

House Bill 518

In The House

January 27, 1981

Introduced and referred  
to Committee on Judiciary.

February 13, 1981

Committee recommend bill  
do not pass.

1 HOUSE BILL NO. 518  
 2 INTRODUCED BY Budanov  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE  
 6 FOR PLACEMENT OF PERSONS IN YOUTH FOREST CAMPS; AMENDING  
 7 SECTIONS 41-5-523, 53-30-202, AND 53-30-205, MCA."

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

10 Section 1. Section 41-5-523, MCA, is amended to read:

11 "41-5-523. Disposition of delinquent youth and youth  
 12 in need of supervision. (1) If a youth is found to be  
 13 delinquent or in need of supervision, the court may enter  
 14 its judgment making the following disposition:

- 15 (a) place the youth on probation;
- 16 (b) place in a licensed foster home or a home approved  
 17 by the court;
- 18 (c) place the youth in a private agency responsible  
 19 for the care and rehabilitation of such a youth, including  
 20 but not limited to a district youth guidance home;
- 21 (d) transfer legal custody to the department of  
 22 institutions; provided, however, ~~that~~ in the case of a youth  
 23 in need of supervision, such transfer of custody does not  
 24 authorize the department of institutions to place the youth  
 25 in a state youth correctional facility and such custody may

1 not continue for a period of more than 6 months without a  
 2 subsequent court order after notice and hearing;

3 (e) such further care and treatment or evaluation that  
 4 the court considers beneficial to the youth, consistent with  
 5 subsection (d) of this section;

6 (f) order restitution by the youth.

7 (2) At any time after the youth has been taken into  
 8 custody, the court may, with the consent of the youth in the  
 9 manner provided in 41-5-303 for consent by a youth to waiver  
 10 of his constitutional rights or after the youth has been  
 11 adjudicated delinquent or in need of supervision,

12 ~~(a)~~ order the youth to be evaluated by the department  
 13 of institutions for a period not to exceed 45 days of  
 14 evaluation at a reception and evaluation center for youths,  
 15 ~~or~~

16 ~~(b) in the case of a delinquent youth 16 years or~~  
 17 ~~older whom the court considers a suitable person for~~  
 18 ~~placement at a youth forest camp, notify the director of the~~  
 19 ~~department of institutions of the findings. The director of~~  
 20 ~~the department of institutions shall then designate to the~~  
 21 ~~court the facility to which the youth shall be delivered for~~  
 22 ~~evaluation. The court may then commit the youth to the~~  
 23 ~~department of institutions for a period not to exceed 45~~  
 24 ~~days for the purpose of evaluation as to the youth's~~  
 25 ~~suitability for placement and order the youth delivered for~~

1 ~~evaluation to the youth facility designated by the director~~  
 2 ~~if after the evaluation the department of institutions~~  
 3 ~~reports to the court that such child is suitable for~~  
 4 ~~placement in a youth forest camp and if there is space~~  
 5 ~~available at a camp the court may then commit such child~~  
 6 ~~directly to the youth forest camp under the terms of~~  
 7 ~~commitment of this chapter if the department of~~  
 8 ~~institutions reports and states the reasons to the court why~~  
 9 ~~the youth is not suitable for placement the youth shall be~~  
 10 ~~returned to the court for such further disposition as the~~  
 11 ~~court may consider advisable under the provisions of this~~  
 12 ~~chapter. The costs of transporting the youth to the~~  
 13 ~~designated youth facility for evaluation and cost of~~  
 14 ~~returning the youth to the court shall be borne by the~~  
 15 ~~county of residence of the youth.~~

16 (3) No youth may be committed or transferred to a  
 17 penal institution or other facility used for the execution  
 18 of sentence of adult persons convicted of crimes, except as  
 19 provided by subsection (2)(b).

20 (4) Any order of the court may be modified at any  
 21 time.

22 (5) Whenever the court vests legal custody in an  
 23 agency, institution, or department, it must transmit with  
 24 the dispositional judgment copies of a medical report and  
 25 such other clinical, predisposition, or other reports and

1 information pertinent to the care and treatment of the  
 2 youth.

3 (6) The order of commitment to the department of  
 4 institutions shall read as follows:

5 ORDER OF COMMITMENT

6 In the district court for the .... judicial district  
 7 State of Montana )  
 8 ) ss.  
 9 County of ..... )

10 On the .... day of ....., 19.., ....., a minor of this  
 11 county, .... years of age, was brought before me charged  
 12 with ....., Upon due proof I find that .... is a suitable  
 13 person to be committed to the department of institutions.

14 It is ordered that .... be committed to the department  
 15 of institutions until .....

16 The names, addresses, and occupations of the parents  
 17 are:

18 Name	18 Address	18 Occupation
19 .....	19 .....	19 .....
20 .....	20 .....	20 .....

21 The names and addresses of their nearest relatives are:  
 22 .....  
 23 .....

24 Witness my hand this .... day of ....., A.D. 19...  
 25 .....

1 Judge "

2 Section 2. Section 53-30-202, MCA, is amended to read:

3 "53-30-202. Establishment of juvenile correctional  
4 facilities. The department of institutions, within the  
5 annual or biennial budgetary appropriation, may establish,  
6 maintain, and operate facilities to properly diagnose, care  
7 for, train, educate, and rehabilitate children in need of  
8 these services. The children must be 10 years of age or  
9 older and under 21 years of age. The facilities include but  
10 are not limited to the Mountain View school, and the Pine  
11 Hills school, ~~and the youth forest camp.~~"

12 Section 3. Section 53-30-205, MCA, is amended to read:

13 "53-30-205. Youth forest camps and ~~work~~ work programs  
14 ~~placement.~~ (1) In the case of a youth forest camp, a  
15 work program shall be provided by the department of natural  
16 resources and conservation and shall be carried out with  
17 cooperation between that department and the camp  
18 superintendent.

19 ~~(2) The department of institutions may establish rules~~  
20 ~~for placement and release of persons to be placed at the~~  
21 ~~youth forest camp.~~"

-End-