

1 House BILL NO. 243
 2 INTRODUCED BY Menahan Hussard

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 5 10-1210 AND 10-1213; TO PROVIDE THAT VIOLATION OF CONSENT
 6 ADJUSTMENT WITHOUT PETITION IS WITHIN THE DEFINITION OF
 7 DELINQUENT YOUTH; AND TO DELETE THE REQUIREMENT THAT THE
 8 POLICE IMMEDIATELY NOTIFY A PROBATION OFFICER IN ALL CASES
 9 OF APPREHENSION OF A YOUTH."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 10-1210, R.C.M. 1947, is amended to
 13 read as follows:

14 "10-1210. Consent adjustment without petition. (1)
 15 Before a petition is filed, the probation officer may enter
 16 into an informal adjustment, give counsel and advice to the
 17 youth and other interested parties, if it appears:

18 (a) the admitted facts bring the case within the
 19 jurisdiction of the court;

20 (b) counsel and advice without filing a petition would
 21 be in the best interests of the child and the public.

22 (2) Any probation or other disposition imposed under
 23 this section against any youth must conform to the following
 24 procedures:

25 (a) Every consent adjustment shall be reduced to

1 writing, signed by the youth and his parents or the person
 2 having legal custody of the youth.

3 (b) Approval by the youth court judge shall be
 4 required where the complaint alleges commission of a felony
 5 or where the youth has been or will be in any way detained.

6 (3) An incriminating statement relating to any act or
 7 omission constituting delinquency or need of supervision
 8 made by the participant to the person giving counsel or
 9 advice in the discussions or conferences incident thereto
 10 shall not be used against the declarant in any proceeding
 11 under this act, nor shall the incriminating statement be
 12 admissible in any criminal proceeding against the declarant.

13 (4) The following dispositions may be imposed by
 14 informal adjustment:

15 (a) Probation;

16 (b) Placement of the youth in a licensed foster home
 17 or other home approved by the court;

18 (c) Placement of the youth in a private agency
 19 responsible for the care and rehabilitation of such a youth,
 20 including but not limited to, a district youth guidance
 21 home;

22 (d) Transfer of legal custody of the youth to the
 23 department of institutions, provided, however, that such
 24 commitment shall not authorize the department of
 25 institutions to place the youth in a detention facility as

1 defined by this act and such commitment shall not exceed a
2 period of six (6) months without a subsequent order of the
3 court, after notice and hearing.

4 (5) Violation of an agreement under this section is
5 included within the definition of delinquent youth under
6 section 10-1203 (12) (b), R.C.M. 1947."

7 Section 2. Section 10-1213, R.C.M. 1947, is amended to
8 read as follows:

9 "10-1213. Release or delivery from custody. (1)
10 Whenever a peace officer believes, on reasonable grounds,
11 that a youth can be released to a person who has custody of
12 the youth, then the peace officer may release the youth to
13 that person upon receiving a written promise from the person
14 to bring the youth before the probation officer at a time
15 and place specified in the written promise; or a peace
16 officer may release the youth under any other reasonable
17 circumstances.

18 (2) Whenever the peace officer believes, on reasonable
19 grounds, that the youth must be held in custody, then the
20 peace officer must notify the probation officer without
21 undue delay, and shall, as soon as practicable, provide the
22 probation officer with a written report of his reasons for
23 holding that youth in custody. If it is necessary to hold
24 the youth pending appearance before the youth court, then
25 the youth must be held in some place that has been approved

1 by the youth court and completely separated from adult
2 offenders.

3 ~~(3) --Whenever any peace officer has apprehended a~~
4 ~~youth, he shall immediately notify the probation officer of~~
5 ~~such fact and shall, as soon as practicable, provide the~~
6 ~~probation officer with a written report of his reasons for~~
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-End-

Approved by Committee
on Judiciary

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2 INTRODUCED BY Manahan Musauel

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19 jurisdiction of the court;
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21 be in the best interests of the child and the public.

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23 this section against any youth must conform to the following
24 procedures:

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1 writing, signed by the youth and his parents or the person
2 having legal custody of the youth.

3 (b) Approval by the youth court judge shall be
4 required where the complaint alleges commission of a felony
5 or where the youth has been or will be in any way detained.

