

"Section 1. Construction and Purpose of the Act . . .

"Section 2. Definitions . . .

"Section 3. Jurisdiction. The district courts of the several counties of this state shall have jurisdiction in all cases coming within the terms and provisions of this act. It is provided that the district court shall be called the juvenile court when acting under the juvenile court law. The court shall have exclusive original jurisdiction in proceedings: (a) Concerning any child within the county who is delinquent; (b) Concerning any person under twenty-one years of age **within the county** charged with having violated any law of the state or any ordinance of any city or town, prior to having become eighteen years of age . . .

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one years of age unless discharged prior thereto . . . **except that the jurisdiction of the court shall end if the child is committed to a state institution or agency.**" (Emphasis mine.)

It is to be noted from the contents of the said chapter that exclusive original jurisdiction is limited to children within the county. Therefore, in the event a child is not within the county, procedure under this act is concurrent at the most with other criminal procedure.

It is therefore my opinion that you may proceed under regular criminal proceedings in this instance as the boy is known to be without the county, in fact, without the state. There is no question as to the court that committed him having any jurisdiction as the above quoted portion of the said section 3 of Chapter 227, Laws of 1943, specifically provides that after commitment the court loses jurisdiction.

Upon bringing this boy back to Montana, and upon his appearance before the judge or magistrate, he must be bound over to the juvenile court as directed in Section 9 of Chapter 227, Laws of 1943.

Sincerely yours,
R. V. BOTTOMLY
Attorney General

Opinion No. 176.

Jurisdiction—Montana State Industrial School—Juvenile Delinquency.

Held: After commitment of a boy to State Industrial School the court which committed him loses jurisdiction.

February 19, 1944.

Mr. H. E. Herrick
County Attorney
Custer County
Miles City, Montana

Dear Mr. Herrick:

You state that a boy, approximately fifteen years of age, who had been duly committed to the Montana State Industrial School at Miles City, Montana, stole a car in Miles City, Montana and then proceeded to leave the state by other means and now has been apprehended in another state. You request an opinion as to whether you may proceed against this boy by filing a criminal action for theft of the car in regular course and have a warrant issued upon which you will entertain extradition proceedings, or whether you must proceed under Chapter 227, Laws of 1943.

Said Chapter 227 provides in part as follows: