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House BILL NO. 240
Lowell Kelly

INTRODUCED BY _____
BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE YOUTH COURT STUDY COMMISSION;
PROVIDING FOR APPOINTMENTS TO THE COMMISSION; DIRECTING THE COMMISSION TO CONDUCT
A STUDY OF THE MONTANA YOUTH COURT ACT; APPROPRIATING FUNDS FOR THE OPERATION OF
THE COMMISSION; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the Montana Youth Court Act is now 20 years old and has been both amended and
litigated numerous times; and

WHEREAS, juvenile court and probation philosophy and practice have changed; and

WHEREAS, national attention has been focused on the issue of youth violence; and

WHEREAS, a performance audit report issued by the Legislative Auditor in June 1993 concluded
that Montana's juvenile justice system suffers from a lack of coordination and that current reforms are
occurring without a formal planning process; and

WHEREAS, the 54th Legislature will be asked to consider amending several major provisions of the
Montana Youth Court Act; and

WHEREAS, it is important to strike a balance that protects the community from delinquent youth,
imposes accountability for offenses, and equips juvenile offenders with the competencies to live
productively in the community; and

WHEREAS, it is important to consider issues such as initiation of proceedings, jurisdiction and
transfer, rights of youth, procedure before the youth courts, disposition, confidentiality, and mental health
considerations in order to achieve a balance.

THEREFORE, the Legislature finds it appropriate that an interim commission be established and
assigned to study the provisions of the Montana Youth Court Act and its effectiveness in meeting the needs
of Montana's juvenile justice system.

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

1 **NEW SECTION. Section 1. Youth court study commission -- composition -- vacancies.** (1) There
2 is a youth court study commission.

3 (2) The commission is composed of the following members:

4 (a) two members of the house of representatives, one from each party, appointed by the speaker
5 of the house;

6 (b) two members of the senate, one from each party, appointed by the president of the senate;

7 (c) a citizen representing the public at large, appointed by the governor;

8 (d) a district court judge, selected by the Montana judges' association;

9 (e) a justice of the peace, selected by the Montana magistrates' association;

10 (f) the presiding officer of the youth justice advisory council;

11 (g) the chief of the corrections division in the department of family services;

12 (h) the president or executive director of the Montana juvenile probation officers association; and

13 (i) a delegate selected by the county attorneys association.

14 (3) The members of the commission shall elect a presiding officer from among the members.

15 (4) A vacancy occurring on the commission must be filled in the same manner as the original
16 appointment.

17

18 **NEW SECTION. Section 2. Meetings.** (1) The presiding officer shall schedule meetings of the
19 commission as considered necessary and shall give notice of the time and place of each meeting to the
20 members of the commission.

21 (2) The commission may adopt rules of procedure for the conduct of its meetings.

22

23 **NEW SECTION. Section 3. Reimbursement of expenses -- compensation.** (1) Each member of
24 the commission, except the legislative members appointed under [section 1], is entitled to reimbursement
25 for expenses as provided in 2-18-501 through 2-18-503.

26 (2) A legislative member appointed under [section 1] is entitled to compensation and expenses as
27 provided in 5-2-302.

28

29 **NEW SECTION. Section 4. Powers and duties -- staff support -- recommendations -- report.** (1)
30 The commission shall make a thorough study of the Montana Youth Court Act and evaluate its

1 effectiveness in meeting the needs of Montana's juvenile justice system.

2 (2) The legislative council shall supply staff support to the commission.

3 (3) The commission is authorized to secure information of any type from any agency, board, or
4 commission or from any independent organization. Any state agency, board, or commission shall supply
5 information upon the request of the commission.

6 (4) On or before December 1, 1996, the commission shall submit to the 55th legislature a report
7 of its findings and conclusions. If the report contains recommendations for legislation, the report must
8 include a draft of the proposed legislation.

