HOUSE BILL NO. 6

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

June 16, 1986

June 19, 1986

June 20, 1986

Introduced and referred to Committee on Human Services.

Committee recommend bill do pass. Report adopted.

Bill printed and placed on members' desks.

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 concurred in. Report adopted.

Second reading, concurred in.

Third reading, concurred in. Ayes, 48; Noes, 0.

Returned to House.

IN THE HOUSE

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

HOUSE BILL NO. 6 INTRODUCED BY 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."

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11 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:

16 (a) a licensed youth foster home as defined in 17 41-3-1102;

18 (b) a facility operated by a licensed child welfare 19 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:

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

Montana Legislat ve Council

l or do not provide adequate security;

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

4 (c) it appears to the satisfaction of the court that 5 public safety and protection reasonably require detention; 6 and

(d) the court so orders.

8 (3) The official in charge of a jail or other facility 9 for the detention of adult offenders or persons charged with 10 crime shall inform the court immediately if a person who is 11 or appears to be under the age of 18 years is received at 12 the facility. Such official shall bring the person before 13 the court upon request or deliver him to a detention 14 facility designated by the court.

15 (4)--(a)-A-youth-alleged-to-be-a-delinquent--youth--may 16 be---detained---at--Mountain--View--school--as--provided--in 17 53-30-2027-The-superintendent-of-the-school-must-be-notified 18 before-a-youth-is-transported-to-the-school--for--detention-19 The-county-of-the-youth-s-residence-shall: 20 (i)--pay-the-cost-of-transporting-the-youth-to-and-from

21 the-school;

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22 (ii)-pay--medical--costs--incurred--by-the-youth-during

23 detention;-and

24 (iii)-reimburse-the-state-general-fund-for-the-per-diem

25 cost-of-detention--The-department-of--institutions---at--the

-2- INTRODUCED BILL HBC

- h

1 beginning--of-each-fiscal-year-shall-determine-the-per-diem 2 rate-by-dividing--the--additional--budgeted--daily--cost--of 3 providing--detention--services--by--the--anticipated-average daily-detention-population-4 5 (b)--Counties--receiving--detention--services--will--be 6 billed--monthly--for--services-provided-the-preceding-month; 7 and-may-be-refused-further-services-if-bills--are--not--paid 8 within-60-days-of-receipt-of-statement-9 (c)--The--county--shall--pay--the-costs-provided-for-in 10 subsection-(4)(a)-from-the-countyis-district-court-fund-11 t5t(4) A youth alleged to be in need of care shall be 12 placed only in the facilities stated in subsection (1) of 13 this section and shall not be detained in a jail or other 14 facility intended or used for the detention of adults 15 charged with criminal offenses." 16 NEW SECTION. Section 2. Repealer. Sections 1 and 3 17 through 6, Chapter 737, Laws of 1985, are repealed.

18 <u>NEW SECTION.</u> Section 3. Effective date. This act is
19 effective on passage and approval.

-End-

Form BD-15

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 unforseen 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.

Office of Budget and Program Planning

<u> + 1986</u> PREMARY SPONSOR DATE DATE

N Iontana Legislat ve Counci

49th Legislature Special Session 6/86

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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2	INTRODUCED BY Alonaldisin
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE THE
6	PROGRAM AT MOUNTAIN VIEW SCHOOL FOR THE DETENTION OF A YOUTH
7	ALLEGED TO BE DELINQUENT; AMENDING SECTION 41-5-306, MCA;
8	REPEALING SECTIONS 1 AND 3 THROUGH 6, CHAPTER 737, LAWS OF
9	1985; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 41-5-306, MCA, is amended to read:
13	"41-5-306. Place of shelter care or detention. (1) A
14	youth alleged to be a delinguent youth or youth in need of
15	supervision may be sheltered only in:
16	(a) a licensed youth foster home as defined in
17	41-3-1102;
18	(b) a facility operated by a licensed child welfare
19	agency; or
20	(c) a licensed youth group home as defined in
21	41-3-1102.
22	(2) A youth alleged to be a delinquent youth may be
23	detained in a jail or other facility for the detention of
24	adults only if:
25	(a) the facilities in subsection (1) are not available

1 or do not provide adequate security;

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

4 (c) it appears to the satisfaction of the court that 5 public safety and protection reasonably require detention; 6 and

(d) the court so orders.

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8 (3) The official in charge of a jail or other facility 9 for the detention of adult offenders or persons charged with 10 crime shall inform the court immediately if a person who is 11 or appears to be under the age of 18 years is received at 12 the facility. Such official shall bring the person before 13 the court upon request or deliver him to a detention 14 facility designated by the court.

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19 The-county-of-the-youth's-residence-shall:

20 {i}-pay-the-cost-of-transporting-the-youth-to-and-from 21 the-school;

22 fill-pay--medical--costs--incurred--by-the-youth-during

23 detention;-and

24 (iii)-reimburse-the-state-general-fund-for-the-per-diem
25 cost-of-detention--Phe-department-of--institutions;--at--the

-2- SECOND READING

LC 0060/01

1 beginning--of-each-fiscal-year;-shall-determine-the-per-diem 2 rate-by-dividing--the--additional--budgeted--daily--cost--of 3 providing--detention--services--by--the--anticipated-average 4 daily-detention-population-5 tb)--Coanties--receiving--detention--services--will--be 6 billed--monthly--for--services-provided-the-preceding-month; 7 and-may-be-refused-further-services-if-bills--are--not--paid 8 within-60-days-of-receipt-of-statement-9 tc)--The--county--shall--pay--the-costs-provided-for-in 10 subsection-(4)(a)-from-the-county's-district-court-fund-11 (5)(4) A youth alleged to be in need of care shall be 12 placed only in the facilities stated in subsection (1) of this section and shall not be detained in a jail or other 13 14 facility intended or used for the detention of adults 15 charged with criminal offenses." NEW SECTION. Section 2. Repealer. Sections 1 and 3 16 through 6, Chapter 737, Laws of 1985, are repealed. 17 NEW SECTION. Section 3. Effective date. This act is 18

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Montana Legislat ve Council

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THIRD READING HBG

beginning--of-each-fiscal-year,-shall-determine-the-per-diem
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<u>NEW SECTION.</u> Section 2. Repealer. Sections 1 and 3
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HB 0006/02

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Montana Legislative Council

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HB 0006/02

HB 6

HB 0006/02

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