

CHAPTER NO. 668.

HOUSE BILL NO. 678

INTRODUCED BY PISTORIA, THOMAS, CONROY, MANNING, HAYNE,
DONALDSON, KANDUCH, FEDA, PORTER, MOORE

IN THE HOUSE

February 9, 1979	Introduced and referred to Committee on Judiciary.
February 15, 1979	Committee recommend bill do not pass. Objection raised to adverse committee report. Bill placed on second reading.
February 17, 1979	Second reading, do pass as amended.
February 19, 1979	Correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 21, 1979	Introduced and referred to Committee on Judiciary.
March 9, 1979	Committee recommend bill be concurrent in as amended. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 16, 1979	Returned from second house. Concurred in as amended.
March 17, 1979	Second reading, amendments rejected. On motion Joint Conference Committee requested.

March 19, 1979	Joint Conference Committee appointed.
April 2, 1979	Joint Conference Committee reported.
April 3, 1979	Second reading, report rejected. Adopted by Senate.
April 4, 1979	Joint Conference Committee dissolved. On motion Free Joint Conference Committee requested.
April 5, 1979	Free Joint Conference Committee appointed.
April 10, 1979	Free Joint Conference Committee reported.
April 11, 1979	Second reading, adopted.
April 12, 1979	Third reading, adopted.
April 13, 1979	Second house, adopted.
April 16, 1979	Sent to enrolling. Reported correctly enrolled.

1 *House* BILL NO. *678* *Thore*
 2 INTRODUCED BY *Dr. Patricia Thomas Cannon Manning*
 3 *Hayme [unclear]*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLICITY
 5 CONCERNING THE IDENTITY OF AN ARRESTED YOUTH AND YOUTH COURT
 6 PROCEEDINGS INVOLVING A YOUTH PROCEEDED AGAINST AS, OR FOUND
 7 TO BE, A DELINQUENT YOUTH OR YOUTH IN NEED OF SUPERVISION;
 8 TO PROVIDE THAT THE PUBLIC AND THE MEDIA MAY NOT BE EXCLUDED
 9 FROM SUCH PROCEEDINGS; AMENDING SECTION 41-5-521, MCA; AND
 10 REPEALING SECTION 41-5-601, MCA."

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

12 Section 1. Section 41-5-521, MCA, is amended to read:
 13 "41-5-521. Adjudicatory hearing. (1) Prior to any
 14 adjudicatory hearing, the court shall determine whether the
 15 youth admits or denies the offenses alleged in the petition.
 16 If the youth denies all offenses alleged in the petition,
 17 the youth, his parent, guardian, or attorney may demand a
 18 jury trial on such contested offenses. In the absence of
 19 such demand, a jury trial is waived. If the youth denies
 20 some offenses and admits others, the contested offenses may
 21 be dismissed in the discretion of the youth court judge. The
 22 adjudicatory hearing shall be set immediately and accorded a
 23 preferential priority.

24 (2) An adjudicatory hearing shall be held to determine

1 whether the contested offenses are supported by proof beyond
 2 a reasonable doubt in cases involving a youth alleged to be
 3 delinquent or in need of supervision. If the hearing is
 4 before a jury, the jury's function shall be to determine
 5 whether the youth committed the contested offenses. If the
 6 hearing is before the youth court judge without a jury, the
 7 judge shall make and record his findings on all issues. If
 8 the allegations of the petitions are not established at the
 9 hearing, the youth court shall dismiss the petition and
 10 discharge the youth from custody.

11 (3) An adjudicatory hearing shall be recorded verbatim
 12 by whatever means the court considers appropriate.

13 (4) The youth charged in a petition must be present at
 14 the hearing and, if brought from detention to the hearing,
 15 may not appear clothed in institutional clothing.

16 (5) In a hearing on a petition under this section, the
 17 general public ~~shall be excluded and only such persons as~~
 18 ~~have a direct interest in the case may be admitted, except~~
 19 ~~that when a hearing in the court is held on a written~~
 20 ~~petition charging the commission of a felony, persons with a~~
 21 ~~legitimate interest in the proceedings, including and~~
 22 representatives of public information media, may not be
 23 excluded from the hearing.

24 (6) If, on the basis of a valid admission by a youth
 25 of the allegations of the petition or after the hearing

1 required by this section, a youth is found to be a
2 delinquent youth or a youth in need of supervision, the
3 court shall schedule a dispositional hearing under this
4 chapter.

