

SENATE BILL NO. 454

INTRODUCED BY STIMATZ

IN THE SENATE

February 10, 1979	Introduced and referred to Committee on Judiciary.
February 14, 1979	Committee recommend bill do pass. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 19, 1979	Considered correctly engrossed.
February 20, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 21, 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 Amaz BILL NO. 454
2 INTRODUCED BY Amaz

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT A YOUTH
5 MAY WAIVE THE RIGHT TO COUNSEL UNLESS A PETITION HAS BEEN
6 FILED UNDER THE MONTANA YOUTH COURT ACT; AMENDING SECTIONS
7 41-5-511 AND 46-8-102, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 41-5-511, MCA, is amended to read:
11 "41-5-511. Right to counsel. In all proceedings on a
12 petition following the filing of a petition alleging a
13 delinquent youth or youth in need of supervision, the youth
14 and the parents or guardian of the youth shall be advised by
15 the court or, in the absence of the court, by its
16 representative that the youth may be represented by counsel
17 at all stages of the proceedings. If counsel is not
18 retained or if it appears that counsel will not be retained,
19 counsel shall be appointed for the youth unless the right to
20 appointed counsel is waived by the youth and the parents or
21 guardian. Neither the youth nor his parent or guardian may
22 waive counsel after a petition has been filed if commitment
23 to a state correctional facility or to the department of
24 institutions for a period of more than 6 months may result
25 from adjudication."

1 Section 2. Section 46-8-102, MCA, is amended to read:
2 "46-8-102. Waiver of counsel. A defendant may waive
3 his right to counsel, except that in all felony cases where
4 the defendant is under 18 years of age, the defendant shall
5 be represented by counsel at every stage of the proceedings
6 following the filing of a petition under 41-5-301."

-End-

SB 454
-2- INTRODUCED BILL

1 Ames BILL NO. 454
2 INTRODUCED BY Ames

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3 his right to counsel, except that in all felony cases where
4 the defendant is under 18 years of age, the defendant shall
5 be represented by counsel at every stage of the proceedings
6 following the filing of a petition under 41-5-501."

-End-

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