

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
March 23, 1977

The meeting of this committee was called to order by Senator Towe, Actg Chairman, at 9:35 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All committee members were present except Senators Turnage, Roberts and Regan who were excused to attend other meetings.

CONSIDERATION OF HOUSE BILL 738:

Rep. Meloy of Helena, sponsor of the bill, told the committee that when the Youth Court Act was passed in 1973 or 1974 it prevented the district court from putting a youth in jail if there was an alternative. Since then, with some help from the Crime Control Commission, we now have 6 or 7 shelter care facilities. The result of that study is in this bill. What it does is to define the difference between detention, jail, youth care, and shelter care facilities. It provides criteria for shelter care facilities.

Steve Nelson, Montana Board of Crime Control, proponent, said that in the last year we have had requests for large detention care facilities. Senators Towe and Greeley, the present Attorney General, were contacted and introduced the resolution in the last legislative session. He said the Board of Crime Control staffed the study for about 2 years and it came up with a cost of \$15 a day for a youth in custody. This bill deals with the legal changes in the law.

John Wilkinson of the Child Development Bureau went over the legal changes needed. There was some interest in the development centers which are not the same as detention homes. He said that they are talking about a \$300,000 to \$400,000 facility and \$150,000 for its upkeep. It revises the definition of detention in this bill and where a youth may be detained. Also, the bill establishes authority for development of detention and youth care facilities. He gave an outline of the bill to the committee. (See Exhibit 1)

Dan Russell, acting administrator of the Department of Institutions, said that they will be a prime user of this facility and urged support for this bill.

There were no more proponents and no opponents to the bill. After questions by committee members, the hearing of this bill was closed.

CONSIDERATION OF HOUSE BILL 544:

Rep. Fabrega of District 44 in Great Falls, explained the changes that had been made in the bill and then went over the bill for the committee. He drew their attention to line 20 on page 3 as that is particularly interesting. He said this bill attempts to help a minor who has not gotten into trouble to avail themselves

of the services defined on page 1, line 18. This bill is to conform Montana law with the U.S. Supreme Court decision.

The first proponent was Dr. John Anderson of the Montana Department of Health who said that there is an increase in the number of teenage girls who are pregnant out of wedlock because of sexual activity at younger ages and because they are terribly ignorant. This bill will allow them to seek help and get good advise. Babies born to girls in this group have a 2/3 greater mortality rate in the first year than other babies.

Lynne Scott of the Montana Women's Political Caucus said that teenagers today face an entirely different morality than they used to. Although she does not like the new morality, she believes in family planning because we have to realize that it is here. She asked that the committee pass this bill so that girls have a "fighting" chance in this wicked world we are living in.

Joan McCracken of Planned Parenthood in Billings, was the next proponent. She stated that in 1976 they had 14 thirteen year olds who were pregnant. She said that she believes this bill is necessary. They provide parenthood classes for pregnant teenagers, and they see horrible things happen. Therefore, teenagers should be able to get advise and help when they need it.

Mae Nan Ellingson, who said she was not present to testify originally, asked that this committee not be consistent with what the Senate did on the floor on the abortion bill. If a teenager wants an abortion without parental consent, she has to get an attorney so she can get a permit from the district court to have it and this costs her money.

There were no opponents to the bill. Answers to some questions by committee members brought out that family planning clinics have funding from the federal government, and that in Montana abortion fees are much higher than in other surrounding states. The fee is \$450 in Billings and only \$90 in Rapid City, South Dakota. There are 7 states that have statutes requiring parental consent.

A petition was received from the Flathead County Welfare Department urging passage of this bill. (See Exhibit 2)

CONSIDERATION OF HOUSE BILL 688:

Rep. Frates of District 60 in Billings, sponsor of this bill, explained the bill and said that it adds more deceptive practices to the present law. There are some very deceptive practices in business, especially in the field of house repair. He also said that this bill will protect your legitimate business people and that it gives county attorneys the authority to get after violators of the law.

Rod Wilson of the Billings Chamber of Commerce said that they were in support of this bill.

There were no opponents present. After questions by the committee, the hearing was closed on this bill.

CONSIDERATION OF HOUSE BILL 590:

Since the sponsor of this bill was unable to be present, Sen. Towe explained the bill to the committee. He said that it would allow a person stuck with a bad check to sue the person who wrote the check in municipal and justice courts for punitive damages, and that 100% of the face value of the check plus additional damages can be sued for if not paid in 5 days.