9

10 **NEW SECTION. Section 5. Authority to accept funding -- appropriation of federal funds.** (1) The
11 legislative council is authorized to accept funds appropriated from the board of crime control for the purpose
12 of conducting the study identified in [section 4].

13 (2) There is allocated to the legislative council from the youth justice advisory council \$20,000 in
14 funds granted to the state board of crime control for the youth justice council by the federal office of
15 juvenile justice and delinquency prevention. The funds may be used only for fulfilling the duties of the
16 commission, including:

17 (a) reimbursing or compensating the members as provided in [section 3];

18 (b) contracting for services to execute the study to be conducted by the commission; and

19 (c) paying other expenses incurred by the commission or the legislative council in completing the
20 study.

21 (3) Funds allocated to the legislative council on behalf of the commission but not expended prior
22 to the termination date specified in [section 7] must be returned to the youth justice advisory council within
23 60 days of the termination date.

24 (4) The funds identified in this section must be deposited in an account in the state special revenue
25 fund to the credit of the legislative council on or before July 1, 1995. The legislative council staff may not
26 begin work on the study until these funds have been deposited.

27

28 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 1995.

29

30 **NEW SECTION. Section 7. Termination.** [This act] terminates June 30, 1997.

-END-

- 3 -

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0240, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

Establishing the Youth Court Study Commission; providing for appointments to the commission; directing the commission to conduct a study of the Montana Youth Court Act; authorizing the Legislative Council to accept funds from the Board of Crime Control for the operation of the commission.

ASSUMPTIONS:

Crime Control Division:

1. The Youth Court Study Commission will hold the equivalent of quarterly one-day meetings during the 1997 biennium. Mileage and per diem reimbursement for the eleven members will be paid at an average rate of \$180 per member per meeting. If eight meetings are held, the estimated reimbursement will be \$15,840 (11 x \$180 x 8 = \$15,840).
2. Compensation paid to the four legislative members is estimated at \$1,824 (4 members X 8 meetings X \$57/day).
3. Travel costs for out-of-state consultant assistance from the Youth Law Center are estimated at \$2,000.
4. Printing costs for final recommendations are estimated at \$500.
5. The Youth Justice Advisory Council will award a federal subgrant to the Legislative Council in the amount of \$20,000 to cover the costs of this study. These federal grant funds are included in the Governor's Executive Budget for the Crime Control Division.
6. Although the funding source is federal, the bill requires the subgrant funds to be deposited in an account in the state special revenue fund to the credit of the Legislative Council.
7. The duration of the appropriation (7/1/95 to 6/30/97) exceeds the federal life of the 94 Juvenile Justice Block Grant which may require splitting the funding into two separate subgrants, one from the 94 block grant and one from the 95 block grant.

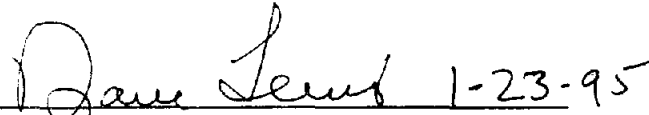
Legislative Council:

8. Notwithstanding assumption #9, the estimated costs of the study commission are approximately \$20,000, depending on the number and duration of the meetings.
9. If the members of the Legislative Council choose to displace other assigned work and assign existing staff to support the Commission, no additional costs would be anticipated. However, if other work assigned to the Legislative Council maximally utilizes staff resources, additional staff resources would have to be procured. In the latter instance, it is anticipated that the resources could be procured either through contracted services or by the temporary (18-months) employment of an entry level legislative researcher, including incidental expenses associated with the employee. Either option is estimated to require an additional appropriation of approximately \$50,000, which is not included in the bill.

Department of Family Services:

10. Representation on the commission from the department will be accomplished within the present law base as presented in the Governor's Executive Budget.

