

HOUSE BILL NO. 6

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

June 16, 1986	Introduced and referred to Committee on Human Services.
June 19, 1986	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
June 20, 1986	Second reading, do pass.  Third reading, passed.  Transmitted to Senate.

IN THE SENATE

June 21, 1986	Introduced and referred to Committee on Finance and Claims.  Committee recommend bill be concurring in. Report adopted.  Second reading, concurring in.  Third reading, concurring in. Ayes, 48; Noes, 0.  Returned to House.
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IN THE HOUSE

June 21, 1986	Received from Senate.
June 23, 1986	Sent to enrolling.  Reported correctly enrolled.

HOUSE BILL NO. 6

INTRODUCED BY *Donaldson*

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE PROGRAM AT MOUNTAIN VIEW SCHOOL FOR THE DETENTION OF A YOUTH ALLEGED TO BE DELINQUENT; AMENDING SECTION 41-5-306, MCA; REPEALING SECTIONS 1 AND 3 THROUGH 6, CHAPTER 737, LAWS OF 1985; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 41-5-306, MCA, is amended to read:

"41-5-306. Place of shelter care or detention. (1) A youth alleged to be a delinquent youth or youth in need of supervision may be sheltered only in:

(a) a licensed youth foster home as defined in 41-3-1102;

(b) a facility operated by a licensed child welfare agency; or

(c) a licensed youth group home as defined in 41-3-1102.

(2) A youth alleged to be a delinquent youth may be detained in a jail or other facility for the detention of adults only if:

(a) the facilities in subsection (1) are not available

or do not provide adequate security;

(b) the detention is in an area physically and visually separate and removed from those of adults;

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

(d) the court so orders.

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

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

~~{i}--pay the cost of transporting the youth to and from the school;~~

~~{ii}--pay--medical--costs--incurred--by the youth during detention;--and~~

~~{iii}--reimburse the state general fund for the per diem cost of detention. The department of institutions,--at--the~~

beginning--of-each-fiscal-year--shall-determine-the-per-diem  
rate-by-dividing--the--additional--budgeted--daily--cost--of  
providing--detention--services--by--the--anticipated-average  
daily-detention-population--

(b)--Counties--receiving--detention--services--will--be  
billed--monthly--for--services-provided-the-preceding-month,  
and-may-be-refused-further-services-if-bills--are--not--paid  
within-60-days-of-receipt-of-statement--

(c)--The--county--shall--pay--the-costs-provided-for-in  
subsection-(4)(a)-from-the-county's-district-court-fund--

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

NEW SECTION. Section 2. Repealer. Sections 1 and 3  
through 6, Chapter 737, Laws of 1985, are repealed.

NEW SECTION. Section 3. Effective date. This act is  
effective on passage and approval.

-End-

In compliance with a written request, there is hereby submitted a Fiscal Note for HB006, as originally introduced.

Description of Proposed Legislation:


An act to eliminate the program at Mountain View School for the detention of youth alleged to be delinquent. The act amends section 41-5-306, MCA; repealing sections 1 and 3 through 6, chapter 737, laws of 1985; and providing an immediate effective date.


Assumptions:

1. The youth detention program will close effective July 1, 1986.
2. There will be a savings of 5.16 FTE and \$102,000.
3. Termination pay for the existing staff has been taken into account.
4. A contingency of \$3,804 will be held by the department for any unforeseen closure costs. These contingency funds will administratively revert to the general fund if they are not necessary.

Fiscal Impact:

This action will save the general fund \$102,000. A total savings of \$105,804 will be realized if the \$3,804 contingency closure funds are not used.

 6/17/86  
BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning

 June 18 1986  
PRIMARY SPONSOR                      DATE

Fiscal Note for HB006, as originally introduced

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

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(b) a facility operated by a licensed child welfare agency; or

(c) a licensed youth group home as defined in 41-3-1102.

(2) A youth alleged to be a delinquent youth may be detained in a jail or other facility for the detention of adults only if:

(a) the facilities in subsection (1) are not available

or do not provide adequate security;

(b) the detention is in an area physically and visually separate and removed from those of adults;

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

(d) the court so orders.

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

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

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

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

~~(iii) reimburse the state general fund for the per diem cost of detention. The department of institutions, at the~~

beginning--of--each--fiscal--year--shall--determine--the--per--diem  
rate--by--dividing--the--additional--budgeted--daily--cost--of  
providing--detention--services--by--the--anticipated--average  
daily--detention--population;

(b)--Counties--receiving--detention--services--will--be  
billed--monthly--for--services--provided--the--preceding--month;  
and--may--be--refused--further--services--if--bills--are--not--paid  
within--60--days--of--receipt--of--statement;

(c)--The--county--shall--pay--the--costs--provided--for--in  
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