

# Legislative History: Montana Youth Court Act

LAW AND JUSTICE INTERIM COMMITTEE  
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## ENACTMENT

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On July 1, 1974, House Bill 798<sup>1</sup> created the Montana Youth Court Act (YCA). Along with a separate court system within Montana District Courts, the act defined key terms and established procedures for various stages of the process specific to youth offenders: custody, detention, hearings, and disposition. It also provided that counsel may represent a youth in all stages of juvenile justice proceedings.<sup>2</sup>

This document is a summary of the legislation that amended the Montana Youth Court Act since its enactment.

## REVISIONS

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### 1975

House Bill 218 - Increases the salary of the chief probation officer from \$11,000, or \$40/day per diem, to a range of \$12,000 to \$16,000; and removes language that required a probation officer to seek an appointment with the judge for discussions regarding payment of services provided.

House Bill 243 - Removes the requirement for police to immediately notify a probation officer in all cases of youth apprehension.

### 1977

House Bill 738 - Amends the term “Detention facility” to “State youth correction facility” and adds two new terms to the act: “Shelter Care” and “Detention”. This was in response to a new procedure added to the act that clarified when and how a youth taken into custody was to be detained.

### 1979

Senate Bill 1 - Creates the current format and structure of Montana’s state laws, the Montana Code Annotated. This overhaul simplified the YCA’s statutory construction. References in the prior Revised Code of Montana (R.C.M.) were recodified into the current MCA format, and references to the YCA changed from 10-1200§§ R.C.M. to Title 41, chapter 5, MCA.

Senate Bill 293 - Provides for restitution under the YCA.

House Bill 678 - Allows media and the general public access to certain Youth Court proceedings.

House Bill 813 - Clarifies the role of the Department of Social Rehabilitation Services (DSRS), the County Welfare Department, and a youth offender's parents regarding financial obligations.

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<sup>1</sup> R.C.M. 10-1201 through 10-1252 (Repealed, amended, and recodified in MCA Title 41, Chapter 5).

<sup>2</sup> 41-5-331(1)(a), MCA

## 1981

House Bill 480 – Changes the criteria for the transfer of youth offenders to District Court, allows 10 days for filing transfer petition, changes provisions for retaining finger print and photo records, prohibits the consideration of insurance compensation to a victim, provides for appointed counsel when a youth and the youth's parents are unable to retain counsel, and allows law enforcement access to Youth Court records.

Senate Bill 117 – Allows a youth under the jurisdiction of the Youth Court to petition for placement in a home other than a youth guidance home if no youth guidance home has been established in the district.

Senate Bill 325 – Revises the salary schedule of a Youth Court probation officer.

Senate Bill 381 – Provides for the disclosure of youth arrest records and Youth Court proceedings and files in cases involving offenses that would be punishable as a felony if the youth were an adult.

## 1983

House Bill 24 - Allows the state to license youth care facilities and provides the DSRS authority for administering and supervising the funding for community-based services for troubled youth. The bill allows DSRS to issue placement budgets to juvenile probation for substitute care placement.<sup>3</sup>

House Bill 272 - Eliminates Swan River Youth Forest Camp as a sentencing placement option. The facility had been used by the Department of Institutions (DOI) to house offenders aged 18 to 25 years. The legislation, requested on behalf of the department, removes the facility from consideration for placement in statute, thereby preventing the inadvertent housing of youthful offenders and adult offenders under court commitment.<sup>4</sup>

Senate Bill 168 – Revises the process of 6-month commitments to the DOI.

Senate Bill 226 - Amends the YCA to allow for a continuance of the hearing request on a Youth Court petition, regardless of whether the youth is in custody. Previously, the YCA allowed the continuance of a hearing only if the youth was in custody.

Senate Bill 319 - Clarifies the cost-of-living increase for chief probation officers and provides an annual longevity allowance for all probation officers.

