HOUSE BILL NO. 667

INTRODUCED BY DONALDSON, MANUEL, FULLER, MAZUREK, CRIPPEN, FARRELL, HAGER, HAFFEY, HALLIGAN

BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE HOUSE

February 4, 1985	Introduced and referred to Committee on Judiciary.
February 8, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 9, 1985	Second reading, do pass.
	On motion, taken from engrossing and rereferred to Committee on Appropriations.
March 30, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
April 1, 1985	Second reading, do pass.
	Third reading, passed.
	Transmitted to Senate.
IN	THE SENATE
April 3, 1985	Introduced and referred to Committee on Finance and Claims.
April 12, 1985	Committee recommend bill be concurred in. Report adopted.

.

April 15, 1985

3

April 17, 1985

Second reading, concurred in.

Third reading, concurred in. Ayes, 47; Noes, 2.

Returned to House.

IN THE HOUSE

April 18, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

LC 1251/01

1 HOUSE BILL NO. 667 n manue INTRODUCED BY 2 BY REQUEST OF THE BOARD OF CRIME CONTROL 3 Farel Hajer Hulty 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A YOUTH 6 ALLEGED TO BE A DELINQUENT YOUTH TO BE DETAINED AT MOUNTAIN 7 VIEW SCHOOL: REQUIRING THE COUNTY OF THE YOUTH'S RESIDENCE 8 TO PAY CERTAIN EXPENSES RESULTING FROM THE DETENTION: APPROPRIATING FUNDS TO THE DEPARTMENT OF INSTITUTIONS: 9 10 AMENDING SECTIONS 41-5-207, 41-5-306, AND 53-30-202, MCA: PROVIDING A TERMINATION DATE; AND PROVIDING EFFECTIVE 11 DATES." 12

13

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

15 Section 1. Section 41-5-207, MCA, is amended to read: 16 "41-5-207. Court costs and expenses. The following 17 expenses shall be a charge upon the funds of the court or 18 other appropriate agency when applicable, upon their 19 certification by the court:

20 (1) the costs of medical and other examinations and21 treatment of a youth ordered by the court;

(2) reasonable compensation for services and relatedexpenses for counsel appointed by the court for a party;

24 (3) the expenses of service of summons, notices,25 subpoenas, traveling expenses of witnesses, and other like

. Iongana Legislative Council

1 expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law; 2 (4) reasonable compensation of a guardian ad litem 3 appointed by the court; and 4 (5) cost of transcripts and printing briefs on appeal; 5 6 and 7 (6) cost of detention as provided for in 41-5-306(4)." я Section 2. Section 41-5-306, MCA, is amended to read: 9 "41-5-306. Place of shelter care or detention. (1) A youth alleged to be a delinguent youth or youth in need of 10 supervision may be sheltered only in: 11 (a) a licensed youth foster home as defined in 12 41-3-1102; 13 14 (b) a facility operated by a licensed child welfare 15 agency; or (c) a licensed youth group home as defined 16 in 17 41-3-1102. (2) The A youth alleged to be a delinguent youth may 18 be detained in a jail or other facility for the detention of 19 20 adults only if: 21 (a) the facilities in subsection (1) are not available 22 or do not provide adequate security; 23 (b) the detention is in an area physically and visually separate and removed from those of adults; 24

25 (c) it appears to the satisfaction of the court that

-2- INTRODUCED BILL HB 667

1	public safety and protection reasonably require detention;
2	and
3	(d) the court so orders.
4	(3) The official in charge of a jail or other facility
5	for the detention of adult offenders or persons charged with
6	crime shall inform the court immediately if a person who is
7	or appears to be under the age of 18 years is received at
8	the facility. Such official shall bring the person before
9	the court upon request or deliver him to a detention
10	facility designated by the court.
11	(4) (a) A youth alleged to be a delinquent youth may
12	be detained at Mountain View school as provided in
13	53-30-202. The superintendent of the school must be notified
14	before a youth is transported to the school for detention.
15	The county of the youth's residence shall:
16	(i) pay the cost of transporting the youth to and from
17	the school;
18	(ii) pay medical costs incurred by the youth during
19	detention; and
20	(iii) reimburse the state general fund for 50% of the
21	per diem cost of detention. The department of institutions
22	shall determine the per diem rates according to 53-1-401(7)
23	and 53-1-404.
24	(b) The county shall pay the costs provided for in
25	subsection (4)(a) from the county's district court fund.

