

HB 633 INTRODUCED BY MENAHAN, ET AL.  
PERMIT DELINQUENT YOUTH IN PINE HILLS TO BE  
TRANSFERRED TO ADULT FACILITY

2/06 INTRODUCED

2/06 REFERRED TO JUDICIARY

2/17 HEARING

2/23 COMMITTEE REPORT--BILL PASSED AS AMENDED

2/24 2ND READING NOT PASSED

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1 House BILL NO. 633  
 2 INTRODUCED BY Mendon  
 3 Miller  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING CERTAIN  
 5 DELINQUENT YOUTH PLACED IN PINE HILLS SCHOOL TO BE  
 6 TRANSFERRED TO AN ADULT CORRECTIONAL FACILITY; AND AMENDING  
 7 SECTIONS 41-5-106 AND 53-30-208, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Section 41-5-106, MCA, is amended to read:  
 11 "41-5-106. Order of adjudication -- noncriminal. (1)  
 12 No commitment of any youth to any state youth correctional  
 13 facility under this chapter shall be deemed commitment to a  
 14 penal institution. No adjudication upon the status of any  
 15 youth in the jurisdiction of the court shall operate to  
 16 impose any of the civil disability imposed on a person by  
 17 reason of conviction of a criminal offense, nor shall such  
 18 adjudication be deemed a criminal conviction, nor shall any  
 19 youth be charged with or convicted of any crime in any court  
 20 except as provided in this chapter. Neither the disposition  
 21 of a youth under this chapter nor evidence given in youth  
 22 court proceedings under this chapter shall be admissible in  
 23 evidence except as otherwise provided in this chapter.  
 24 (2) Subsection (1) does not prohibit transfer of a  
 25 youth to an adult correctional facility as provided in

1 53-30-208."  
 2 Section 2. Section 53-30-208, MCA, is amended to read:  
 3 "53-30-208. Maximum age of commitment -- transfer to  
 4 adult correctional facility. (1) No child who has attained  
 5 the age of 18 years shall be committed by any juvenile court  
 6 to the Mountain View school, Pine Hills school, or other  
 7 juvenile facility, except, however, that any person under 21  
 8 years who prior to attaining the age of 18 years came under  
 9 the jurisdiction of the juvenile court by reason of  
 10 delinquent conduct and whose adjudication of delinquency,  
 11 including the finding that commitment to some institution  
 12 was necessary, is not made until after the child reaches the  
 13 age of 18 years shall be committed to the department of  
 14 institutions. The department shall then have the obligation  
 15 to test and evaluate the person to determine the proper  
 16 place of detention for the person, who shall thereupon be  
 17 confined at that institution until the person shall have  
 18 attained the age of 21 years unless sooner discharged by the  
 19 department.  
 20 (2) A youth who was adjudicated delinquent, committed  
 21 to the custody of the department of institutions, and  
 22 subsequently placed in the Pine Hills school may be  
 23 transferred by the department to an adult correctional  
 24 facility after the youth reaches the age of 18 years."  
 25 NEW SECTION. Section 3. Extension of authority. Any



LC 1128/01

1 existing authority of the department of institutions to make  
2 rules on the subject of the provisions of this act is  
3 extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 633

INTRODUCED BY MENAHAN, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING CERTAIN DELINQUENT YOUTH PLACED IN MOUNTAIN VIEW SCHOOL OR PINE HILLS SCHOOL TO BE TRANSFERRED TO AN--ADULT A YOUTHFUL OFFENDER CORRECTIONAL FACILITY; AND AMENDING SECTIONS 41-5-106 AND 53-30-208, MCA."

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

Section 1. Section 41-5-106, MCA, is amended to read:

"41-5-106. Order of adjudication -- noncriminal. (1)

No commitment of any youth to any state youth correctional facility under this chapter shall be deemed commitment to a penal institution. No adjudication upon the status of any youth in the jurisdiction of the court shall operate to impose any of the civil disability imposed on a person by reason of conviction of a criminal offense, nor shall such adjudication be deemed a criminal conviction, nor shall any youth be charged with or convicted of any crime in any court except as provided in this chapter. Neither the disposition of a youth under this chapter nor evidence given in youth court proceedings under this chapter shall be admissible in evidence except as otherwise provided in this chapter.

(2) Subsection (1) does not prohibit transfer of a

youth to ~~an-adult~~ A YOUTHFUL OFFENDER correctional facility as provided in 53-30-208."

Section 2. Section 53-30-208, MCA, is amended to read:

"53-30-208. Maximum age of commitment -- ~~transfer to adult~~ YOUTHFUL OFFENDER correctional facility. (1) No child who has attained the age of 18 years shall be committed by any juvenile court to the Mountain View school, Pine Hills school, or other juvenile facility, except, however, that any person under 21 years who prior to attaining the age of 18 years came under the jurisdiction of the juvenile court by reason of delinquent conduct and whose adjudication of delinquency, including the finding that commitment to some institution was necessary, is not made until after the child reaches the age of 18 years shall be committed to the department of institutions. The department shall then have the obligation to test and evaluate the person to determine the proper place of detention for the person, who shall thereupon be confined at that institution until the person shall have attained the age of 21 years unless sooner discharged by the department.

(2) A youth who was adjudicated delinquent, committed to the custody of the department of institutions, and subsequently placed in the MOUNTAIN VIEW SCHOOL OR THE Pine Hills school may be transferred by the department to an adult A YOUTHFUL OFFENDER correctional facility after the

1 youth reaches the age of 18 years."

2 NEW SECTION. Section 3. Extension of authority. Any  
3 existing authority of the department of institutions to make  
4 rules on the subject of the provisions of this act is  
5 extended to the provisions of this act.

-End-