(continued)


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


LOREN SOFT, PRIMARY SPONSOR DATE

Fiscal Note for HB0240, as introduced

HB 240

(continued)

FISCAL IMPACT:Expenditures:

	<u>FY96</u>	<u>FY97</u>
Legislative Council:	<u>Difference</u>	<u>Difference</u>
Personal Services	912	912
Operating Expenses	<u>9,088</u>	<u>9,088</u>
Total	10,000	10,000
Funding:		
State Special Revenue (02)	10,000	10,000

Revenues:

State Special Revenue (02)	10,000	10,000
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TECHNICAL NOTES:

The draw down of the full amount of the grant (\$20,000) and deposit in a state special revenue account by July 1, 1995, in advance of the immediate cash needs, is required by Section 5(4) of the bill but would likely violate the federal cash management act. Compliance with federal law may be met by striking the language in Section 5(4) that requires deposit of the subgrant funds in the state special revenue account on or before July 1, 1995. Funds could then be deposited on a quarterly basis in amounts necessary to meet the expenditure needs for each quarter.

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6 JUVENILE MENTAL HEALTH STUDY COMMISSION; PROVIDING FOR APPOINTMENTS TO THE
7 COMMISSION; DIRECTING THE COMMISSION TO CONDUCT A ~~STUDY~~ COMPREHENSIVE REVIEW AND
8 ASSESSMENT OF THE MONTANA ~~YOUTH COURT ACT~~ JUVENILE JUSTICE SYSTEM AND JUVENILE
9 MENTAL HEALTH SYSTEM; APPROPRIATING FUNDS FOR THE OPERATION OF THE COMMISSION; AND
10 PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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12 WHEREAS, the Montana Youth Court Act is now 20 years old and has been both amended and
13 litigated numerous times; and

14 WHEREAS, juvenile court and probation philosophy and practice have changed; and

15 WHEREAS, national attention has been focused on the issue of youth violence; and

16 WHEREAS, a performance audit report issued by the Legislative Auditor in June 1993 concluded
17 that Montana's juvenile justice system suffers from a lack of coordination and that current reforms are
18 occurring without a formal planning process; and

19 WHEREAS, the 54th Legislature will be asked to consider amending several major provisions of the
20 Montana Youth Court Act; and

21 WHEREAS, it is important to strike a balance that protects the community from delinquent youth,
22 imposes accountability for offenses, and equips juvenile offenders with the competencies to live
23 productively in the community; and

24 WHEREAS, it is important to consider issues such as initiation of proceedings, jurisdiction and
25 transfer, rights of youth, procedure before the youth courts, disposition, confidentiality, and mental health
26 considerations in order to achieve a balance; AND

27 WHEREAS, IT IS IMPORTANT THAT ALL SERVICES TO YOUTH IN THE JUVENILE JUSTICE
28 SYSTEM AND MENTAL HEALTH SERVICES DELIVERY SYSTEM BE COORDINATED IN A SINGLE,
29 SEAMLESS CONTINUUM OF CARE AND TREATMENT.

30 THEREFORE, the Legislature finds it appropriate that an interim commission be established and

1 assigned to ~~study the provisions of the Montana Youth Court Act and its effectiveness in meeting the needs~~
 2 ~~of Montana's juvenile justice system~~ COMPLETE A COMPREHENSIVE REVIEW AND ASSESSMENT OF THE
 3 MONTANA JUVENILE JUSTICE SYSTEM AND THE MENTAL HEALTH SERVICES DELIVERY SYSTEM FOR
 4 YOUTH AND DEVELOP A PLAN TO ENSURE THE EFFECTIVE AND EFFICIENT DELIVERY OF SERVICES TO
 5 ALL YOUTH IN THOSE SYSTEMS.

6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 10 vacancies. (1) There is a ~~youth court~~ JUVENILE JUSTICE study commission.