Senate Bill 324 – Establishes the Montana Youth Treatment Center in Billings, MT. Though the facility was initially created and funded by the last biennium, the legislation sought to outline the statutory authority and restrictions for the center. If a youth is brought under Youth Court action and found to have a serious mental illness, the Youth Court can commit them to the DOI, which will place them in the Montana Youth Treatment Center.<sup>5</sup>

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<sup>3</sup> Montana House Human Services Committee Minutes, Jan 14, Pg. 1 (1983)

<sup>4</sup> Montana House Judiciary Committee Minutes, Jan 27, Pg. 7 (1983)

<sup>5</sup> Montana Senate State Administration Committee Minutes, Feb 8, Pg. 2 (1983)

## 1985

House Bill 103 – Provides for a county to have initial jurisdiction over a youth alleged to have violated the law within that county or alleged to be in need of supervision or care, and provides for district court jurisdiction of a youth alleged to have committed the offense of deliberate homicide or mitigated deliberate homicide regardless of age.

House Bill 489 – Provides guidance for how a youth in need of appropriate treatment is placed in or out of state. Additionally, transfers legal custody and placement authority to DSRS for the youth to be placed out of state.

House Bill 667 – Establishes Mountain View School as a placement option for a delinquent youth. The county in which the youth holds residence pays the costs associated. The legislation set a policy that no more than five males and three females are to be placed in Mountain View. Detained youth were to receive all educational and ancillary services normally provided at the school, subject to security provisions.

House Bill 801 – Requires that each county pay its portion of Youth Court costs, as defined in statute and reimbursed by the Youth Court judge each January.

Senate Bill 268 - Amends the criteria to detain youth. Prior criteria allowed detaining a youth offender to protect persons or property from the youth, the youth had a pending transfer, there was concern the youth would abscond from appearing before the court, or the court made an order for detainment. New criteria established that detainment was only allowed if the youth allegedly committed an act which, if committed by an adult, would constitute a criminal offense, the alleged act was an offense enumerated in 41-5-206(1)(a), the youth had escaped a correctional facility, violated a court order, or met criteria for detention established by the Youth Court.

Senate Bill 411 - Requires that a youth admitted to the Montana Youth Treatment Center or the Montana State Hospital be determined by a professional person if the youth is found to be mentally ill.

## 1986

The Montana Legislature held two special sessions in 1986: the first in March to address a budget shortfall, and another in June to address budget adjustments and state appropriations made three months prior.<sup>6</sup> During the June 1986 special session, two bills were enacted that amended the YCA to address this budget shortfall:

House Bill 6 - Eliminates the Mountain View School program for detention of delinquent youths.

House Bill 36 - Discontinues the Montana Youth Treatment Center and authorizes the sale of the facility to the private market. The buyer of the Montana Youth Treatment Center was still subject to the laws of Montana governing the treatment of mentally ill youth and provisions of the YCA, along with the continued acceptance of youth committed to the facility by district courts.

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<sup>6</sup> Special Sessions 1889 – Present, Montana Legislative Services Division (<https://www.legmt.gov/statistics/special/>)

## 1987

Senate Bill 189 - Provides that the identity of a youth cited, arrested, or charged with unlawful possession of an intoxicating substance would be publicly disclosed.

Senate Bill 226 - Requires a probable cause hearing after a youth has been taken into custody, allows the release of a youth on bail, and allows for the establishment of regional detention facilities under the authority of the DOI. This legislation, brought by Senator Halligan, came at the request of the Juvenile Justice Commission, and representatives of the Board of Crime Control, 13th Judicial District, and Montana Youth Justice Council supported it.<sup>7</sup>

House Bill 325 - Establishes the Department of Family Services (DFS). This moved custody transfer, commitment services, and youth correctional facilities administration provided by the DSRS, DOI, and Youth Court of the District Court under the YCA into the authority of the new DFS. Sponsored by Rep. Mercer at the request of the Governor, the legislation resulted from a study conducted by the Governor's Council on Reorganization of Youth Services, a.k.a. Youth Services Study Council. The objective of the bill, as stated by Youth Services Study Council member Sen. Joe Mazurek, was to create a continuum of care for youth services at the state and local level.<sup>8</sup>

House Bill 470 - Allows a wider range of sentences for delinquent youth and wider investigatory authority for law enforcement.

