT OR GUARDIAN OF A YOUTH UNDER THE JURISDICTION OF THE YOUTH COURT TO THE OFFICE OF COURT ADMINISTRATOR; AUTHORIZING THE OFFICE OF COURT ADMINISTRATOR TO ADMINISTER JUVENILE PLACEMENT FUNDS APPROPRIATED TO THE JUDICIAL BRANCH; REQUIRING THE COST CONTAINMENT REVIEW PANEL TO SERVE IN AN ADVISORY CAPACITY TO THE OFFICE OF COURT ADMINISTRATOR; REQUIRING THE OFFICE OF COURT ADMINISTRATOR TO ESTABLISH AND ADMINISTER A COST CONTAINMENT POOL; MAKING DISCRETIONARY THE OFFICE OF COURT ADMINISTRATOR'S EVALUATION OF OUT-OF-HOME PLACEMENTS, PROGRAMS, AND SERVICES; PROVIDING FUNDING FOR THE EVALUATION FROM THE COST CONTAINMENT POOL; INCREASING THE FUNDING AVAILABLE FOR THE EVALUATION; ELIMINATING THE REQUIREMENT THAT A YOUTH COURT SUBMIT QUARTERLY REPORTS DOCUMENTING THE USE OF DIVERSION AND PREVENTION PROGRAMS AND PLACEMENT SERVICES; EXPANDING THE PURPOSES FOR WHICH A JUDICIAL DISTRICT MAY USE ITS ALLOCATION FROM THE YOUTH COURT INTERVENTION ACCOUNT; REVISING THE POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS; REVISING THE SCOPE OF JUDICIAL BRANCH POLICIES AND PROCEDURES; AMENDING SECTIONS 41-5-103, 41-5-112, 41-5-121, 41-5-130, 41-5-131, 41-5-132, 41-5-1504, 41-5-1512, 41-5-1513, 41-5-2003, 41-5-2004, 41-5-2005, 41-5-2006, 41-5-2011, 41-5-2012, AND 53-1-203, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 316](#) -- (H) Missed Deadline for General Bill Transmittal -- AN ACT PROHIBITING THE USE OF LONG-TERM SOLITARY CONFINEMENT FOR JUVENILES.

[House Bill No. 412](#) -- Chapter Number Assigned -- AN ACT PROVIDING THAT A PERSON UNDER 21 YEARS OF AGE MAY NOT BE CHARGED OR PROSECUTED FOR CERTAIN CRIMINAL OFFENSES IF THE PERSON SEEKS MEDICAL TREATMENT FOR THE PERSON OR ANOTHER PERSON IN CERTAIN CIRCUMSTANCES FOR CONSUMING INTOXICATING SUBSTANCES OR IF EVIDENCE FOR THE CHARGE OR PROSECUTION WAS OBTAINED AS A RESULT OF THE PERSON'S SEEKING OR RECEIVING MEDICAL TREATMENT FOR CONSUMING INTOXICATING SUBSTANCES; PROVIDING DEFINITIONS; AND AMENDING SECTION 45-5-624, MCA.

2013

[House Bill No. 42](#) -- Chapter Number Assigned -- AN ACT PROVIDING FOR AN INCREASE IN THE AMOUNT OF RECOVERABLE DAMAGES AND ATTORNEY FEES UNDER LAWS RELATING TO THE DESTRUCTION OF PROPERTY BY MINORS; AND AMENDING SECTIONS 40-6-237 AND 40-6-238, MCA.

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[House Bill No. 137](#) -- Chapter Number Assigned -- AN ACT CLARIFYING APPLICATION OF PAROLE ELIGIBILITY RESTRICTIONS; AMENDING SECTION 46-18-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 536](#) -- (H) Died in Standing Committee -- AN ACT PROVIDING RESTRICTIONS FOR THE USE OF LONG-TERM SOLITARY CONFINEMENT; AND PROVIDING DEFINITIONS, PROHIBITIONS, LIMITATIONS, DETERMINATION AND DUE PROCESS, CONDITIONS, AND DOCUMENTATION.

[Senate Bill No. 91](#) -- (S) Died in Standing Committee -- AN ACT CLARIFYING THE PLACEMENT ALTERNATIVES AVAILABLE TO THE DEPARTMENT OF CORRECTIONS FOR YOUTH CONVICTED OF CERTAIN SERIOUS OFFENSES AND YOUTH TRANSFERRED TO ADULT SUPERVISION; AND AMENDING SECTIONS 41-5-206 AND 41-5-208, MCA.

2011

[House Bill No. 18](#) -- (S) Died in Standing Committee -- AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT; AND AMENDING SECTION 41-5-206, MCA.