5 (7) When a jury trial is required in a case, it may be
6 held before a jury selected as provided in Title 25, chapter
7 7, part 2, and M.R.Civ.P., Rule 47."

8 Section 2. Repealer. Section 41-5-601, MCA, is
9 repealed.

-End-

HOUSE BILL NO. 678

INTRODUCED BY PISTORIA, THOMAS, CONROY, MANNING, HAYNE,
DONALDSON, KANDUCH, FEDA, PORTER, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLICITY
CONCERNING THE IDENTITY OF AN ARRESTED YOUTH AND YOUTH COURT
PROCEEDINGS INVOLVING A YOUTH PROCEEDED AGAINST AS, OR FOUND
TO BE, A DELINQUENT YOUTH OR YOUTH IN NEED OF SUPERVISION;
TO PROVIDE THAT THE PUBLIC AND THE MEDIA MAY NOT BE EXCLUDED
FROM SUCH PROCEEDINGS; AMENDING SECTION 41-5-521, MCA; AND
REPEALING SECTION 41-5-601, MCA."

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Section 1. Section 41-5-521, MCA, is amended to read:

"41-5-521. Adjudicatory hearing. (1) Prior to any
adjudicatory hearing, the court shall determine whether the
youth admits or denies the offenses alleged in the petition.
If the youth denies all offenses alleged in the petition,
the youth, his parent, guardian, or attorney may demand a
jury trial on such contested offenses. In the absence of
such demand, a jury trial is waived. If the youth denies
some offenses and admits others, the contested offenses may
be dismissed in the discretion of the youth court judge. The
adjudicatory hearing shall be set immediately and accorded a
preferential priority.

(2) An adjudicatory hearing shall be held to determine
whether the contested offenses are supported by proof beyond
a reasonable doubt in cases involving a youth alleged to be
delinquent or in need of supervision. If the hearing is
before a jury, the jury's function shall be to determine
whether the youth committed the contested offenses. If the
hearing is before the youth court judge without a jury, the
judge shall make and record his findings on all issues. If
the allegations of the petitions are not established at the
hearing, the youth court shall dismiss the petition and
discharge the youth from custody.

(3) An adjudicatory hearing shall be recorded verbatim
by whatever means the court considers appropriate.

(4) The youth charged in a petition must be present at
the hearing and, if brought from detention to the hearing,
may not appear clothed in institutional clothing.

(5) In a hearing on a petition under this section, the
general public shall be excluded and only such persons as
have a direct interest in the case may be admitted, except
that when a hearing in the court is held on a written
petition charging the commission of a felony, persons with a
legitimate interest in the proceedings, including and
representatives of public information media, may not be
excluded from the hearing EXCEPT THAT WHEN THE DEFENSE
CHARGED DOES NOT CONSTITUTE A FELONY AND THE COURT

1 ~~DETERMINES A CLOSED HEARING TO BE IN THE YOUTH'S BEST~~
2 ~~INTEREST. THE GENERAL PUBLIC MAY BE EXCLUDED AND ONLY SUCH~~
3 ~~PERSONS AS HAVE A DIRECT INTEREST IN THE CASE MAY BE~~
4 ~~ADMITTED.~~

5 (6) If, on the basis of a valid admission by a youth
6 of the allegations of the petition or after the hearing
7 required by this section, a youth is found to be a
8 delinquent youth or a youth in need of supervision, the
9 court shall schedule a dispositional hearing under this
10 chapter.

11 (7) When a jury trial is required in a case, it may be
12 held before a jury selected as provided in Title 25, chapter
13 7, part 2, and M.R.Civ.P., Rule 47."

14 Section 2. Repealer. Section 41-5-601, MCA, is
15 repealed.

-End-

HOUSE BILL NO. 678

INTRODUCED BY PISTORIA, THOMAS, CONROY, MANNING, HAYNE,
DONALDSON, KANDUCH, FEOLA, PORTER, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLICITY CONCERNING THE IDENTIFY OF AN ARRESTED YOUTH AND YOUTH COURT PROCEEDINGS INVOLVING A YOUTH PROCEEDED AGAINST AS OR FOUND TO BE A DELINQUENT YOUTH OR YOUTH IN NEED OF SUPERVISION; TO PROVIDE THAT THE PUBLIC AND THE MEDIA MAY NOT BE EXCLUDED FROM SUCH YOUTH COURT PROCEEDINGS IN WHICH A YOUTH IS ALLEGED TO BE DELINQUENT OR IN NEED OF SUPERVISION UNLESS THE COURT DETERMINES THAT A CLOSED HEARING IS IN THE YOUTH'S BEST INTEREST; AMENDING SECTION 41-5-521, MCA; AND REPEATING SECTION 41-5-601, MCA."

