

HOUSE JOINT RESOLUTION NO. 44

INTRODUCED BY WINSLOW

IN THE HOUSE

|                |  |
|----------------|--|
| March 20, 1985 | Introduced and referred to<br>Committee on Judiciary.    |
| March 26, 1985 | Committee recommend bill do pass.<br>Report adopted.     |
| March 27, 1985 | Bill printed and placed on<br>members' desks.            |
| March 30, 1985 | Motion pass consideration until<br>71st Legislative Day. |
| April 9, 1985  | Second reading, pass<br>consideration.                   |
| April 10, 1985 | Second reading, do pass.                                 |
| April 11, 1985 | Considered correctly engrossed.                          |
| April 12, 1985 | Third reading, passed.<br><br>Transmitted to Senate.     |

IN THE SENATE

|                |   |
|----------------|---|
| April 15, 1985 | Introduced and referred to<br>Committee on Judiciary.                         |
| April 19, 1985 | Committee recommend bill be<br>concurrred in. Report adopted.                 |
| April 22, 1985 | Second reading, concurrred in.  |
| April 23, 1985 | Third reading, concurrred in.<br>Ayes, 43; Noes, 6.<br><br>Returned to House. |

IN THE HOUSE

April 23, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.



LC 1858/01

1 Institutions, the Department of Social and Rehabilitation  
2 Services, and nonprofit diversion programs serving  
3 predelinquent juveniles.

4 (5) That the committee report the findings and  
5 recommendations of the study to the 50th Legislature and, if  
6 necessary, draft legislation to implement the  
7 recommendations.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1            HOUSE JOINT RESOLUTION NO. 44  
2 INTRODUCED BY Winn

3  
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
6 INTERIM STUDY OF JUVENILE DETENTION FACILITIES IN MONTANA;  
7 REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 50TH  
8 LEGISLATURE.

9  
10        WHEREAS, placing juveniles in detention facilities in  
11 proximity to adult offenders creates the possibility of harm  
12 to the juveniles; and

13        WHEREAS, federal court decisions require that juveniles  
14 in detention be separated from adult offenders; and

15        WHEREAS, since the federal court decisions, juveniles  
16 detained with adult offenders in other states have initiated  
17 costly civil suits against state and local law enforcement  
18 and detention facilities; and

19        WHEREAS, federal law mandates separate detention  
20 facilities for juvenile and adult offenders by 1987; and

21        WHEREAS, currently no county or municipality in Montana  
22 has a detention facility for juveniles that would meet  
23 federal requirements; and

24        WHEREAS, no state agency is authorized to manage a  
25 juvenile justice system and a juvenile detention and

1 placement system in Montana.

2  
3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5        (1) That an appropriate interim committee be assigned  
6 to study the juvenile detention and placement system in  
7 Montana and how it might be improved to meet federal  
8 mandates.

9        (2) That the committee collect data on juvenile  
10 detention population and characteristics, detention  
11 financing and operational costs, service areas, detention  
12 facility conditions, and other matters related to the  
13 detention of juveniles.

14        (3) That the committee consider and, as necessary,  
15 develop legislative proposals for developing alternatives to  
16 detention, a juvenile pretrial release system, and a state  
17 subsidy program for local communities to support alternative  
18 programs.

19        (4) That the committee request assistance from and  
20 consider recommendations of state and local agencies  
21 responsible for various aspects of juvenile justice and  
22 detention and from youth advocacy groups and organizations,  
23 including but not limited to Youth Court Judges, probation  
24 officers, county commissioners, the Juvenile Justice Bureau  
25 of the Board of Crime Control, the Department of

LC 1858/01

1 Institutions, the Department of Social and Rehabilitation  
2 Services, and nonprofit diversion programs serving  
3 predelinquent juveniles.

4 (5) That the committee report the findings and  
5 recommendations of the study to the 50th Legislature and, if  
6 necessary, draft legislation to implement the  
7 recommendations.

-End-

1 HOUSE JOINT RESOLUTION NO. 44  
2 INTRODUCED BY Wenker

3  
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
6 INTERIM STUDY OF JUVENILE DETENTION FACILITIES IN MONTANA;  
7 REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 50TH  
8 LEGISLATURE.

