

House Bill 171

In The House

January 12, 1981

Introduced and referred
to Committee on Judiciary.

February 25, 1981

Committee recommend bill
do not pass.

HOUSE BILL NO. 171

INTRODUCED BY *Listoria* *Wally Richard Manning League*
Meyer *Freda* *Albin*

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLICITY
2 CONCERNING THE IDENTITY OF AN ARRESTED YOUTH AND YOUTH COURT
3 PROCEEDINGS INVOLVING A YOUTH PROCEEDED AGAINST AS OR FOUND
4 TO BE A DELINQUENT YOUTH OR YOUTH IN NEED OF SUPERVISION; TO
5 PROVIDE THAT THE PUBLIC AND THE MEDIA MAY NOT BE EXCLUDED
6 FROM SUCH PROCEEDINGS; AMENDING SECTION 41-5-521, MCA; AND
7 REPEALING SECTION 41-5-601, MCA."

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

9 Section 1. Section 41-5-521, MCA, is amended to read:

10 "41-5-521. Adjudicatory hearing. (1) Prior to any
11 adjudicatory hearing, the court shall determine whether the
12 youth admits or denies the offenses alleged in the petition.
13 If the youth denies all offenses alleged in the petition,
14 the youth, his parent, guardian, or attorney may demand a
15 jury trial on such contested offenses. In the absence of
16 such demand, a jury trial is waived. If the youth denies
17 some offenses and admits others, the contested offenses may
18 be dismissed in the discretion of the youth court judge. The
19 adjudicatory hearing shall be set immediately and accorded a
20 preferential priority.

21 (2) An adjudicatory hearing shall be held to determine

1 whether the contested offenses are supported by proof beyond
2 a reasonable doubt in cases involving a youth alleged to be
3 delinquent or in need of supervision. If the hearing is
4 before a jury, the jury's function shall be to determine
5 whether the youth committed the contested offenses. If the
6 hearing is before the youth court judge without a jury, the
7 judge shall make and record his findings on all issues. If
8 the allegations of the petitions are not established at the
9 hearing, the youth court shall dismiss the petition and
10 discharge the youth from custody.

11 (3) An adjudicatory hearing shall be recorded verbatim
12 by whatever means the court considers appropriate.

13 (4) The youth charged in a petition must be present at
14 the hearing and, if brought from detention to the hearing,
15 may not appear clothed in institutional clothing.

16 (5) In a hearing on a petition under this section, the
17 general public and representatives of public information
18 ~~media~~ may not be excluded ~~except when the court determines a~~
19 ~~closed hearing to be in the youth's best interest.~~

20 (6) If, on the basis of a valid admission by a youth
21 of the allegations of the petition or after the hearing
22 required by this section, a youth is found to be a
23 delinquent youth or a youth in need of supervision, the
24 court shall schedule a dispositional hearing under this
25 chapter.

LC 0861/01

1 (7) When a jury trial is required in a case, it may be
2 held before a jury selected as provided in Title 25, chapter
3 7, part 2, and M.R.Civ.P., Rule 47."

4 Section 2. Repealer. Section 41-5-601, MCA, is
5 repealed.

-End-