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16 (d) a ~~district~~ YOUTH court judge, ~~selected by the Montana judges' association~~ APPOINTED BY THE
 17 GOVERNOR;

18 (e) a justice of the peace, ~~selected~~ APPOINTED by the GOVERNOR FROM THREE CANDIDATES
 19 NOMINATED BY THE Montana magistrates' association;

20 (f) ~~the presiding officer~~ A MEMBER of the youth justice advisory council;

21 (g) ~~the chief of the corrections division in the department of family services~~ A PARENT OR
 22 GUARDIAN OF A YOUTH BEING TREATED OR SUPERVISED;

23 (h) ~~the president or executive director of~~ A JUVENILE PROBATION OFFICER APPOINTED BY THE
 24 GOVERNOR FROM THREE CANDIDATES NOMINATED BY the Montana juvenile probation officers
 25 association; ~~and~~

26 (i) ~~a delegate selected~~ A COUNTY ATTORNEY, APPOINTED BY THE GOVERNOR FROM THREE
 27 CANDIDATES NOMINATED by the county attorneys association;

28 (J) A VICTIM OF A VIOLENT CRIME COMMITTED BY A YOUTH, APPOINTED BY THE GOVERNOR;

29 (K) A MEMBER OF A PRIVATE AGENCY THAT PROVIDES TREATMENT SERVICES TO YOUTH,
 30 APPOINTED BY THE GOVERNOR;

1 (L) A YOUNG ADULT WHO WAS FORMERLY ADJUDICATED TO BE A JUVENILE DELINQUENT OR
 2 YOUTH IN NEED OF A SUPERVISION, APPOINTED BY THE GOVERNOR; AND

3 (M) ONE EMPLOYEE EACH OF THE DEPARTMENT OF FAMILY SERVICES, THE BOARD OF CRIME
 4 CONTROL, AND THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES, WHO SHALL SERVE AS
 5 NONVOTING MEMBERS.

6 (3) The members of the commission shall elect a presiding officer from among the members.

7 (4) A vacancy occurring on the commission must be filled in the same manner as the original
 8 appointment.

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 10 NEW SECTION. Section 2. Meetings. (1) The presiding officer shall schedule meetings of the
 11 commission as considered necessary and shall give notice of the time and place of each meeting to the
 12 members of the commission. AT LEAST ONE MEETING MUST BE HELD IN EACH MENTAL HEALTH
 13 REGION.

14 (2) The commission may adopt rules of procedure for the conduct of its meetings.

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 16 NEW SECTION. Section 3. Reimbursement of expenses -- compensation. (1) Each member of
 17 the commission, except the legislative members appointed under [section 1], is entitled to reimbursement
 18 for expenses as provided in 2-18-501 through 2-18-503.

19 (2) A legislative member appointed under [section 1] is entitled to compensation and expenses as
 20 provided in 5-2-302.

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 22 NEW SECTION. Section 4. Powers and duties -- staff support -- recommendations -- report. (1)
 23 The commission shall make a thorough study of the ~~Montana Youth Court Act and evaluate its~~
 24 ~~effectiveness in meeting the needs of Montana's juvenile justice system~~ JUVENILE JUSTICE SYSTEM AND
 25 YOUTH MENTAL HEALTH SERVICES DELIVERY SYSTEM. THE STUDY MUST INCLUDE:

26 (A) A COMPREHENSIVE REVIEW OF PAST AND PRESENT PROGRAMS USED TO SUCCESSFULLY
 27 REHABILITATE YOUTH AND REDUCE JUVENILE CRIME;

28 (B) A REVIEW OF METHODS AND PROGRAMS IN OTHER STATES AND NATIONS THAT HAVE
 29 BEEN DOCUMENTED AS A SUCCESS IN TREATING AND REHABILITATING YOUTH;

30 (C) THE DEVELOPMENT OF A JUVENILE JUSTICE AND MENTAL HEALTH TREATMENT

1 CONTINUUM THAT PROVIDES FOR COMMUNITY PROTECTION, YOUTH ACCOUNTABILITY, YOUTH
 2 COMPETENCY, MEANINGFUL RESTITUTION, AND SUCCESSFUL REINTEGRATION OF YOUTH INTO THE
 3 COMMUNITY;

