HB 662 INTRODUCED BY SPAETH. ET AL. OPEN YOUTH COURT RECORDS TO PUBLIC IF OFFENSE CAN BE PUBLICIZED

- 2/07 INTRODUCED
- 2/07 REFERRED TO JUDICIARY

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2/17 HEARING

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2/18 TABLED IN COMMITTEE

LC 1127/01

INTRODUCED BY Speet Mc Son 1 2 3

۸ A BILL FOR AN ACT ENTITLED: "AN ACT TO OPEN CERTAIN YOUTH COURT RECORDS TO PUBLIC INSPECTION IF THEY DIRECTLY RELATE 5 TO AN OFFENSE AS TO WHICH PUBLICITY MUST BE ALLOWED; AND 6 AMENDING SECTION 41-5-603, MCA." 7

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

10 Section 1. Section 41-5-603, MCA, is amended to read: "41-5-603. Youth court records. (1) Youth court 11 12 records, including social, medical, and psychological records, reports of preliminary inquiries, predispositional 13 14 studies, and supervision records of probationers, are open to inspection prior to the sealing of the records only to 15 16 the following:

(a) the youth court and its professional staff; 17

18 (b) representatives of any agency providing 19 supervision and having legal custody of a youth;

20 (c) any other person, by order of the court, having a 21 legitimate interest in the case or in the work of the court; 22 (d) any court and its probation and other professional 23 staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the 24 sentence to be imposed upon such party; 25

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(e) the county attorney;

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2 (f) the youth who is the subject of the report or 3 record, after he has been emancipated or reaches the age of 4 majority.

(2) All or any part of records information secured 5 6 from records listed in subsection (1) of this section, when 7 presented to and used by the court in a proceeding under 8 this chapter, shall also be made available to the counsel 9 for the parties to the proceedings.

10 (3) All other court records, includina docket, petitions, motions, and other papers filed in a case, 11 12 transcripts of testimony, findings, verdicts, orders, and 13 decrees, shall be open to inspection by:

14 (a) those persons and agencies listed in subsection 15 of-this-section-and;

16 (b) the parties to the proceedings and their counsel; 17 anđ

(c) any other person if the records are directly 18 19 related to an offense as to which publicity must be allowed 20 under 41-5-601.

21 (4) All information obtained in discharge of ал 22 official duty by any officer or other employee of the youth 23 court shall be privileged and shall not be disclosed to 24 anyone other than the judge and others entitled under this 25 chapter to receive such information, unless otherwise

> -2- INTRODUCED BILL HB-662

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1 ordered by the judge. 2 (5) After youth court records, reports of preliminary 3 inquiries, predispositional studies, and supervision records of probationers are sealed, they are not open to inspection 4 5 except, upon order of the youth court, for good cause to: (a) those persons and agencies listed in subsection 6 7 (1); and (b) adult probation professional staff preparing a 8 9 presentence report on a youth who has reached the age of 10 majority; and (c) any other person if the records, reports, and 11 studies are directly related to an offense as to which 12 13 publicity must be allowed under 41-5-601." NEW SECTION. Section 2. Extension of authority. Any 14 existing authority of the department of social and 15 rehabilitation services to make rules on the subject of the 16 provisions of this act is extended to the provisions of this 17 18 act.

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