1 (4)(5) A youth alleged to be in need of care shall be
2 placed only in the facilities stated in subsection (1) of
3 this section and shall not be detained in a jail or other
4 facility intended or used for the detention of adults
5 charged with criminal offenses."

Section 3. Section 53-30-202, MCA, is amended to read: 6 7 "53-30-202. Establishment of juvenile correctional 8 facilities -- use of Mountain View school to include detention. (1) The department of institutions, within the 9 10 annual or biennial budgetary appropriation, may establish, 11 maintain, and operate facilities to properly diagnose, care for, train, educate, and rehabilitate children in need of 12 these services. The children must be 10 years of age or 13 14 older and under 21 years of age. The facilities include but 15 are not limited to the Mountain View school, the Pine Hills 16 school, and the youth forest camp.

17 (2) Mountain View school may be used at any one time 18 for the detention of no more than five male and three female youths under the age of 18 who are alleged to be delinquent 19 20 youths. The superintendent shall establish a procedure to assure that this capacity for detention is not exceeded. 21 22 Youths detained at the school are entitled to the educational and ancillary services normally provided to 23 students at the school, subject to security provisions." 24 25 NEW SECTION. Section 4. Appropriation. (1) There is

-3-

LC 1251/01

appropriated \$63,200 from the general fund to the Department
 of Institutions for the fiscal years ending July 1, 1985,
 and July 1, 1986, for the building modifications at Mountain
 View School required to implement this act.

5 (2) There is appropriated \$187,777 from the general 6 fund to the Department of Institutions for the biennium 7 ending July 1, 1987, for the operational expenses to 8 implement this act.

9 <u>NEW SECTION.</u> Section 5. Termination date. This act
 10 terminates July 1, 1987.

<u>NEW SECTION.</u> Section 6. Effective dates. (1) Section
 4(1) and this section are effective on passage and approval.
 (2) Section 4(2) is effective July 1, 1985.

14 (3) Sections 1 through 3 and 5 are effective October15 1, 1985.

-End-

-5-

LC 1251/01

APPROVED BY COMMITTEE ON JUDICIARY

HOUSE BILL NO. 667 1 Manue Manue INTRODUCED BY 2 BY REQUEST OF THE BOARD OF CRIME CONTROL 3 Farel Hayer hike Δ 5 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A WOUTH ALLEGED TO BE A DELINQUENT YOUTH TO BE DETAINED AT MOUNTAIN 6 7 VIEW SCHOOL; REQUIRING THE COUNTY OF THE YOUTH'S RESIDENCE TO PAY CERTAIN EXPENSES RESULTING FROM THE DETENTION: 8 APPROPRIATING FUNDS TO THE DEPARTMENT OF INSTITUTIONS; 9 AMENDING SECTIONS 41-5-207, 41-5-306, AND 53-30-202, MCA; 10 PROVIDING A TERMINATION DATE; AND PROVIDING 11 EFFECTIVE 12 DATES." 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 Section 1. Section 41-5-207, MCA, is amended to read: "41-5-207. Court costs and expenses. The following 16 expenses shall be a charge upon the funds of the court or 17 18 other appropriate agency when applicable, upon their 19 certification by the court: 20 (1) the costs of medical and other examinations and treatment of a youth ordered by the court; 21 (2) reasonable compensation for services and related 22 expenses for counsel appointed by the court for a party; 23 24 (3) the expenses of service of summons, notices, subpoenas, traveling expenses of witnesses, and other like 25