9  
10 WHEREAS, placing juveniles in detention facilities in  
11 proximity to adult offenders creates the possibility of harm  
12 to the juveniles; and

13 WHEREAS, federal court decisions require that juveniles  
14 in detention be separated from adult offenders; and

15 WHEREAS, since the federal court decisions, juveniles  
16 detained with adult offenders in other states have initiated  
17 costly civil suits against state and local law enforcement  
18 and detention facilities; and

19 WHEREAS, federal law mandates separate detention  
20 facilities for juvenile and adult offenders by 1987; and

21 WHEREAS, currently no county or municipality in Montana  
22 has a detention facility for juveniles that would meet  
23 federal requirements; and

24 WHEREAS, no state agency is authorized to manage a  
25 juvenile justice system and a juvenile detention and

1 placement system in Montana.

2  
3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5 (1) That an appropriate interim committee be assigned  
6 to study the juvenile detention and placement system in  
7 Montana and how it might be improved to meet federal  
8 mandates.

9 (2) That the committee collect data on juvenile  
10 detention population and characteristics, detention  
11 financing and operational costs, service areas, detention  
12 facility conditions, and other matters related to the  
13 detention of juveniles.

14 (3) That the committee consider and, as necessary,  
15 develop legislative proposals for developing alternatives to  
16 detention, a juvenile pretrial release system, and a state  
17 subsidy program for local communities to support alternative  
18 programs.

19 (4) That the committee request assistance from and  
20 consider recommendations of state and local agencies  
21 responsible for various aspects of juvenile justice and  
22 detention and from youth advocacy groups and organizations,  
23 including but not limited to Youth Court Judges, probation  
24 officers, county commissioners, the Juvenile Justice Bureau  
25 of the Board of Crime Control, the Department of

LC 1858/01

1 Institutions, the Department of Social and Rehabilitation  
2 Services, and nonprofit diversion programs serving  
3 predelinquent juveniles.

4 (5) That the committee report the findings and  
5 recommendations of the study to the 50th Legislature and, if  
6 necessary, draft legislation to implement the  
7 recommendations.

-End-



1                   HOUSE JOINT RESOLUTION NO. 44  
 2                   INTRODUCED BY WINSLOW  
 3  
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
 6 INTERIM STUDY OF JUVENILE DETENTION FACILITIES IN MONTANA;  
 7 REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 50TH  
 8 LEGISLATURE.

9  
 10           WHEREAS, placing juveniles in detention facilities in  
 11 proximity to adult offenders creates the possibility of harm  
 12 to the juveniles; and

13           WHEREAS, federal court decisions require that juveniles  
 14 in detention be separated from adult offenders; and

15           WHEREAS, since the federal court decisions, juveniles  
 16 detained with adult offenders in other states have initiated  
 17 costly civil suits against state and local law enforcement  
 18 and detention facilities; and

19           WHEREAS, federal law mandates separate detention  
 20 facilities for juvenile and adult offenders by 1987; and

21           WHEREAS, currently no county or municipality in Montana  
 22 has a detention facility for juveniles that would meet  
 23 federal requirements; and

24           WHEREAS, no state agency is authorized to manage a  
 25 juvenile justice system and a juvenile detention and

1 placement system in Montana.  
 2  
 3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
 4 OF REPRESENTATIVES OF THE STATE OF MONTANA:

5           (1) That an appropriate interim committee be assigned  
 6 to study the juvenile detention and placement system in  
 7 Montana and how it might be improved to meet federal  
 8 mandates.

9           (2) That the committee collect data on juvenile  
 10 detention population and characteristics, detention  
 11 financing and operational costs, service areas, detention  
 12 facility conditions, and other matters related to the  
 13 detention of juveniles.

14           (3) That the committee consider and, as necessary,  
 15 develop legislative proposals for developing alternatives to  
 16 detention, a juvenile pretrial release system, and a state  
 17 subsidy program for local communities to support alternative  
 18 programs.

19           (4) That the committee request assistance from and  
 20 consider recommendations of state and local agencies  
 21 responsible for various aspects of juvenile justice and  
 22 detention and from youth advocacy groups and organizations,  
 23 including but not limited to Youth Court Judges, probation  
 24 officers, county commissioners, the Juvenile Justice Bureau  
 25 of the Board of Crime Control, the Department of



1 Institutions, the Department of Social and Rehabilitation  
2 Services, and nonprofit diversion programs serving  
3 predelinquent juveniles.

4 (5) That the committee report the findings and  
5 recommendations of the study to the 50th Legislature and, if  
6 necessary, draft legislation to implement the  
7 recommendations.

-End-