

CHAPTER NO. 427.

SENATE BILL NO. 456

INTRODUCED BY THOMAS

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Fish and Game.
February 15, 1979	Committee recommend bill do pass. Report adopted.
February 16, 1979	Printed and placed on members' desks.
February 17, 1979	On motion segregated from report of Committee of the Whole. Second reading, do pass.
February 19, 1979	Motion pass consideration.
February 20, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Fish and Game.
March 9, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 13, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 17, 1979	Returned from second house. Concurred in as amended.
----------------	---

March 19, 1979

Second reading, pass
consideration.

March 20, 1979

Second reading, amendments
adopted.

March 21, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Thomas* BILL NO. 456
 2 INTRODUCED BY *Thomas*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE FROM THE
 5 YOUTH COURT THE JURISDICTION OVER VIOLATIONS OF TRAFFIC AND
 6 FISH AND GAME LAWS BY A YOUTH; AMENDING SECTION 41-5-203,
 7 MCA."

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

10 Section 1. Section 41-5-203, MCA, is amended to read:

11 "41-5-203. Jurisdiction of the court. (1) ~~The except~~
 12 ~~as provided in subsection (2), the~~ court has exclusive
 13 original jurisdiction of all proceedings under the Montana
 14 Youth Court Act in which a youth is alleged to be a
 15 delinquent youth, a youth in need of supervision, or a youth
 16 in need of care or concerning any person under 21 years of
 17 age charged with having violated any law of the state or
 18 ordinance of any city or town ~~other than a traffic or fish~~
 19 ~~and game law~~ prior to having become 18 years of age.

20 (2) Justice, municipal, and city courts have
 21 concurrent jurisdiction with the youth court over all
 22 alcoholic beverage ~~traffic and fish and game~~ violations
 23 alleged to have been committed by a youth."

-End-

SB 456
 INTRODUCED BILL

1 SENATE BILL NO. 456

2 INTRODUCED BY THOMAS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE FROM THE
5 YOUTH COURT THE JURISDICTION OVER VIOLATIONS OF TRAFFIC AND
6 FISH AND GAME LAWS BY A YOUTH AND LIMITING THE AUTHORITY OF
7 COURTS RELATING TO IMPOUNDMENT OF VEHICLES; AMENDING ~~SECTIONS~~
8 SECTIONS 41-5-203 AND 61-12-601, MCA."

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

11 Section 1. Section 41-5-203, MCA, is amended to read:

12 "41-5-203. Jurisdiction of the court. (1) The Except
13 as provided in subsection (2), the court has exclusive
14 original jurisdiction of all proceedings under the Montana
15 Youth Court Act in which a youth is alleged to be a
16 delinquent youth, a youth in need of supervision, or a youth
17 in need of care or concerning any person under 21 years of
18 age charged with having violated any law of the state or
19 ordinance of any city or town other than a traffic or fish
20 and game law prior to having become 18 years of age.

21 (2) Justice, municipal, and city courts have
22 concurrent jurisdiction with the youth court over all
23 alcoholic beverage-~~traffic~~-~~and-fish-and-game~~ violations OR
24 VIOLATIONS OF 61-8-401 alleged to have been committed by a
25 youth.

1 (3) JURISDICTION OVER TRAFFIC VIOLATIONS, OTHER THAN
2 VIOLATIONS OF 61-8-401, AND FISH AND GAME VIOLATIONS ALLEGED
3 TO HAVE BEEN COMMITTED BY A YOUTH IS IN THE DISTRICT COURT,
4 JUSTICE'S COURT, OR MUNICIPAL OR CITY COURT IN ACCORDANCE
5 WITH 3-5-302, 3-6-103, 3-10-303, 3-11-102, AND 61-12-601."

6 SECTION 2. SECTION 61-12-601, MCA, IS AMENDED TO READ:

7 "61-12-601. Unlawful operation by minor --
8 jurisdiction of courts -- penalties. (1) The district
9 courts and the justices' courts of the state and the
10 municipal and city courts of cities and towns shall have
11 concurrent original jurisdiction in all proceedings
12 concerning the unlawful operation of motor vehicles by
13 children under the age of 18 years.

14 (2) Whenever, after a hearing before the court, it
15 shall be found that a child under the age of 18 years has
16 unlawfully operated a motor vehicle, the court may:

17 (a) impose a fine, not exceeding \$50, provided such
18 child shall not be imprisoned for failure to pay such fine;

19 (b) revoke the driver's license of such child, or
20 suspend the same for such time as may be fixed by the court;

21 and
22 (c) order any motor vehicle owned or operated by such
23 child to be impounded by the probation officer for such
24 time, not exceeding 60 days, as shall be fixed by the court.
25 However, if the court shall find that the operation of such

1 motor vehicle was without the consent of the owner, then
2 such vehicle shall not be impounded. An owner other than the
3 offender may obtain release of the vehicle upon showing to
4 the satisfaction of the court that he had no knowledge of
5 the commission of the offense.