4 (D) A DEFINITION AND DELINEATION OF THE ROLES AND RESPONSIBILITIES OF THE
 5 DEPARTMENT OF FAMILY SERVICES AND OTHER STATE AND LOCAL GOVERNMENT AGENCIES
 6 WORKING WITH YOUTH;

7 (E) A DEFINITION AND DELINEATION OF THE ROLES AND RESPONSIBILITIES OF THE JUVENILE
 8 JUSTICE SYSTEM AND THE YOUTH MENTAL HEALTH SERVICES DELIVERY SYSTEMS; AND

9 (F) A REVIEW OF THE EFFECTIVENESS AND EFFICIENCY OF EACH STATE YOUTH
 10 CORRECTIONAL FACILITY AND OF EACH DETENTION FACILITY OPERATED BY THE STATE, INCLUDING
 11 THE FEASIBILITY OF PRIVATIZING EACH FACILITY.

12 (2) The legislative council shall supply staff support to the commission.

13 (3) The commission is authorized to secure information of any type from any agency, board, or
 14 commission or from any independent organization. Any state agency, board, or commission shall supply
 15 information upon the request of the commission.

16 (4) On or before December 1, 1996, the commission shall submit to the 55th legislature a report
 17 of its findings and conclusions. If the report contains recommendations for legislation, the report must
 18 include a draft of the proposed legislation.

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20 **NEW SECTION. Section 5. Authority to accept funding -- appropriation of federal funds.** (1) The
 21 legislative council is authorized to accept funds appropriated from the board of crime control for the purpose
 22 of conducting the study identified in [section 4].

23 (2) There is allocated to the legislative council from the youth justice advisory council \$20,000 in
 24 funds granted to the state board of crime control for the youth justice council by the federal office of
 25 juvenile justice and delinquency prevention. The funds may be used only for fulfilling the duties of the
 26 commission, including:

27 (a) reimbursing or compensating the members as provided in [section 3];

28 (b) contracting for services to execute the study to be conducted by the commission; and

29 (c) paying other expenses incurred by the commission or the legislative council in completing the
 30 study.

1 (3) Funds allocated to the legislative council on behalf of the commission but not expended prior
2 to the termination date specified in [section 7] must be returned to the youth justice advisory council within
3 60 days of the termination date.

4 (4) The funds identified in this section must be deposited IN QUARTERLY INSTALLMENTS THAT
5 ARE SUFFICIENT TO MEET THE COMMISSION'S COSTS FOR EACH QUARTER in an account in the state
6 special revenue fund to the credit of the legislative council. THE FIRST INSTALLMENT MUST BE
7 DEPOSITED on or before July 1, 1995. The legislative council staff may not begin work on the study until
8 ~~these funds have~~ THE FIRST INSTALLMENT HAS been deposited.

9

10 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1995.

11

12 NEW SECTION. Section 7. Termination. [This act] terminates June 30, 1997.

13

-END-

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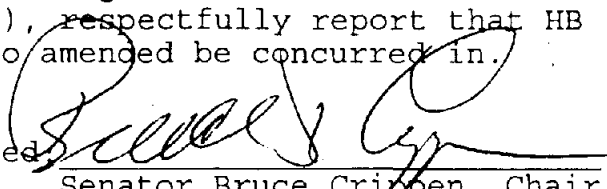
THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 240 (third reading copy -- blue), respectfully report that HB 240 be amended as follows and as so amended be concurred in.

Signed 
Senator Bruce Crippen, Chair

That such amendments read:

1. Page 2, line 20.

Following: "council"

Insert: ", appointed by the governor from three candidates
nominated by the board of crime control"

2. Page 2, line 22.

Following: "SUPERVISED"

Insert: ", appointed by the governor"

3. Page 4, line 17.

Following: "conclusions."