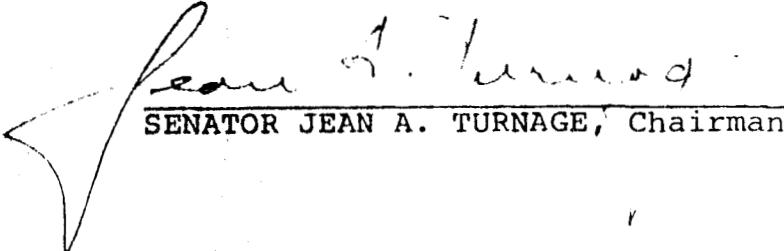
Barry Stephenson of Boise, Idaho, representing the National Federation of Independent Business, and the Government Affairs Representative, said that their organization is non-profit and composed of small businessmen. He told the committee that bad checks are one of the problems of small businessmen and that 89% of their members in Montana have indicated that they would support this type of legislation. Therefore, they urge passage of this bill.

There were no further proponents or opponents. During questioning, it was brought out that this bill was modelled after the Tennessee law where they have realized a decline in bad checks since the law was passed.

The sponsor of the bill, Rep. Williams of Laurel, arrived at 10:50 a.m. from another meeting where he had been detained and apologized for being so late. He said that he had introduced this bill for small businessmen in his district who are continually plagued with some checks which are bad. He said that he thought that, if a habitual bad check writer had a penalty when hauled into court, he would think twice before writing another bad check. Most bad checks written by the habitual writer of bad checks are for \$25 to \$50, and sometimes even less than \$25.

After questions by committee members, the hearing on this bill was closed.

There being no further business, the committee adjourned at 11:00 a.m..

  
SENATOR JEAN A. TURNAGE, Chairman

**ROLL CALL**

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3-23-77

(Ex 1)

HB 738  
OUTLINE OF PROPOSED REVISIONS  
IN  
THE MONTANA YOUTH COURT ACT  
IN RELATION TO  
DETENTION & SHELTER CARE

10-1203 Definitions

Page 4  
Lines 7-15

Provides definitions for:

- (17) youth correctional facility
- (18) shelter care
- (19) detention

10-1209 Intake Procedure

Page 5  
Lines 17-20

Page 6  
Lines 22-24

- (4) (c) Clarification of intake procedure in relation to detention & shelter care
- (6) Clarification of petition filing procedure for youth held in detention.

10-1210 Consent adjustment without petition

Page 8  
Lines 24-25

- (4) (d) substitutes state youth correctional for detention facility in conformance with proposed changes in 10-1203 - Definition

10-1212 Detention and shelter care of youth

Page 9  
Lines 6-25

Page 10  
Lines 1-16

- (1) Outlines and clarifies criteria under which a youth may be detained
- (2) Outlines criteria under which a youth may be sheltered

10-1213 Release or delivery from custody

Page 11  
Lines 3-21

- (2) Clarifies and strengthens peace officer notification procedures to probation and the youth court when a youth is to be detained or sheltered

10-1214 Place of shelter care or detention

Page 11  
Lines 24-25 &

Page 12  
Lines 1-16

Page 12  
Lines 17-25

- (1) Outlines and clarifies place of shelter care. Strikes out District Youth Guidance Homes as a place of Shelter Care.

Page 13  
Lines 8-14

- (2) Clarifies standards for jails and procedures under which a youth may be detained in jails.

Page 13  
Lines 8-14

- (4) Clarifies prohibitions for youth in need of care being placed in jail.

10-1215 Petition -- Form and Content

Page 14  
Lines 17-20

- (5) outlines information to be included in petition in conformance with definitions of detention and shelter care

(Exhibit)  
Petition from  
Flathead County  
Welfare Dept.

PETITION

In support of House Bill #544, not Senate Bill #355.

Summary: House Bill #544 amends a Montana Law to conform with recent U.S. Supreme Court decisions concerning minors, specifically that minors have the constitutional right to receive contraceptives regardless of age. We, the undersigned, support this bill instead of Senate Bill #355 which requires that minors have parental consent to receive contraceptives.

Angie Pratt  
Mark W. Shearer  
Fran Wagner  
Angeline Wilson  
Julann Steffka  
Rita K. Hanson  
Evelyn Triplett  
Blanche Stanton  
Cindy Wagner  
Patty M. Mace  
Joanne Dixon  
Janet Saurey  
Gregory D. Pusey  
Anne James  
Lynicia D. Montier  
Keanna Hagerman

Sharon R. Andress  
Joni D. McTern  
Helen Loughney  
Kerry D. Brown  
Mark J. Slutz

Lance K. Peper  
Ronald Holt  
Ruby J. Harrel  
Bruce Townsend  
Dad Tousue  
Darryl Welliver  
Bonnie Oftedahl  
Cody Sam Way

**BARRY STEPHENSON**  
*Governmental Affairs Representative*

## National Federation of Independent Business

10837 Southerland Street  
Boise, Idaho 83705  
Telephone (208) 376-6898

*Jedidiah*  
VISITOR'S REGISTER

Note