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7 omission constituting delinquency or need of supervision
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- 18 (c) Placement of the youth in a private agency
19 responsible for the care and rehabilitation of such a youth,
20 including but not limited to, a district youth guidance
21 home;

22 (d) Transfer of legal custody of the youth to the
23 department of institutions, provided, however, that such
24 commitment shall not authorize the department of
25 institutions to place the youth in a detention facility as

1 defined by this act and such commitment shall not exceed a
2 period of six (6) months without a subsequent order of the
3 court, after notice and hearing.

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14 to bring the youth before the probation officer at a time
15 and place specified in the written promise; or a peace
16 officer may release the youth under any other reasonable
17 circumstances.

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19 grounds, that the youth must be held in custody, then the
20 peace officer must notify the probation officer without
21 undue delay, and shall, as soon as practicable, provide the
22 probation officer with a written report of his reasons for
23 holding that youth in custody. If it is necessary to hold
24 the youth pending appearance before the youth court, then
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House BILL NO. *243*
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INTRODUCED BY _____
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 10-1210 AND 10-1213; TO PROVIDE THAT VIOLATION OF CONSENT ADJUSTMENT WITHOUT PETITION IS WITHIN THE DEFINITION OF DELINQUENT YOUTH; AND TO DELETE THE REQUIREMENT THAT THE POLICE IMMEDIATELY NOTIFY A PROBATION OFFICER IN ALL CASES OF APPREHENSION OF A YOUTH."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 10-1210, R.C.M. 1947, is amended to read as follows:

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(a) the admitted facts bring the case within the jurisdiction of the court;

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(2) Any probation or other disposition imposed under this section against any youth must conform to the following procedures:

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(b) Approval by the youth court judge shall be required where the complaint alleges commission of a felony or where the youth has been or will be in any way detained.

(3) An incriminating statement relating to any act or omission constituting delinquency or need of supervision made by the participant to the person giving counsel or advice in the discussions or conferences incident thereto shall not be used against the declarant in any proceeding under this act, nor shall the incriminating statement be admissible in any criminal proceeding against the declarant.

(4) The following dispositions may be imposed by informal adjustment:

(a) Probation;

(b) Placement of the youth in a licensed foster home or other home approved by the court;

(c) Placement of the youth in a private agency responsible for the care and rehabilitation of such a youth, including but not limited to, a district youth guidance home;

(d) Transfer of legal custody of the youth to the department of institutions, provided, however, that such commitment shall not authorize the department of institutions to place the youth in a detention facility as

1 defined by this act and such commitment shall not exceed a
2 period of six (6) months without a subsequent order of the
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15 and place specified in the written promise; or a peace
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-End-

March 6, 1975

SENATE COMMITTEE ON JUDICIARY
AMENDMENTS TO HOUSE BILL NO. 243

That House Bill No. 243, third reading, be amended as follows:

1. Amend title, line 4.
Following: "AMEND"
Strike: "SECTIONS"
Insert: "section"
2. Amend title, line 5.
Strike: "10-1210 AND"
3. Amend title, lines 5 through 7.
Following: "10-1213;"
Strike: "TO PROVIDE THAT VIOLATION OF CONSENT ADJUSTMENT
WITHOUT PETITION IS WITHIN THE DEFINITION OF
DELINQUENT YOUTH; AND"
4. Amend page 1, section 1, lines 12 through line 6 on page 3.
Following: "Section 1."
Strike: Section 1 in its entirety
Renumber: Subsequent section

HOUSE BILL NO. 243

INTRODUCED BY MENAHAN, DUSSAULT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS SECTION 10-1210--AND 10-1213; TO PROVIDE THAT VIOLATION OF CONSENT ADJUSTMENT WITHOUT PETITION IS WITHIN THE DEFINITION OF DELINQUENT YOUTH; AND TO DELETE THE REQUIREMENT THAT THE POLICE IMMEDIATELY NOTIFY A PROBATION OFFICER IN ALL CASES OF APPREHENSION OF A YOUTH."

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Section 17--Section 10-1210, R.C.M. 1947, is amended to read as follows:

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(a) the admitted facts bring the case within the jurisdiction of the court;

(b) counsel and advice without filing a petition would be in the best interests of the child and the public;

(2) Any probation or other disposition imposed under this section against any youth must conform to the following procedures:

(a) Every consent adjustment shall be reduced to

writing, signed by the youth and his parents or the person having legal custody of the youth;

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