## 1989

House Bill 152 - Authorizes the Youth Court to commit delinquent youth and youth in need of supervision to mental health facilities if the court finds the youth is seriously mentally ill. Sponsor Rep. Kelly Addy stated that the bill intends to make a commitment to a mental health facility part of the sentencing process and be a sentencing alternative.<sup>9</sup>

House Bill 265 - Revises laws pertaining to the disposition of delinquent youth and youth in need of supervision to clarify and reorganize the dispositional options of the Youth Court. This legislation was presented on behalf of the DFS as a housekeeping measure to clean up confusion that arose from amendments to the YCA in the 1987 Legislative Session.<sup>10</sup>

House Bill 305 - Requires the appointment of a person knowledgeable about Indian culture and family matters to child protective teams and youth placement committees.

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<sup>7</sup> Montana Senate Judiciary Committee Minutes, Feb 17, Pg. 3 (1987)

<sup>8</sup> Joint Minutes of the meeting of the State Administration Committee, Human Services Subcommittee, Institutions Subcommittee (Jan 23, 1987)

<sup>9</sup> House Judiciary Committee Minutes, Jan 25, Pg. 6 (1989)

<sup>10</sup> House Judiciary Committee Minutes, Jan 27, Pg. 8 (1989)

House Bill 310 – Revises the filing time for a petition charging a youth held in petition, expands who can hold hearings to determine probable cause to detain a youth for more than 24 hours, and provides that records of hearings are made by a court reporter or by tape recording.

House Bill 113 – Clarifies placement options available under the YCA to a youth placement committee.

House Bill 568 – Prohibits the detention of an alleged delinquent youth in an adult detention facility except under certain circumstances, requires a county to pay the cost of a court-ordered evaluation of a youth, and authorizes appropriations to assist counties in providing youth facilities and services. Requested by the Board of Crime Control.

## 1991

House Bill 109 – Establishes that victims and witnesses of juvenile felony offenses are afforded the same services and assistance that must be provided to a victim and witness of a crime and requires the Attorney General to ensure these services and assistance are provided. As stated by the bill sponsor, Rep. Brooke, the primary purpose of the bill is to clarify in law that juvenile felony victims are eligible for the services and financial assistance that is sourced from the Crime Victims Fund.<sup>11</sup>

House Bill 148 – Establishes in statute the use of home arrest for both adult and juvenile offenders, but prohibits home arrest for certain felony offenses (deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, negligent vehicular assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children, arson, aggravated burglary, escape, any criminal attempt to commit an enumerated offense, or conviction as a persistent felony offender who the offender has a felony conviction for any of the listed offenses within the 5-year period preceding the date of the present conviction). Though already in practice by the DOI under intensive supervision programs and established guidelines, establishing the procedure in statute was intended to impact the department's probation and parole caseloads.<sup>12</sup>

House Bill 286 – Allows a probation officer to determine a youth is in need of supervision through an informal proceeding. Additionally, amends the term 'youth in need of supervision'.

House Bill 581 – Allows any law enforcement agency in a judicial district to use fingerprint records and photographs of youth for comparison and identification purposes in any other investigation. Prior language in law allowed only the originating agency access to records within its jurisdiction.

House Bill 848 – Revises the DOI's name and duties. In response to changing roles and services since its establishment in the 1960s, the DOI name was changed to the Department of Corrections and Human Services (DCHS), and the department's powers and duties were redefined.