25

1 expenses incurred in any proceeding under the Montana Youth 2 Court Act as provided for by law; 3 (4) reasonable compensation of a guardian ad litem 4 appointed by the court; and (5) cost of transcripts and printing briefs on appeal; 5 6 and (6) cost of detention as provided for in 41-5-306(4)." 7 R Section 2. Section 41-5-306, MCA, is amended to read: 9 "41-5-306. Place of shelter care or detention. (1) A 10 youth alleged to be a delinguent youth or youth in need of 11 supervision may be sheltered only in: 12 (a) a licensed youth foster home as defined in 41-3-1102; 13 14 (b) a facility operated by a licensed child welfare 15 agency; or 16 (c) a licensed youth group home as defined in 17 41-3-1102. (2) The A youth alleged to be a delinguent youth may 18 19 be detained in a jail or other facility for the detention of 20 adults only if: 21 (a) the facilities in subsection (1) are not available 22 or do not provide adequate security; 23 (b) the detention is in an area physically and visually separate and removed from those of adults; 24

(c) it appears to the satisfaction of the court that

-2-

second reading HB 667

1 public safety and protection reasonably require detention: 2 and 3 (d) the court so orders. 4 (3) The official in charge of a jail or other facility 5 for the detention of adult offenders or persons charged with 6 crime shall inform the court immediately if a person who is or appears to be under the age of 18 years is received at 7 the facility. Such official shall bring the person before в 9 the court upon request or deliver him to a detention 10 facility designated by the court. 11 (4) (a) A youth alleged to be a delinguent youth mave 12 be detained at Mountain View school as provided in 13 53-30-202. The superintendent of the school must be notified before a youth is transported to the school for detention. 14 The county of the youth's residence shall: 15 16 (i) pay the cost of transporting the youth to and from 17 the school; 18 (ii' pay medical costs incurred by the youth during detention; and 19 20 (iii) reimburse the state general fund for 50% of the per diem cost of detention. The department of institutions 21 shall determine the per diem rates according to 53-1-401(7) 22 23 and 53-1-404. (b) The county shall pay the costs provided for in 24 subsection (4)(a) from the county's district court fund. 25

(4)(5) A youth alleged to be in need of care shall be 1 2 placed only in the facilities stated in subsection (1) of this section and shall not be detained in a jail or other 3 facility intended or used for the detention of adults 4 charged with criminal offenses." 5 Section 3. Section 53-30-202, MCA, is amended to read: 6 "53-30-202. Establishment of juvenile correctional 7 facilities -- use of Mountain View school to include 8 detention. (1) The department of institutions, within the 9 annual or biennial budgetary appropriation, may establish, 1.0 maintain, and operate facilities to properly diagnose, care 11 for, train, educate, and rehabilitate children in need of 12 these services. The children must be 10 years of age or 13 older and under 21 years of age. The facilities include but 14 are not limited to the Mountain View school, the Pine Hills 15 school, and the youth forest camp. 16 (2) Mountain View school may be used at any one time 17 for the detention of no more than five male and three female 18 19 youths under the age of 18 who are alleged to be delinquent youths. The superintendent shall establish a procedure to 20 21 assure that this capacity for detention is not exceeded. Youths detained at the school are entitled to the 22 educational and ancillary services normally provided to 23

24 students at the school, subject to security provisions."

25 NEW SECTION. Section 4. Appropriation. (1) There is

-4-

- 3-

appropriated \$63,200 from the general fund to the Department
 of Institutions for the fiscal years ending July 1, 1985,
 and July 1, 1986, for the building modifications at Mountain
 View School required to implement this act.

5 (2) There is appropriated \$187,777 from the general 6 fund to the Department of Institutions for the biennium 7 ending July 1, 1987, for the operational expenses to 8 implement this act.

9 <u>NEW SECTION.</u> Section 5. Termination date. This act
 10 terminates July 1, 1987.

<u>NEW SECTION.</u> Section 6. Effective dates. (1) Section
 4(1) and this section are effective on passage and approval.
 (2) Section 4(2) is effective July 1, 1985.