Strike: "If the"

Insert: "The"

Following: "report"

Strike: "contains"

Insert: "must contain"

4. Page 4, lines 17 and 18.

Following: "legislation," on line 17

Strike: remainder of line 17 through "include" on line 18

Insert: "including"

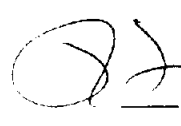
5. Page 4, line 18.

Following: "legislation."

Insert: "The report must also contain a discussion related to any
area of study for which the commission does not recommend
legislation and an explanation of why legislation is not
recommended."

-END-

HB 240


Amd. Coord.
Sec. of Senate

Sam. Halligan
Senator Carrying Bill

SENATE

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1 (C) THE DEVELOPMENT OF A JUVENILE JUSTICE AND MENTAL HEALTH TREATMENT
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5 (D) A DEFINITION AND DELINEATION OF THE ROLES AND RESPONSIBILITIES OF THE
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8 (E) A DEFINITION AND DELINEATION OF THE ROLES AND RESPONSIBILITIES OF THE JUVENILE
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10 (F) A REVIEW OF THE EFFECTIVENESS AND EFFICIENCY OF EACH STATE YOUTH
 11 CORRECTIONAL FACILITY AND OF EACH DETENTION FACILITY OPERATED BY THE STATE, INCLUDING
 12 THE FEASIBILITY OF PRIVATIZING EACH FACILITY.

13 (2) The legislative council shall supply staff support to the commission.

14 (3) The commission is authorized to secure information of any type from any agency, board, or
 15 commission or from any independent organization. Any state agency, board, or commission shall supply
 16 information upon the request of the commission.

17 (4) On or before December 1, 1996, the commission shall submit to the 55th legislature a report
 18 of its findings and conclusions. ~~If the~~ THE report ~~contains~~ MUST CONTAIN recommendations for
 19 legislation, ~~the report must include~~ INCLUDING a draft of the proposed legislation. THE REPORT MUST
 20 ALSO CONTAIN A DISCUSSION RELATED TO ANY AREA OF STUDY FOR WHICH THE COMMISSION
 21 DOES NOT RECOMMEND LEGISLATION AND AN EXPLANATION OF WHY LEGISLATION IS NOT
 22 RECOMMENDED.

23
 24 NEW SECTION. Section 5. Authority to accept funding -- appropriation of federal funds. (1) The
 25 legislative council is authorized to accept funds appropriated from the board of crime control for the purpose
 26 of conducting the study identified in [section 4].

27 (2) There is allocated to the legislative council from the youth justice advisory council \$20,000 in
 28 funds granted to the state board of crime control for the youth justice council by the federal office of
 29 juvenile justice and delinquency prevention. The funds may be used only for fulfilling the duties of the
 30 commission, including:

- 1 (a) reimbursing or compensating the members as provided in [section 3];
2 (b) contracting for services to execute the study to be conducted by the commission; and
3 (c) paying other expenses incurred by the commission or the legislative council in completing the
4 study.

5 (3) Funds allocated to the legislative council on behalf of the commission but not expended prior
6 to the termination date specified in [section 7] must be returned to the youth justice advisory council within
7 60 days of the termination date.

8 (4) The funds identified in this section must be deposited IN QUARTERLY INSTALLMENTS THAT
9 ARE SUFFICIENT TO MEET THE COMMISSION'S COSTS FOR EACH QUARTER in an account in the state
10 special revenue fund to the credit of the legislative council. THE FIRST INSTALLMENT MUST BE
11 DEPOSITED on or before July 1, 1995. The legislative council staff may not begin work on the study until
12 ~~these funds have~~ THE FIRST INSTALLMENT HAS been deposited.

13

14 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1995.

15

16 NEW SECTION. Section 7. Termination. [This act] terminates June 30, 1997.

17

-END-