[House Bill No. 126](#) -- Chapter Number Assigned -- AN ACT CLARIFYING THAT THE SENTENCING AUTHORITY OF THE DISTRICT COURT INCLUDES THE AUTHORITY TO SENTENCE A YOUTH FOR ANY OTHER OFFENSE THAT ARISES DURING THE COMMISSION OF AN OFFENSE FOR WHICH THE DISTRICT COURT MAY ALREADY SENTENCE; AND AMENDING SECTION 41-5-206, MCA.

[Senate Bill No. 10](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING PENALTIES FOR MINORS WHO VIOLATE ALCOHOL-RELATED STATUTES; PROVIDING THAT A MINOR WHO VIOLATES AN ALCOHOL-RELATED STATUTE MAY NOT OBTAIN A DRIVER'S LICENSE UNTIL THE MINOR IS 18 YEARS OF AGE; REQUIRING THAT THE DRIVER'S LICENSE OF A MINOR WHO HAS A DRIVER'S LICENSE AT THE TIME OF THE VIOLATION OF AN ALCOHOL-RELATED STATUTE BE SUSPENDED UNTIL THE MINOR IS 18 YEARS OF AGE; AMENDING SECTIONS 45-5-624, 61-5-105, 61-5-205, 61-5-208, AND 61-8-410, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No. 39](#) -- (S) Died in Standing Committee -- AN ACT REVISING FISH, WILDLIFE, AND PARKS LAWS REGARDING THE ILLEGAL USE OF ALCOHOL AND DANGEROUS DRUGS, DISORDERLY CONDUCT, AND PUBLIC NUISANCE TO AUTHORIZE FISH, WILDLIFE, AND PARKS WARDENS AND PARK RANGERS TO ENFORCE LAWS RELATED TO MINORS IN POSSESSION OF INTOXICATING SUBSTANCES, MISDEMEANOR POSSESSION OF DANGEROUS DRUGS, CRIMINAL POSSESSION OF DRUG PARAPHERNALIA, DISORDERLY CONDUCT, AND PUBLIC NUISANCE ON LANDS OWNED OR OPERATED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, ON OTHER PUBLIC LANDS PURSUANT TO AN AGREEMENT WITH THE LAND MANAGEMENT AGENCY, AND ON PUBLIC WATERS; REQUIRING OFFICERS WHO ISSUE CITATIONS TO INVESTIGATE AND ASSIST IN PROSECUTIONS THAT ARISE FROM THE CITATIONS; AMENDING SECTIONS 23-1-122 AND 87-1-506, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 67](#) -- Chapter Number Assigned -- AN ACT REQUIRING THE OFFICE OF COURT ADMINISTRATOR TO TRANSFER \$25,000 TO THE GENERAL FUND IN LIEU OF CONDUCTING AN EVALUATION OF SELECTED JUVENILE OUT-OF-HOME PLACEMENTS, PROGRAMS, AND SERVICES FOR FISCAL

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YEARS 2011 AND 2012; AMENDING SECTION 41-5-2003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2009

[House Bill No. 55](#) -- Chapter Number Assigned -- AN ACT REQUIRING THE YOUTH COURT TO IMPOSE RESTRICTIONS ON A DELINQUENT YOUTH'S RESIDENCY IF THE YOUTH HAS BEEN ADJUDICATED FOR A SEXUAL OFFENSE AND HAS BEEN DETERMINED TO BE A LEVEL 3 SEXUAL OFFENDER; REQUIRING NOTIFICATION TO SCHOOL DISTRICTS; AMENDING SECTIONS 41-5-215 AND 41-5-1513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

[House Bill No. 95](#) -- Chapter Number Assigned -- AN ACT EXPANDING THE ENFORCEMENT AUTHORITY FOR COLLECTING PARENTAL COST-OF-CARE CONTRIBUTIONS THAT ARE ORDERED BY A YOUTH COURT; AMENDING SECTIONS 40-5-303, 40-5-601, 40-5-701, AND 41-5-1525, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

[Senate Bill No. 91](#) -- Chapter Number Assigned -- AN ACT REVISING THE YOUTH COURT ACT BY REQUIRING A YOUTH TO BE REPRESENTED BY AN ATTORNEY AT A DETENTION HEARING UNLESS THE RIGHT TO AN ATTORNEY IS WAIVED AFTER CONSULTING WITH AN ATTORNEY; AND AMENDING SECTIONS 41-5-331 AND 41-5-333, MCA.

[Senate Bill No. 256](#) -- Chapter Number Assigned -- AN ACT PERMITTING ACCESS TO YOUTH COURT RECORDS FOR PURPOSES OF CONDUCTING EVALUATIONS OF OUT-OF-HOME PLACEMENTS, PROGRAMS, AND SERVICES; AMENDING SECTIONS 41-5-215 AND 41-5-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 533](#) -- (H) Veto Override Motion Failed in House -- AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT; AND AMENDING SECTION 41-5-206, MCA.