14 (3) Sections 1 through 3 and 5 are effective October15 1, 1985.

-End-

49th Legislature

~

HB 0667/02

HB 0667/02

RE-REFERRED AND APPROVED BY COMMITTEE ON APPROPRIATIONS

1	HOUSE BILL NO. 667
2	INTRODUCED BY DONALDSON, MANUEL, FULLER, MAZUREK,
3	CRIPPEN, FARRELL, HAGER, HAFFEY, HALLIGAN
4	BY REQUEST OF THE BOARD OF CRIME CONTROL
5	

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A YOUTH 6 7 ALLEGED TO BE A DELINQUENT YOUTH TO BE DETAINED AT MOUNTAIN VIEW SCHOOL; REQUIRING THE COUNTY OF THE YOUTH'S RESIDENCE 8 TO PAY CERTAIN EXPENSES RESULTING FROM THE DETENTION; 9 APPROPRIATING FUNDS TO THE DEPARTMENT OF INSTITUTIONS; 10 AMENDING SECTIONS 41-5-207, 41-5-306, AND 53-30-202, MCA: 11 PROVIDING A TERMINATION DATE; AND PROVIDING EFFECTIVE 12 13 DATES."

14

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

16 Section 1. Section 41-5-207, MCA, is amended to read: 17 "41-5-207. Court costs and expenses. The following 18 expenses shall be a charge upon the funds of the court or 19 other appropriate agency when applicable, upon their 20 certification by the court:

21 (1) the costs of medical and other examinations and 22 treatment of a youth ordered by the court;

(2) reasonable compensation for services and relatedexpenses for counsel appointed by the court for a party;

25 (3) the expenses of service of summons, notices,



1	subpoenas, traveling expenses of witnesses, and other like
2	expenses incurred in any proceeding under the Montana Youth
3	Court Act as provided for by law;
4	(4) reasonable compensation of a guardian ad litem
5	appointed by the court; and
6	(5) cost of transcripts and printing briefs on appeal;
7	and
8	(6) cost of detention as provided for in 41-5-306(4)."
9	Section 2. Section 41-5-306, MCA, is amended to read:
10	"41-5-306. Place of shelter care or detention. (1) A
11	youth alleged to be a delinguent youth or youth in need of
12	supervision may be sheltered only in:
13	(a) a licensed youth foster home as defined in
14	41-3-1102;
15	(b) a facility operated by a licensed child welfare
16	agency; or
17	(c) a licensed outh group home as defined in
18	41-3-1102.
19	(2) The A youth alleged to be a delinquent youth may
20	be detained in a jail or other facility for the detention of
21	adults only if:
22	(a) the facilities in subsection (1) are not available
23	or do not provide adequate security;
24	(b) the detention is in an area physically and
2 5	visually separate and removed from those of adults;

-2- SECOND PRINTING HB 667 SECOND READING

HB 667

1

2

3

4

(c) it appears to the satisfaction of the court that 1 public safety and protection reasonably require detention: 2 3 and

(d) the court so orders.

(3) The official in charge of a jail or other facility 5 for the detention of adult offenders or persons charged with 6 crime shall inform the court immediately if a person who is 7 or appears to be under the age of 18 years is received at 8 9 the facility. Such official shall bring the person before the court upon request or deliver him to a detention 10 11 facility designated by the court.

