

1 Senate BILL NO. 153  
 2 INTRODUCED BY Paul

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 10-1237, R.C.M. 1947, TO PROVIDE FOR A COST-SHARING PROGRAM  
 6 BETWEEN THE STATE AND COUNTIES WITH A POPULATION IN EXCESS  
 7 OF FIFTY THOUSAND (50,000) FOR THE OPERATION OF AN INTENSIVE  
 8 TREATMENT UNIT FOR JUVENILES."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 10-1237, R.C.M. 1947, is amended to  
 12 read as follows:

13 "10-1237. Youth detention home. (1) In all counties  
 14 the county commissioners may provide by purchase, lease, or  
 15 otherwise, a place to be known as the youth detention home,  
 16 which shall not be used for the confinement of adult persons  
 17 charged with criminal offenses, where delinquent youths and  
 18 youth in need of supervision may be detained until final  
 19 disposition, which place shall be maintained by the county  
 20 as in other like cases. The judge having jurisdiction may  
 21 appoint such personnel as required, who shall have charge of  
 22 said home and of the youths detained therein.

23 Such home shall be furnished in a comfortable manner,  
 24 as nearly as may be as a family home. The compensation of  
 25 such personnel shall be fixed by the court, and such

1 compensation and the maintaining of such home shall be paid  
 2 out of the county treasury.

3 (2) (a) In all counties with a population of more  
 4 than fifty thousand (50,000) the county commissioners may  
 5 provide by purchase, lease, or otherwise, a program known as  
 6 the youth detention and treatment service which shall be a  
 7 flexible system under local control to provide detention,  
 8 evaluation, and treatment to delinquent youths and youths in  
 9 need of supervision, which may include an intensive  
 10 treatment facility with a professional staff to function in  
 11 conjunction with group homes, foster homes, and district  
 12 youth guidance homes or any combination thereof to provide a  
 13 comprehensive program.

14 (b) The judge having jurisdiction shall appoint such  
 15 personnel as required and shall be responsible for the  
 16 operation of the program. The state department of  
 17 institutions shall fund up to seventy-five percent (75%) of  
 18 the costs of operation and the county shall fund not less  
 19 than twenty-five percent (25%) of said costs. The budget  
 20 shall be prepared by the county with the approval of the  
 21 state department of institutions. Any county in the  
 22 judicial district of the qualifying county may, with the  
 23 consent of the qualifying county, join in the program and  
 24 shall contribute to the county share of the budget on the  
 25 proportionate basis of assessed valuation.

1       (c) Governmental units including, but not limited to,  
2 counties, municipalities, school districts, or state  
3 institutions of higher learning are hereby authorized at  
4 their own expense to provide funds, materials, facilities  
5 and services for the youth detention and treatment services  
6 provided herein.

7       (d) A person held in a youth detention center shall  
8 have all the rights and protections afforded to persons who  
9 are detained in a county jail."

-End-

Approved by Committee  
on Judiciary

SENATE BILL NO. 153

INTRODUCED BY TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 10-1237, R.C.M. 1947, TO PROVIDE FOR A COST-SHARING PROGRAM BETWEEN THE STATE AND ~~COUNTIES~~ LOCAL GOVERNING BODIES WITH A ~~POPULATION IN EXCESS OF FIFTY THOUSAND (50,000)~~ FOR THE OPERATION OF AN ~~INTENSIVE TREATMENT UNIT~~ SHELTERED CARE AND DETENTION SERVICES PROGRAM FOR JUVENILES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1237, R.C.M. 1947, is amended to read as follows:

"10-1237. Youth detention home. (1) ~~In all counties the county commissioners~~ ANY LOCAL GOVERNING BODY may provide by purchase, lease, or otherwise, a place to be known as the youth detention home, which The home shall not be used for the confinement of adult persons charged with criminal offenses, ~~where delinquent.~~ Delinquent youths and youth in need of supervision may be detained IN THE HOME until final disposition, ~~which place shall be maintained by the county as in other like cases.~~ The judge LOCAL GOVERNING BODY having jurisdiction may appoint such personnel as required, who shall have charge of said home and of the youths detained therein.

Such home shall be furnished in a comfortable manner, as nearly as may be as a family home. The compensation of such personnel shall be fixed by the court LOCAL GOVERNING BODY, and such compensation and the maintaining of such home shall be paid out of the county treasury OF THE LOCAL GOVERNING BODY.