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<sup>11</sup> House Judiciary Committee Minutes, Jan 14, Pg. 8 (1991)

<sup>12</sup> Senate Judiciary Committee Minutes, Feb 7, Pg. 4 (1991)

House Bill 948 – Allows for the creation of a County Interdisciplinary Child Information Team in each county to facilitate the sharing of information by persons and entities dealing with abused, neglected, dependent, and delinquent children and youth in need of supervision. The YCA was amended to allow members of a county interdisciplinary child information team to have access to Youth Court records.

House Bill 993 – Requires a youth's parents or guardians to contribute to the cost of out-of-home care provided by DFS if able and based on Uniform Child Support guidelines. Additionally, establishes the Parental Contribution Account.

Senate Bill 37 – Requires counties to provide youth detention services. The bill authorizes the establishment of regional detention facilities, further defines a county's responsibilities for the cost of placing a youth in a regional detention facility, and provides state grants to fund county regional detention facilities. Requested on behalf of the Joint Interim Subcommittee on Adult and Juvenile Detention.

Senate Bill 38 – Prohibits the detention of a youth in jail, except for a 6-hour exemption for holding a youth for identification, processing, or transfer to a detention facility or shelter care facilities. Additional limited 24-hour hold exceptions applied for youth pending probable cause hearings.

Senate Bill 56 – Restricts placement or evaluation of pre-dispositional youth in a state youth correctional facility. Additionally, eliminates the requirement that DFS provide additional youth evaluation programs to replace services performed at state institutions. Requested by the Joint Interim Subcommittee on Adult and Juvenile Detention.

Senate Bill 59 – Prohibits the placement of youth in need of supervision in a jail, secure detention facility, or correctional facility. The legislation also heavily amended and expanded the terms used in the YCA ("detention", "state youth correctional facility", and "serious juvenile offender") to both reorganize the terms alphabetically and define "Correctional facility", "Final disposition", "necessary parties", "secure detention facility", "shelter care facility", and "youth detention facility". Requested on behalf of the Joint Interim Subcommittee on Adult and Juvenile Detention.

Senate Bill 205 – Requires DFS to enter into a cooperative agreement regarding the provision of children's services.

Senate Bill 432 – Clarifies the responsibility of the DFS and of youth probation officers regarding the supervision of youth in placement facilities, and clarifies the applicability of an aftercare agreement if a delinquent youth is transferred from a state youth correctional facility to a mental health facility and subsequently released.

## 1993

House Bill 638 – Prohibits the placement of a status offender in a state youth correctional facility, prohibits the initial commitment or prolonged confinement of a mentally ill youth in a state youth correctional facility, and clarifies who supervises a youth following mental health commitment. As stated by bill sponsor Rep.

Duane Grimes, the DFS had completed a two-year study on the incarceration of youth, which found that too many youths are sent to correctional institutions for incorrect reasons.<sup>13</sup>

House Bill 429 – Creates the offense of criminal production or manufacture of dangerous drugs. If a youth aged 16 years or more was charged with this offense, it allowed the Youth Court to transfer the matter for prosecution to the district court.

Senate Bill 108 – Allows the department to use juveniles' fingerprints and photographs for investigative purposes. The previous law only allowed these records to law enforcement agencies.

House Bill 411 – Amends the YCA to expand the concurrent jurisdiction with the Youth Court and justice/municipal/city courts over beverage and gambling violations alleged to have been committed by a youth.

## 1995

House Bill 150 – Clarifies the composition and duties of a youth placement committee and requires the committee to make recommendations for placement of a youth prior to the youth's commitment to DFS. The new composition saw that a DSRS representative was added to the committee instead of a county department of public welfare representative.

House Bill 240 – Establishes the Juvenile Justice and Mental Health Commission, tasked with assessing the state's juvenile justice system and mental health services delivery system for youth. This bill was supported by representatives of the DOJ, DFS, OPI, Yellowstone County Commission, Montana County Attorneys Association, Montana Juvenile Probation Officers Association, Mental Health Association of Montana's Children's Committee, DCHS, and the First Judicial District chief probation officer.<sup>14</sup>

House Bill 380 – Establishes the "Extended Jurisdiction Prosecution Act," which allows a Youth Court to impose an adult criminal sentence under certain conditions.