12 (4) (a) A youth alleged to be a delinquent youth may be detained at Mountain View school as provided in 13 53-30-202. The superintendent of the school must be notified 14 15 before a youth is transported to the school for detention. The county of the youth's residence shall: 16

17 (i) pay the cost of transporting the youth to and from

18 the school;

4

19 (ii) pay medical costs incurred by the youth during 20 detention; and

21 (iii) reimburse the state general fund for 50%-of the 22 per diem cost of detention. The department of institutions 23 shall--determine-the-per-diem-rates-according-to-53-1-401(7) 24 and-53-1-404;, AT THE BEGINNING OF EACH FISCAL YEAR, SHALL 25 DETERMINE THE PER DIEM RATE BY DIVIDING THE ADDITIONAL

-3-

5	AND MAY BE REFUSED FURTHER SERVICES IF BILLS ARE NOT PAID
б	WITHIN 60 DAYS OF RECEIPT OF STATEMENT.
7	<pre>{b}(C) The county shall pay the costs provided for in</pre>
8	subsection (4)(a) from the county's district court fund.
9	<pre>f4+(5) A youth alleged to be in need of care shall be</pre>
10	placed only in the facilities stated in subsection (1) of
11	this section and shall not be detained in a jail or other
12	facility intended or used for the detention of adults
13	charged with criminal offenses."
14	Section 3. Section 53-30-202, MCA, is amended to read:
15	"53-30-202. Establishment of juvenile correctional
16	facilities use of Mountain View school to include
17	detention. (1) The department of institutions, within the
18	annual or biennial budgetary appropriation, may establish,
19	maintain, and operate facilities to properly diagnose, care
20	for, train, educate, and rehabilitate children in need of
21	these services. The children must be 10 years of age or
22	older and under 21 years of age. The facilities include but
23	are not limited to the Mountain View school, the Pine Hills
24	school, and the youth forest camp.
25	(2) Mountain View school may be used at any one time
	-4 - HR 667
	-4- HB 667

BUDGETED DAILY COST OF PROVIDING DETENTION SERVICES BY THE

BILLED MONTHLY FOR SERVICES PROVIDED THE PRECEDING MONTH,

(B) COUNTIES RECEIVING DETENTION SERVICES WILL BE

ANTICIPATED AVERAGE DAILY DETENTION POPULATION.

for the detention of no more than five male and three female 1 2 youths under the age of 18 who are alleged to be delinquent youths. The superintendent shall establish a procedure to 3 assure that this capacity for detention is not exceeded. 4 Youths detained at the school are entitled to the 5 educational and ancillary services normally provided to 6 students at the school, subject to security provisions." 7 NEW SECTION. Section 4. Appropriation. (1) There is 8 9 appropriated \$63,200 from the general fund to the Department 10 of Institutions for the fiscal years ending July 1, 1985, and July 1, 1986, for the building modifications at Mountain 11 12 View School required to implement this act. (2) There is appropriated \$187,777 from the general 13 fund to the Department of Institutions for the biennium 14 ending July 1, 1987, for the operational expenses to 15 16 implement this act. 17 NEW SECTION. Section 5. Termination date. This act terminates July 1, 1987. 18 NEW SECTION. Section 6. Effective dates. (1) Section 19

4(1) and this section are effective on passage and approval.
(2) Section 4(2) is effective July 1, 1985.

22 (3) Sections 1 through 3 and 5 are effective October23 1, 1985.