6 (3) Upon nonpayment of any fine herein provided for,
7 the court may order that any motor vehicle owned by said
8 child or operated by said child with the consent of the
9 owner shall be impounded until the fine shall be paid, or
10 may order that the driver's license of such child shall be
11 taken up and held by the probation officer until payment of
12 said fine, or may cause both said motor vehicle and said
13 driver's license to be taken up and impounded until such
14 fine shall be paid; but no child shall be committed to or
15 held in any detention facility or jail by reason of
16 nonpayment of such fine."

-End-

1 SENATE BILL NO. 456
 2 INTRODUCED BY THOMAS
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE FROM THE
 5 YOUTH COURT THE JURISDICTION OVER VIOLATIONS OF TRAFFIC AND
 6 FISH AND GAME LAWS BY A YOUTH ~~AND LIMITING THE AUTHORITY OF~~
 7 ~~COURTS RELATING TO IMPROVEMENT OF VEHICLES; AMENDING SECTION~~
 8 ~~SECTIONS SECTION 41-5-203 AND 61-12-601, MCA."~~
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 41-5-203, MCA, is amended to read:
 12 "41-5-203. Jurisdiction of the court. (1) The ~~except~~
 13 ~~as provided in subsection (2),~~ the court has exclusive
 14 original jurisdiction of all proceedings under the Montana
 15 Youth Court Act in which a youth is alleged to be a
 16 delinquent youth, a youth in need of supervision, or a youth
 17 in need of care or concerning any person under 21 years of
 18 age charged with having violated any law of the state or
 19 ordinance of any city or town ~~other than a traffic or fish~~
 20 ~~and game law~~ prior to having become 18 years of age.
 21 (2) Justice, municipal, and city courts have
 22 concurrent jurisdiction with the youth court over all
 23 alcoholic beverage, traffic, and fish and game violations ~~or~~
 24 ~~violations of 61-8-401~~ alleged to have been committed by a
 25 youth.

1 ~~(3) JURISDICTION OVER TRAFFIC VIOLATIONS, OTHER THAN~~
 2 ~~VIOLATIONS OF 61-8-401, AND FISH AND GAME VIOLATIONS ALLEGED~~
 3 ~~TO HAVE BEEN COMMITTED BY A YOUTH IS IN THE DISTRICT COURT~~
 4 ~~JURISDICTION OF COURTS OR MUNICIPAL OR CITY COURT IN ACCORDANCE~~
 5 ~~WITH 41-5-202, 3-6-103, 3-10-303, 3-11-102, AND 61-12-601"~~
 6 ~~SECTION 2. SECTION 61-12-601, MCA, IS AMENDED TO READ:~~
 7 ~~"61-12-601. Unlawful operation by minor~~
 8 ~~jurisdiction of courts penalties (1) The district~~
 9 ~~courts and the justices' courts of the state and the~~
 10 ~~municipal and city courts of cities and towns shall have~~
 11 ~~concurrent original jurisdiction in all proceedings~~
 12 ~~concerning the unlawful operation of motor vehicles by~~
 13 ~~children under the age of 18 years~~
 14 (2) Whenever after a hearing before the court it
 15 shall be found that a child under the age of 18 years has
 16 unlawfully operated a motor vehicle, the court may
 17 (a) impose a fine not exceeding \$50, provided such
 18 child shall not be imprisoned for failure to pay such fine
 19 (b) revoke the driver's license of such child or
 20 suspend the same for such time as may be fixed by the court
 21 and
 22 (c) order any motor vehicle owned or operated by such
 23 child to be impounded by the probation officer for such
 24 time not exceeding 60 days as shall be fixed by the court
 25 However, if the court shall find that the operation of such

1 motor-vehicle-was-without-the-consent--of--the--owner--then
2 such-vehicle-shall-not-be-impounded. An owner other than the
3 offender--may--obtain-release-of-the-vehicle-upon-showing-to
4 the-satisfaction-of-the-court-that-he-had-no--knowledge--of
5 the-commission-of-the-offense.

6 (3)--Upon-nonpayment-of-any-fine-herein--provided--for
7 the--court--may--order--that-any-motor-vehicle-owned-by-said
8 child-or-operated-by-said-child--with--the--consent--of--the
9 owner--shall--be--impounded-until--the-fine-shall-be-paid--or
10 may-order-that-the-driver's-license-of-such-child--shall--be
11 taken--up-and-held-by-the-probation-officer-until--payment-of
12 said-fine--or-may-cause-both-said--motor--vehicle--and--said
13 driver's--license--to--be--taken-up-and-impounded-until--such
14 fine-shall-be-paid; but no child shall be committed--to--or
15 held--in--any--detention--facility--or--jail--by--reason--of
16 nonpayment-of-such-fine.

-End-

HOUSE OF REPRESENTATIVES
March 8, 1979

Committee on Fish and Game amendments to SENATE BILL NO. 456, second printing, third reading copy, as follows:

1. Title, line 6.

Strike: "AND LIMITING THE AUTHORITY OF COURTS RELATING TO IMPOUNDMENT OF VEHICLES"

2. Title, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 61-12-601"

3. Page 1, lines 23 and 24.

Strike: "OR VIOLATIONS OF 61-8-401"

4. Page 2, lines 1 through 5.

Strike: lines 1 through 5 in their entirety

5. Page 2, lines 6 through line 16 on page 3.

Strike: section 2 in its entirety

AND AS AMENDED BE CONCURRED IN