House Bill 429 – Revises Youth Court confidentiality provisions, providing that certain youth case records must be sealed when the court's judgments have been fulfilled. Additionally, clarifies that justice court records related to a youth continue to be a matter of public records after the youth reaches 18 years of age. The legislation also amends the YCA to require notification of and consultation with victims of juvenile felony offenses instead of the prior requirement that the Attorney General simply assure that victims or witnesses are provided services and assistance.

House Bill 457 – Prohibits the possession or consumption of tobacco products by minors, and provides for criminal monetary penalties or for adjudication by a Youth Court upon conviction. The YCA was amended to

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<sup>13</sup> House Judiciary Committee Minutes, Feb 18, Pg. 2 (1993)

<sup>14</sup> House Judiciary Committee Minutes

place tobacco products under the violations that have concurrent jurisdiction of the Youth Court and justice/municipal/city courts.

House Bill 474 – Establishes the authority for the Board of Crime Control to conduct juvenile probation officer training. This would standardize statewide juvenile probation training, certification, and examination requirements.

House Bill 540 – Provides clarification to the existing code and the YCA's purpose.

House Bill 551 – Requires certain sexual and violent offenders to provide DNA samples, and that these DNA records housed within the DOJ are not sealed under the YCA.

Senate Bill 26 – By request of the Board of Crime Control, allows the board to award grants for youth detention services in an eligible county in case of extreme hardship. The measure was to implement an improved mechanism for paying for youth detention costs.<sup>15</sup>

Senate Bill 64 – By request of the Board of Crime Control, amends the offense of possession of an intoxicating substance and creates first, second, and third or subsequent offense penalties. New penalties included increased fines, removal of driving privileges, enrollment in treatment programs, and 6 months imprisonment in county jail.

Senate Bill 345 – Creates the Department of Public Health and Human Services (DPHHS) by consolidating DSRS, DFS, and mental health programs, substance abuse programs, and developmental disability programs from DCHS to DPHHS. Additionally, changed DCHS to DOC and BOP to BOPP. This amended the YCA to state that all DFS, DSRS, and some DOC services and administration under the YCA are now under DPHHS.

## 1997

House Bill 111 – Revises laws related to the identification and registration of sexual and violent offenders, and amends the YCA to require a youth offender register as a sexual and violent offender when provided by law.

House Bill 113 – By request of the Juvenile Justice and Mental Health Study Commission, creates the “Family-Focused Court System and Community Coordination Pilot Project”. This would later become the basis for the permanent Juvenile Delinquency Intervention Act.

House Bill 114 - By request of the Juvenile Justice and Mental Health Study Commission, recodifies the YCA to make it more readable, understandable, and usable.

Senate Bill 46 – Allows for the confiscation of a youth's driver's license who is delinquent or in need of supervision.

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<sup>15</sup> Senate Judiciary Committee Minutes, Jan 4 (1995)



Senate Bill 48 – Revises the YCA with the aim of updating the act. Changes included redefining terms like "delinquent youth," replacing "youth in need of supervision" with "youth in need of intervention," and defining "habitual truancy," "victim," and "youth in need of intervention". The bill also created youth assessment placements, family assessments, and assessment officers.

Senate Bill 51 – Provides cost-of-living adjustments for probation officers.

Senate Bill 99 – Revised laws related to the extended jurisdiction process of juveniles. The legislation extended Youth Court jurisdiction until an individual's 21<sup>st</sup> birthday, or until an individual's 25<sup>th</sup> birthday if the youth was convicted as an extended jurisdiction juvenile.

Senate Bill 109 – Provides for certification by DOC of appropriations for Youth Court and probation foster care placements.

Senate Bill 383 – Creates the Montana Street Terrorism Enforcement and Prevention Act and amends the YCA to include the use of threat or violence to coerce criminal street gang membership as an eligible reason to transfer the matter of prosecution from Youth Court to District Court.