-End-

-5-

49th Legislature

HB 0667/02

ntana Legislative Council

HB	06	67	7/0	2
----	----	----	-----	---

HB 667

THIRD READING

1	HOUSE BILL NO. 667	1	subpoenas, traveling expenses of witnesses, and other like
2	INTRODUCED BY DONALDSON, MANUEL, FULLER, MAZUREK,	2	expenses incurred in any proceeding under the Montana Youth
3	CRIPPEN, FARRELL, HAGER, HAFFEY, HALLIGAN	3	Court Act as provided for by law;
4	BY REQUEST OF THE BOARD OF CRIME CONTROL	4	(4) reasonable compensation of a guardian ad litem
5		5	appointed by the court; and
6	A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A YOUTH	6	(5) cost of transcripts and printing briefs on appeal;
7	ALLEGED TO BE A DELINQUENT YOUTH TO BE DETAINED AT MOUNTAIN	7	and
8	VIEW SCHOOL; REQUIRING THE COUNTY OF THE YOUTH'S RESIDENCE	8	(6) cost of detention as provided for in 41-5-306(4)."
9	TO PAY CERTAIN EXPENSES RESULTING FROM THE DETENTION;	9	Section 2. Section 41-5-306, MCA, is amended to read:
10	APPROPRIATING FUNDS TO THE DEPARTMENT OF INSTITUTIONS;	10	"41-5-306. Place of shelter care or detention. (1) A
11	AMENDING SECTIONS 41-5-207, 41-5-306, AND 53-30-202, MCA;	11	youth alleged to be a delinguent youth or youth in need of
12	PROVIDING A TERMINATION DATE; AND PROVIDING EFFECTIVE	12	supervision may be sheltered only in:
13	DATES."	13	(a) a licensed youth foster home as defined in
14		14	41-3-1102;
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	(b) a facility operated by a licensed child welfare
16	Section 1. Section 41-5-207, MCA, is amended to read:	16	agency; or
17	"41-5-207. Court costs and expenses. The following	17	(c) a licensed youth group home as defined in
18	expenses shall be a charge upon the funds of the court or	18	41-3-1102.
19	other appropriate agency when applicable, upon their	19	(2) The A youth alleged to be a delinguent youth may
20	certification by the court:	20	be detained in a jail or other facility for the detention of
21	(1) the costs of medical and other examinations and	21	adults only if:
22	treatment of a youth ordered by the court;	22	(a) the facilities in subsection (1) are not available
23	(2) reasonable compensation for services and related	23	or do not provide adequate security;
24	expenses for counsel appointed by the court for a party;	24	(b) the detention is in an area physically and
25	(3) the expenses of service of summons, notices,	25	visually separate and removed from those of adults;
	A		-2- HB 667

HB 667

HB 0667/02

HB 0667/02

(c) it appears to the satisfaction of the court that
ablic safety and protection reasonably require detention;
nd .
(d) the court so orders.
(3) The official in charge of a jail or other facility
or the detention of adult offenders or persons charged with
rime shall inform the court immediately if a person who is
appears to be under the age of 18 years is received at
e facility. Such official shall bring the person before
e court upon request or deliver him to a detention
cility designated by the court.
(4) (a) A youth alleged to be a delinquent youth may
detained at Mountain View school as provided in
-30-202. The superintendent of the school must be notified
fore a youth is transported to the school for detention.
e county of the youth's residence shall:
(i) pay the cost of transporting the youth to and from
e school;
(ii) pay medical costs incurred by the youth during
tention; and
(iii) reimburse the state general fund for 50%-of the
r diem cost of detention. The department of institutions
alldetermine-the-per-diem-rates-according-to-53-1-401(7)
d-53-1-404-, AT THE BEGINNING OF EACH FISCAL YEAR, SHALL
TERMINE THE PER DIEM RATE BY DIVIDING THE ADDITIONAL

- 3-

٠.

1	BUDGETED DAILY COST OF PROVIDING DETENTION SERVICES BY THE
2	ANTICIPATED AVERAGE DAILY DETENTION POPULATION.
3	(B) COUNTIES RECEIVING DETENTION SERVICES WILL BE
4	BILLED MONTHLY FOR SERVICES PROVIDED THE PRECEDING MONTH,
5	AND MAY BE REFUSED FURTHER SERVICES IF BILLS ARE NOT PAID
6	WITHIN 60 DAYS OF RECEIPT OF STATEMENT.
7	$\frac{1}{2}$ (C) The county shall pay the costs provided for in
8	subsection (4)(a) from the county's district court fund.
9	$+4\frac{1}{5}$ A youth alleged to be in need of care shall be
10	placed only in the facilities stated in subsection (1) of
11	this section and shall not be detained in a jail or other
12	facility intended or used for the detention of adults
13	charged with criminal offenses."
14	Section 3. Section 53-30-202, MCA, is amended to read:
15	"53-30-202. Establishment of juvenile correctional
16	facilities use of Mountain View school to include
17	<u>detention. (1)</u> The department of institutions, within the
18	annual or biennial budgetary appropriation, may establish,
19	maintain, and operate facilities to properly diagnose, care
20	for, train, educate, and rehabilitate children in need of
21	these services. The children must be 10 years of age or
22	older and under 21 years of age. The facilities include but
23	are not limited to the Mountain View school, the Pine Hills
24	school, and the youth forest camp.
25	(2) Mountain View school may be used at any one time