~~(2) (a) In all counties with a population of more than fifty thousand (50,000) the county commissioners may provide by purchase, lease, or otherwise, a program known as the youth detention and treatment service which shall be a flexible system under local control to provide detention, evaluation, and treatment to delinquent youths and youths in need of supervision which may include an intensive treatment facility with a professional staff to function in conjunction with group homes, foster homes, and district youth guidance homes or any combination thereof to provide a comprehensive program.~~

~~(b) The judge having jurisdiction shall appoint such personnel as required and shall be responsible for the operation of the program. The state department of institutions shall fund up to seventy five percent (75%) of the costs of operation and the county shall fund not less than twenty five percent (25%) of said costs. The budget shall be prepared by the county with the approval of the state department of institutions. Any county in the~~

judicial-district-of-the-qualifying-county-may-with-the  
consent-of-the-qualifying-county-join-in-the-program-and  
shall-contribute-to-the-county-share-of-the-budget-on-the  
proportionate-basis-of-assessed-valuation.

(c)--Governmental-units-including-but-not-limited-to,  
counties---municipalities---school---districts---or---state  
institutions-of-higher-learning--are--hereby--authorized--at  
their--own--expense--to-provide-funds-materials-facilities  
and-services-for-the-youth-detention-and-treatment--services  
provided-herein.

(d)--A-person-held-in-a-youth--detention--center--shall  
have--all-the-rights-and-protections-afforded-to-persons-who  
are-detained-in-a-county-jail.

(2) (A) THE COUNTY COMMISSIONERS IN ANY COUNTY IN ANY  
JUDICIAL DISTRICT MAY PROVIDE BY PURCHASE, LEASE, OR  
OTHERWISE, A PROGRAM KNOWN AS SHELTERED CARE UNDER LOCAL  
CONTROL TO PROVIDE DETENTION, DIAGNOSIS, COUNSELING,  
REFERRAL AND ADVOCACY SERVICES TO DELINQUENT YOUTHS AND  
YOUTHS IN NEED OF SUPERVISION. THE PERSONNEL HIRED TO STAFF  
THE PROGRAM MUST BE BOTH TRAINED AND QUALIFIED. THEY MAY  
FUNCTION IN COOPERATION WITH GROUP HOMES, FOSTER HOMES AND  
DISTRICT YOUTH GUIDANCE HOMES OR ANY COMBINATION THEREOF TO  
PROVIDE A COMPREHENSIVE PROGRAM.

(B) THE LOCAL GOVERNING BODY HAVING JURISDICTION SHALL  
APPOINT SUCH PERSONNEL AS REQUIRED AND SHALL BE RESPONSIBLE

FOR THE OPERATION OF THE PROGRAM. TWENTY-FIVE PERCENT (25%)  
OF THE COSTS OF SUCH A PROGRAM SHALL BE PAID BY THE  
DEPARTMENT OF INSTITUTIONS AND SEVENTY-FIVE PERCENT (75%)  
SHALL BE PAID BY THE LOCAL GOVERNING BODY IN THE SAID  
JUDICIAL DISTRICT. THE BUDGET SHALL BE PREPARED BY THE  
COUNTY WITH THE APPROVAL OF THE STATE DEPARTMENT OF  
INSTITUTIONS. ANY COUNTY IN THE SAME JUDICIAL DISTRICT MAY,  
UPON SUITABLE ARRANGEMENT, JOIN IN THE PROGRAM AND  
CONTRIBUTE TO THE COUNTY SHARE OF THE BUDGET ON THE  
PROPORTIONATE BASIS OF ASSESSED VALUATION. THE COUNTIES IN  
MORE THAN ONE JUDICIAL DISTRICT MAY JOIN TOGETHER TO SUPPORT  
ONE PROGRAM.

(C) GOVERNMENTAL UNITS INCLUDING, BUT NOT LIMITED TO,  
COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS OR STATE  
INSTITUTIONS OF HIGHER LEARNING OR AGENCIES THEREOF AND  
NONPROFIT ORGANIZATIONS ARE HEREBY AUTHORIZED AT THEIR OWN  
EXPENSE TO PROVIDE FUNDS, MATERIALS, FACILITIES AND SERVICES  
FOR THE SHELTERED CARE AND DETENTION SERVICES PROVIDED  
HEREIN.

(D) THE DEPARTMENT OF INSTITUTIONS SHALL PROMULGATE  
REGULATIONS TO CARRY OUT THE PURPOSES OF THIS ACT.

(E) A PERSON HELD IN A YOUTH DETENTION CENTER SHALL  
HAVE ALL THE RIGHTS AND PROTECTIONS AFFORDED TO PERSONS WHO  
ARE DETAINED IN A COUNTY JAIL."

-End-