## 1999

House Bill 179 – Revises the disposition of Youth Court records and defines the terms "department records", "law enforcement records, and "youth court records."

House Bill 203 – Creates the offense of assault on a minor and renames "felony assault" to "adult with a weapon". Revises the YCA for clarification in response to the statutory restructuring of criminal laws.

House Bill 310 - Requires the Youth Court to notify a school when a juvenile probation officer has reason to believe that a youth is currently involved in drug use or other criminal activity bearing on the safety of children.

House Bill 374 – Requires District Court to hold a hearing before making its decision that a youth should be tried as an adult, and abolishes the death penalty for offenders less than 18 years of age at the time of the commission of a capital offense.

Senate Bill 54 – Revises the YCA to grant greater authority over certain juveniles to the district court, emergency capacity for state youth correctional facilities under DOC, and creates the Criminally Convicted Youth Act, granting additional due process to juvenile criminal offenders.

Senate Bill 199 – Requires a youth detention facility to provide an education program for youth and allows the youth detention center to contract with a school district to provide the educational program.

Senate Bill 243 - Revises laws related to the extended jurisdiction process of juveniles to clarify youth sentencing commitments and provide that a youth prosecuted in Youth Court and later transferred to District Court is not to be sentenced to an adult correctional facility.

Senate Bill 481 – Creates the term “Juvenile Home Arrest Officer” and provides that they may take a youth into custody upon home arrest violations.

## 2001

House Bill 146 – Revises the YCA relating to detention and placement of youth, and establishes the definition for “emergency placement”.

House Bill 195 – Adds criminal possession of dangerous drugs and criminal possession with intent to distribute to the list of crimes that, if committed by a youth 16 years of age or older, are transferable from Youth Court to District Court.

House Bill 238 – Requires victim notification before the release of juvenile felony offenders.

House Bill 345 – Revise county official salaries, removing the statutorily provided salary cap for the chief probation officer and deputy probation officers, and establishing a county compensation board to make recommendations to the county commissioners for annual salary adjustments.

House Bill 393 – Allows video conferencing for youth probable cause hearings.

Senate Bill 29 – Revises the jurisdiction for child abuse in Youth Court and District Court. The bill established that the District Court has jurisdiction over child abuse and neglect proceedings. As a result, the term “youth in need of care” was stricken from the YCA.

Senate Bill 386 – Makes the Intervention in Delinquency pilot program permanent, establishing Montana’s Juvenile Delinquency Intervention Act in Title 41, chapter 5, part 20.

## 2003

Senate Bill 164 – Clarifies that a shelter care facility may not hold a youth in a physically restricting manner.

Senate Bill 19 – Revises laws related to state assumptions of district court costs. Amended YCA to remove the court’s requirement to appoint Youth Court staff and probation officers. The judicial branch would now hire staff and officers directly.

House Bill 156 – Revises the ability to place a youth adjudicated delinquent for an act that would be a misdemeanor if committed by an adult in a state youth correctional facility.

Senate Bill 238 – Prohibits secure detention of a youth committing a status offense. This clarification was made to comply with federal law, which states that a youth would not be placed in secure detention under a probation violation.

Senate Bill 133 – Authorizes the department to select and appoint the juvenile parole officer representative on the youth placement committees rather than the Youth Court Judge.

Senate Bill 329 – Establishes the standards, certification, and training of juvenile detention or juvenile corrections officers under the Montana Board of Crime Control and the Montana Law Enforcement Academy.

Senate Bill 490 – Revises laws governing state assumption of district court costs. This legislation amended the YCA to remove the court's responsibility to cover medical and other examination and treatment costs for a youth ordered by the court. These expenses were shifted to the state-funded district court program and the counties in which the youth reside.