بالمراجعة فعرفهم والمترافي

-4-

HB 667

for the detention of no more than five male and three female youths under the age of 18 who are alleged to be delinquent youths. The superintendent shall establish a procedure to assure that this capacity for detention is not exceeded. Youths detained at the school are entitled to the educational and ancillary services normally provided to students at the school, subject to security provisions."

NEW SECTION. Section 4. Appropriation. (1) There is
appropriated \$63,200 from the general fund to the Department
of Institutions for the fiscal years ending July 1, 1985,
and July 1, 1986, for the building modifications at Mountain
View School required to implement this act.

13 (2) There is appropriated \$187,777 from the general
14 fund to the Department of Institutions for the biennium
15 ending July 1, 1987, for the operational expenses to
16 implement this act.

17 <u>NEW SECTION.</u> Section 5. Termination date. This act
18 terminates July 1, 1987.

19 <u>NEW SECTION.</u> Section 6. Effective dates. (1) Section
20 4(1) and this section are effective on passage and approval.

21 (2) Section 4(2) is effective July 1, 1985.

22 (3) Sections 1 through 3 and 5 are effective October23 1, 1985.

-End-

-5-

Nontana Legislative Council

subpoenas, traveling expenses of witnesses, and other like 1 1 HOUSE BILL NO. 667 expenses incurred in any proceeding under the Montana Youth 2 INTRODUCED BY DONALDSON, MANUEL, FULLER, MAZUREK, 2 3 Court Act as provided for by law; CRIPPEN, FARRELL, HAGER, HAFFEY, HALLIGAN 3 (4) reasonable compensation of a guardian ad litem 4 BY REQUEST OF THE BOARD OF CRIME CONTROL 4 5 appointed by the court; and 5 (5) cost of transcripts and printing briefs on appeal: 6 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A YOUTH 6 7 ALLEGED TO BE A DELINOUENT YOUTH TO BE DETAINED AT MOUNTAIN and 7 (6) cost of detention as provided for in 41-5-306(4)." 8 VIEW SCHOOL: REQUIRING THE COUNTY OF THE YOUTH'S RESIDENCE 8 Section 2. Section 41-5-306, MCA, is amended to read: 9 TO PAY CERTAIN EXPENSES RESULTING FROM THE DETENTION; 9 10 "41-5-306. Place of shelter care or detention. (1) A APPROPRIATING FUNDS TO THE DEPARTMENT OF INSTITUTIONS: 10 youth alleged to be a delinguent youth or youth in need of 11 AMENDING SECTIONS 41-5-207, 41-5-306, AND 53-30-202, MCA: 11 12 supervision may be sheltered only in: 12 PROVIDING A TERMINATION DATE: AND PROVIDING EFFECTIVE 13 (a) a licensed youth foster home as defined in DATES." 13 41-3-1102; 14 14 (b) a facility operated by a licensed child welfare 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 16 agency; or Section 1. Section 41-5-207, MCA, is amended to read: 16 (c) a licensed youth group home as defined in 17 17 "41-5-207. Court costs and expenses. The following 41 - 3 - 1102. 18 expenses shall be a charge upon the funds of the court or 18 (2) The <u>A</u> youth alleged to be a delinquent youth may 19 other appropriate agency when applicable, upon their 19 be detained in a jail or other facility for the detention of 20 certification by the court: 20 21 adults only if: (1) the costs of medical and other examinations and 21 22 (a) the facilities in subsection (1) are not available treatment of a youth ordered by the court; 22 23 or do not provide adequate security; 23 (2) reasonable compensation for services and related (b) the detention is in an area physically 24 24 expenses for counsel appointed by the court for a party; and visually separate and removed from those of adults; (3) the expenses of service of summons, notices, 25 25 REFERENCE BILL -2-HB 667

HB 0667/02

(c) it appears to the satisfaction of the court that
 public safety and protection reasonably require detention;
 and

4 (d) the court so orders.

