

SENATE BILL NO. 382

INTRODUCED BY THOMAS

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on Judiciary.
February 16, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 19, 1979	Second reading, do pass.
February 20, 1979	Considered correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 Amended BILL NO. 382
2 INTRODUCED BY Thomas

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAW
5 RELATING TO TIME LIMITATIONS FOR A PROCEEDING ALLEGING A
6 YOUTH DELINQUENT OR IN NEED OF SUPERVISION; PROVIDING THAT
7 DISMISSAL OF A PETITION FOR FAILURE TO HOLD A HEARING WITHIN
8 15 DAYS IS WITHOUT PREJUDICE AND PROVIDING THAT A YOUTH
9 COURT JUDGE MAY GRANT A CONTINUANCE IF THE INTERESTS OF
10 JUSTICE SO REQUIRE; AMENDING SECTION 41-5-516, MCA."

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

13 Section 1. Section 41-5-516, MCA, is amended to read:

14 "41-5-516. Time limitations on petition hearing ==
15 ~~continuance.~~ (1) Unless the allegations of a petition
16 alleging that a youth is a delinquent youth or a youth in
17 need of supervision are determined by a written admission of
18 the allegations by the youth, the petition shall be
19 dismissed ~~with prejudice~~ if a hearing on the petition is not
20 begun within 15 days after all service is completed.
21 ~~However, either party may move for a continuance under~~
22 ~~subsection (2) of this section.~~

23 (2) ~~The youth court may, upon motion of either party~~
24 ~~or upon the court's own motion, order a continuance if the~~
25 ~~interests of justice so require. All motions for a~~

1 ~~continuance are addressed to the discretion of the youth~~
2 ~~court judge and must be considered in the light of the~~
3 ~~diligence shown on the part of the movant.~~

4 (3) ~~Delays resulting from service of process or delays~~
5 ~~resulting from legal actions taken in behalf of the youth~~
6 ~~shall not be included in the 15-day time limitation."~~

-end-

Approved by Committee
on Judiciary

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19 the allegations by the youth, the petition shall be
20 dismissed ~~with-prejudice~~ WITH PREJUDICE if a hearing on the
21 petition is not begun within 15 days after all service is
22 completed. However, either party may move for a continuance
23 under subsection (2) of this section IF THE YOUTH IS NOT IN
24 CUSTODY.

25 (2) The youth court may, upon motion of either party

1 or upon the court's own motion, order a continuance if THE
2 YOUTH IS NOT IN CUSTODY AND interests of justice so
3 require. All motions for a continuance are addressed to the
4 discretion of the youth court judge and must be considered
5 in the light of the diligence shown on the part of the
6 movant.

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