## 2005

House Bill 326 – Changes the penalty for 2<sup>nd</sup> and subsequent methamphetamine possession convictions to permit a judge to sentence offenders to DOC for treatment.

Senate Bill 426 – Amends the YCA to define formal and informal Youth Court records to differentiate what information is available to public inspection, what information can be sealed on the youth's 18<sup>th</sup> birthday, what information is provided to the DOC, and what information is provided to the DPHHS.

House Bill 414 – Establishes a Youth Court intervention and prevention account to be used for the juvenile delinquency intervention program. Also clarifies that unexpended juvenile delinquency funds are appropriated to the Supreme Court and administered by the office of the court administrator in accordance with rules adopted by DOC.

Senate Bill 146 – By request of the LJIC, this legislation established the Montana Public Defender Act and created the Office of State Public Defender. This amended the YCA to direct the court to appoint counsel, when required, from the OPD.

House Bill 696 – Provides that an express purpose of the YCA is to provide that a youth is entitled to maintain ethnic, cultural, or religious heritage when appropriate.

## 2007

Senate Bill 119 – Clarifies that an informal or formal Youth Court record could be shared with a short-term detention center, a youth care facility, a youth assessment center, or a youth detention facility upon placement of a youth in that facility.

Senate Bill 146 – Revises the juvenile delinquency intervention act to clarify the roles and duties of the DOC, OCA, Cost Containment Review Panel, District Court Council, Judicial Districts, and Youth Courts. This legislation was introduced at the request of the DOC and the Montana Supreme Court.

Senate Bill 547 –Amends the registration requirements applicable to sexual offenders. Sponsored by the Senate Judiciary Standing Committee, the legislation amended the YCA to include sexual assault in the list of offenses a county attorney may motion for leave to file in district court for a 16-year-old youth offender. The legislation also required that the records of youth required to register as a sexual offender were not subject to sealing.

Senate Bill 273 – Creates the Public Safety Officer Standards and Training Council (POST). Specific to the YCA, it amends juvenile probation training to be conducted not by the DOJ but by the Office of the Court Administrator. This was to reflect current practice.

## 2009

Senate Bill 91 – Revises the Attorney by Youth waiver and requires that counsel represent a youth at a detention hearing unless the right to an attorney is waived after consulting with an attorney.

Senate Bill 256 – Permits access to Youth Court records by persons conducting evaluations of out-of-home placements, programs, and services.

House Bill 37 – A 1307-page bill that updates the MCA, including the YCA, to conform to gender-neutral names and titles.

House Bill 55 – Requires the Youth Court to impose restrictions on a delinquent youth's residency if the youth has been adjudicated for a sexual offense and has been determined to be a level 3 sexual offender.

## 2011

House Bill 126 – Clarifies the District Courts' sentencing authority of a youth for any other offense that arises during the commission of an offense for which the District Court may already sentence. The legislation directs the District Court to sentence a youth pursuant to Titles 45 and 46 for any offense within the court's jurisdiction, but if a youth is acquitted of these offenses, the court shall sentence the youth pursuant to Title 41 for any remaining offenses.

Senate Bill 67 – Requires the OCA to transfer \$25,000 to the general fund in lieu of conducting an evaluation of selected juvenile out-of-home placements, programs, and services for FY 2011 and 2012. This was to temporarily suspend the Juvenile Delinquency Intervention Program annual evaluation in response to state-funded services and budget cuts due to a projected budget shortfall in FY2011-2012.

Senate Bill 423 – Creates a registry program for the cultivation, manufacture, transportation, and transfer of marijuana by certain persons. The YCA was amended to allow the OCA to request a Youth Court record to confirm whether a person applying for a registry ID card was currently under Youth Court supervision.

## 2013

House Bill 313 – Revises school truancy laws to clarify that a habitually truant child may be referred to Youth Court.

Senate Bill 348 – Establishes exemptions and requirements for schools to implement school safety plans. The bill amends the YCA to revise the requirements for the Youth Court and the district chief probation officer to provide notice to a school regarding youth offenders.

