

SENATE BILL NO. 394

INTRODUCED BY STIMATZ

IN THE SENATE

February 7, 1979	Introduced and referred to Committee on Judiciary.
February 16, 1979	Committee recommend bill do pass. 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 15, 1979	Committee recommend bill be concurred in. Report adopted.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in.

IN THE SENATE

March 20, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Amended* BILL NO. 394
 2 INTRODUCED BY *Stewart*-----
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE EXTENSION OF
 5 CERTAIN CONSTITUTIONAL RIGHTS TO A YOUTH DETAINED FOR
 6 INVESTIGATION OR QUESTIONING UNDER THE MONTANA YOUTH COURT
 7 ACT; AMENDING SECTION 41-5-303, MCA."
 8

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

10 Section 1. Section 41-5-303, MCA, is amended to read:

11 "41-5-303. Rights of youth upon apprehension. When a
 12 youth ~~alleged to be a delinquent youth or a youth in need of~~
 13 ~~supervision--is--taken--into--custody~~ is detained for
 14 investigation or questioning upon a matter which could
 15 result in a petition alleging that the youth being detained
 16 is either delinquent or in need of supervision, the
 17 following requirements must be met:

18 (1) The youth shall be immediately and effectively
 19 advised of his constitutional rights and his rights under
 20 this chapter.

21 (2) The youth may waive such rights under the
 22 following situations:

23 (a) when the youth is under the age of 12 years, the
 24 parents of the youth may make an effective waiver;

25 (b) when the youth is over the age of 12 years and the

1 youth and his parents agree, they may make an effective
 2 waiver; and

3 (c) when the youth is over the age of 12 years and the
 4 youth and his parents do not agree, the youth may make an
 5 effective waiver only with advice of counsel."

-End-

-2- SB 394
 INTRODUCED BILL

1 Spivey BILL NO. 394
2 INTRODUCED BY Spivey

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SD 394

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