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

Section 1. Section 41-5-521, MCA, is amended to read:

"41-5-521. Adjudicatory hearing. (1) Prior to any adjudicatory hearing, the court shall determine whether the youth admits or denies the offenses alleged in the petition. If the youth denies all offenses alleged in the petition, the youth, his parent, guardian, or attorney may demand a jury trial on such contested offenses. In the absence of such demand, a jury trial is waived. If the youth denies some offenses and admits others, the contested offenses may

be dismissed in the discretion of the youth court judge. The adjudicatory hearing shall be set immediately and accorded a preferential priority.

(2) An adjudicatory hearing shall be held to determine whether the contested offenses are supported by proof beyond a reasonable doubt in cases involving a youth alleged to be delinquent or in need of supervision. If the hearing is before a jury, the jury's function shall be to determine whether the youth committed the contested offenses. If the hearing is before the youth court judge without a jury, the judge shall make and record his findings on all issues. If the allegations of the petitions are not established at the hearing, the youth court shall dismiss the petition and discharge the youth from custody.

(3) An adjudicatory hearing shall be recorded verbatim by whatever means the court considers appropriate.

(4) The youth charged in a petition must be present at the hearing and, if brought from detention to the hearing, may not appear clothed in institutional clothing.

(5) In a hearing on a petition under this section, the general public shall be excluded and only such persons as have a direct interest in the case may be admitted, except that when a hearing in the court is held on a written petition charging the commission of a felony, persons with a legitimate interest in the proceedings, including and

1 representatives--of--public--information--media, may not be
2 excluded from the hearing EXCEPT THAT WHEN THE--OFFENSE
3 CHARGED--DOES--NOT--CONSTITUTE--A--FELONY--AND THE COURT
4 DETERMINES A CLOSED HEARING TO BE IN THE YOUTH'S BEST
5 INTEREST, THE--GENERAL--PUBLIC--MAY--BE--EXCLUDED--AND--ONLY--SUCH
6 PERSONS--AS--HAVE--A--DIRECT--INTEREST--IN--THE--CASE--MAY--BE
7 ADMITTED.

8 (6) If, on the basis of a valid admission by a youth
9 of the allegations of the petition or after the hearing
10 required by this section, a youth is found to be a
11 delinquent youth or a youth in need of supervision, the
12 court shall schedule a dispositional hearing under this
13 chapter.

14 (7) When a jury trial is required in a case, it may be
15 held before a jury selected as provided in Title 25, chapter
16 7, part 2, and M.R.Civ.P., Rule 47."

17 Section 2--Repeater--Section--41-5-691v--MAY--is
18 repeated--

-End-

March 9, 1979

SENATE COMMITTEE OF THE WHOLE
(Judiciary)

That House Bill No. 678 be amended as follows:

1. Title, lines 5 through 9.
Following: "TO" on line 5
Strike: remainder of line 5 through "TO" on line 9
2. Title, line 10.
Following: "FROM"
Strike: "SUCH"
Insert: "YOUTH COURT"
Following: "PROCEEDINGS"
Insert: "IN WHICH A YOUTH IS ALLEGED TO BE DELINQUENT OR IN NEED
OF SUPERVISION UNLESS THE COURT DETERMINES THAT A CLOSED HEARING
IS IN THE YOUTH'S BEST INTEREST"
3. Title, lines 10 and 11.
Strike: "; AND REPEALING SECTION 41-5-601, MCA"
4. Page 2, line 24.
Following: "excluded"
Strike: " "
Following: "EXCEPT"
Strike: "THAT"
5. Page 2, lines 24 and 25.
Strike: "THE OFFENSE CHARGED DOES NOT CONSTITUTE A FELONY AND"
6. Page 3, lines 2 through 4.
Following: "INTEREST" on line 2
Strike: remainder of line 2 through "ADMITTED" on line 4
7. Page 3, lines 14 and 15.
Strike: section 2 in its entirety