CHAPTER NO. 422.

## 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 TH	E HOUS	SE
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	<b>,</b> 19 <sup>.</sup>	79		Second reading, concurred in.
March 16	<b>,</b> 19 <sup>.</sup>	79		Third reading, concurred in as amended.

IN THE SENATE

March 17, 1979

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Returned from second house. Concurred in as amended.

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March 19, 1979Second reading, pass<br/>consideration.March 20, 1979Second reading, amendments<br/>adopted.March 21, 1979Third reading, amendments<br/>adopted. Sent to enrolling.

Reported correctly enrolled.

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LC 1596/01

Senste BILL NO. 456 1 INTRUDUCED BY 2

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

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 41-5-203, MCA, is amended to read: 10 "41-5-203. Jurisdiction of the court. (1) The Except 11 12 as provided in subsection (2), the court has exclusive original jurisdiction of all proceedings under the Montana 13 Youth Court Act in which a youth is alleged to be a 14 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 same 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--trofficy--and-fish-and-game violations 23 alleged to have been committed by a youth."

-End-

# SB 456 INTRODUCED BILL

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LC 1596/01

dente BILL NO. 456 Ł INTRODUCED BY 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RENOVE 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.\*

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 41-5-203, MCA, is amended to read: #41-5-203. Jurisdiction of the court. (1) The Except 11 12 as provided in subsection (2), the court has exclusive original jurisdiction of all proceedings under the Montana 13 14 Youth Court Act in which a youth is alleged to be a delinquent youth, a youth in need of supervision, or a youth 15 in need of care or concerning any person under 21 years of 16 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 came 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 beveragev--trafficy--and-fish-and-game violations 23 alleged to have been committed by a youth."

-End-

## SB 456 THIRD READING

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1	SENATE BILL ND. 456
z	INTRODUCED BY THOMAS
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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 LINITING INE AUTHORITY OF
7	COURTS_RELATING_IO_IMPOUNDMENT_OE_VEHICLES; AMENDING SECTION
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 I. Section 41-5-203, MCA, is amended to read:
12	"41-5-203。 Jurisdiction of the court. (1) The <u>Except</u>
13	as provided in subsection (2), the court has exclusive
14	original jurisdiction of all proceedings under the Nontana
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 <u>other than a traffic or fisb</u>
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 <del>s-traffics-and-fish-and-game</del> violations <u>OR</u>
24	<u>VIOLATIONS_OF_61-8-401</u> alleged to have been committed by a
25	youth.

1	(3)JURISDICTION_OVER_TRAFFIC_VIOLATIONS+OTHERTHAN
2	VIGLATIONS OF 61-8-401. AND FISH AND GAME VIGLATIONS ALLEGED
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3	TO HAVE BEEN COMMITTED BY A YOUTH IS IN THE DISTRICT COURTS
4	JUSTICE'S COURT OR HUNICIPAL OR CITY COURT IN ACCORDANCE
5	MITH3-5-302+3-6-103+_3-10-303+_3-11-102+_AND_61-12-601+*
6	SECTION_2SECTION_61=12=601. MCAIS_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 10 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

-2- SECOND PRINTING SB 456 THIRD READING motor vehicle was without the consent of the owner, then
 such vehicle shall not be impounded. <u>An owner other than the</u>
 offender may obtain release of the vehicle upon showing to
 the satisfaction of the court that he had no knowledge of

#### 5 the commission of the offenses

6 (3) Upon nonpayment of any fine herein provided for+ the court may order that any motor vehicle owned by said 7 child or operated by said child with the consent of the 8 9 owner shall be impounded until the fine shall be paid, or may order that the driver's license of such child shall be 10 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 nonpayment of such fine." 16

-End-

SB 456

SB 0456/03

SENATE BILL NO. 456 1 INTRODUCED BY THOMAS 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE FROM THE 4 YOUTH COURT THE JURISDICTION OVER VIOLATIONS OF TRAFFIC AND 5 FISH AND GAME LAWS BY A YOUTH AND LINETING THE ANTHORITY -- BE 6 ESURTS-RELATING-TO-IMPOUNDMENT-DE-VEHICLES; AMENDING SECTION 7 SECTION 41-5-203 AND-61-12-601+ MCA.\* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 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 dame 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 BR 24 VIBLATIONS\_-BE--61-8-401 alleged to have been committed by a 25 youth.

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9	courts-andthejustices <sup>1</sup> courtsofthestateandthe
10	municipalandcitycourtsof-cities-and-towns-shall-have
11	concurrent-originaljurisdictioninallproceedings
12	concerningtheunlawfuloperationofmotorvehicles-by
13	children-under-the-age-of-18-years.
14	{2}Wheneverv-ofter-a-hearingbeforethecourtvit
15	shallbefoundthot-a-child-under-the-age-of-10-years-has
16	untawfully-operated-a-motor-vehiclev-the-court-may+
17	ta}impose-o-finev-not-exceeding\$58vprovidedsuch
18	childshall-not-be-imprisoned-for-failure-to-pay-such-finet
19	tbtrevoke-the-driver*sticenseofsuchchitd+or
20	suspend-the-some-for-such-time-as-may-be-fixed-by-the-courtt
21	and
22	tc;orderany-motor-vehicle-owned-or-operated-by-such
23	child-to-be-impounded-bytheprobationofficerforsuch
24	timev-not-exceeding-60-daysv-as-shall-be-fixed-by-the-courtv
25	Howeveryif-the-court-shall-find-that-the-operation-of-such
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	-2- SB 456

REFERENCE BILL

### SB 0456/03

SB 456

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7	thecourtmayorderthat-any-motor-vehicle-owned-by-said
8	child-or-operated-by-said-childwiththeconsentofthe
9	ownershattbetmpounded-untit-the-fine-shatt-be-paidy-or
10	may-order-that-the-driver#s-license-of-such-childshall-be
11	takenup-and-heid-by-the-probation-officer-untii-payment-of
12	said-finev-or-may-cause-both-saidmotorvehicleandsaid
13	driver*slicensetobetaken-up-and-impounded-until-such
14	fine-shail-be-paid;-but-no-child-shall-becommittedtoor
15	heldinanydetentionfacilityorjailbyreasonof
16	nonpsyment-of-such-fines#

-End-

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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