5 (3) The official in charge of a jail or other facility 6 for the detention of adult offenders or persons charged with 7 crime shall inform the court immediately if a person who is 8 or appears to be under the age of 18 years is received at 9 the facility. Such official shall bring the person before 10 the court upon request or deliver him to a detention 11 facility designated by the court.

12 (4) (a) A youth alleged to be a delinquent youth may
13 be detained at Mountain View school as provided in
14 53-30-202. The superintendent of the school must be notified
15 before a youth is transported to the school for detention.
16 The county of the youth's residence shall:

17 (i) pay the cost of transporting the youth to and from
18 the school;

<u>(ii) pay medical costs incurred by the youth during</u>
 <u>detention; and</u>

21 (iii) reimburse the state general fund for 50%-of the 22 per diem cost of detention. The department of institutions 23 shall--determine-the-per-diem-rates-according-to-53-1-401(7) 24 and-53-1-404-, AT THE BEGINNING OF EACH FISCAL YEAR, SHALL 25 DETERMINE THE PER DIEM RATE BY DIVIDING THE ADDITIONAL

BUDGETED DAILY COST OF PROVIDING DETENTION SERVICES BY THE 1 2 ANTICIPATED AVERAGE DAILY DETENTION POPULATION. 3 (B) COUNTIES RECEIVING DETENTION SERVICES WILL BE BILLED MONTHLY FOR SERVICES PROVIDED THE PRECEDING MONTH, 4 AND MAY BE REFUSED FURTHER SERVICES IF BILLS ARE NOT PAID 5 WITHIN 60 DAYS OF RECEIPT OF STATEMENT. 6 (b)(C) The county shall pay the costs provided for in 7 8 subsection (4)(a) from the county's district court fund. 9 (4)(5) A youth alleged to be in need of care shall be placed only in the facilities stated in subsection (1) of 10 11 this section and shall not be detained in a jail or other facility intended or used for the detention of adults 12 charged with criminal offenses." 13 Section 3. Section 53-30-202, MCA, is amended to read: 14 15 "53-30-202. Establishment of juvenile correctional facilities -- use of Mountain View school to include 16 17 detention. (1) The department of institutions, within the annual or biennial budgetary appropriation, may establish, 18 19 maintain, and operate facilities to properly diagnose, care 20 for, train, educate, and rehabilitate children in need of these services. The children must be 10 years of age or 21 22 older and under 21 years of age. The facilities include but are not limited to the Mountain View school, the Pine Hills 23

24 school, and the youth forest camp.

25 (2) Mountain View school may be used at any one time

-4-

-3-

HB 667

HB 667

1 for the detention of no more than five male and three female 2 youths under the age of 18 who are alleged to be delinquent 3 youths. The superintendent shall establish a procedure to 4 assure that this capacity for detention is not exceeded. Youths detained at the school are entitled to the 5 educational and ancillary services normally provided to 6 7 students at the school, subject to security provisions." 8 NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$63,200 from the general fund to the Department 9 10 of Institutions for the fiscal years ending July 1, 1985, and July 1, 1986, for the building modifications at Mountain 11 View School required to implement this act. 12 (2) There is appropriated \$187,777 from the general 13 14 fund to the Department of Institutions for the biennium 15 ending July 1, 1987, for the operational expenses to implement this act. 16 NEW SECTION. Section 5. Termination date. This act 17 18 terminates July 1, 1987. NEW SECTION. Section 6. Effective dates. (1) Section 19 4(1) and this section are effective on passage and approval. 20 21 (2) Section 4(2) is effective July 1, 1985. (3) Sections 1 through 3 and 5 are effective October 22 1, 1985. 23 -End-

-5-

HB 667