## 2015

House Bill 134 – Prohibits a youth adjudicated for only misdemeanor offenses from being placed in a state prison. Otherwise, a youth, after reaching the age of 18, could be placed in a boot camp, prerelease center, or supervised by DOC.

House Bill 233 – Revises the Juvenile Delinquency Intervention Act:

- Moves the Cost Containment Pool fund under the Office of Court Administrator to allocate funds from the account to judicial districts that exceed annual allocations for juvenile out-of-home placements, programs, and services, or to the DOC for costs incurred for placement of a youth found to be suffering from a mental disorder
- Allows the parental/guardian of a youth under Youth Court jurisdiction to contribute to the Parental Contributions Account, which now specifies funds allocated to OCA for Youth Court costs and to the DOC for department costs related to out-of-home placements, programs, and services.
- Moves juvenile placement fund to the OCA, but continues that DOC administers appropriated funds.

## 2017

House Bill 111 – Revises laws related to minor in possession data. Eliminates the requirement that a court report a minor in possession conviction or adjudication to DPHHS and removes the requirement that DPHHS maintain a list of persons convicted of a MIP.

House Bill 135 – Revises YCA to allow information sharing. Seals informal records that are only open for inspection by a PO preparing a PSI on an adult with an existing sealed youth court record. Also moves the management information system to OCA from DPHHS. DOC is also required to transmit records for a youth returning to youth court supervision.

Senate Bill 17 – Provides that juvenile offenders with no history of sexual offenses or for whom registration is not necessary to protect the public do not have to register as sexual offenders.

House Bill 133 – Amends sentencing laws to implement a tiered system for various non-violent crimes and creates a treatment option for certain drug-related crimes. This legislation was introduced at the request of the Commission on Sentencing.

House Bill 77 – Revises the public defender system and provides for a director hired by DOA. Amends YCA to reflect this change. This legislation was introduced at the request of the Task Force on State Public Defender Operations.

Senate Bill 333 – Revises medical marijuana laws and licensing. Amends YCA to reflect licensing change.

## 2019

Senate Bill 35 – Revises school safety laws to clarify communications between Youth Courts and school districts and allow for the formation of both county and regional interdisciplinary child information and school safety teams.

House Bill 111 – Transfers parole supervision of certain youth to the Youth Court. The act establishes procedures for conditional release revocation hearings, which may be initiated by a county attorney's petition or for a youth alleged to have violated the terms and conditions of their conditional release agreement. Additionally, it defines conditional release to replace the term "parole," renames Pine Hills, expands the definition of delinquent youth, and amends the membership of the Youth Placement Committee.

## 2021

Senate Bill 344 – Allows DOC to repurpose correctional facilities serving youth and adult offenders. The legislation allows the department to hold adult inmates at Pine Hills Youth Correctional Facility, subject to certain circumstances. Sight and sound separation as required in 28 CFR 115.14

House Bill 701 – Revises marijuana laws related to taxation. Amended YCA to allow DOR to request records from OCA to confirm a person applying for a registry ID, care, or license is current under the Youth Court supervision.

## 2023

House Bill 425 – Revises restitution payments under the YCA to extend jurisdiction of Youth Court related to restitution payments to a youth's 25<sup>th</sup> birthday, provides restitution paid is not subject to subrogation, and requires the court to relieve an individual or restitution payments at the end of the courts jurisdiction in certain circumstances, and outstanding restitution at the expiration of court jurisdiction is void. Additionally, allows a youth to petition the court for a restitution order modification.

House Bill 500 – Eliminates Youth Court fees, costs, certain fines, and certain financial obligations. Costs shifted to the Youth Court. Parental contributions account was repealed.

House Bill 886 – Revises YCA to allow victims of certain crimes to access sealed records on orders of the courts for good cause shown. Sealed records relating to a youth for a sexual offense may not be destroyed without the consent of the victim.

House Bill 742 – Restricts the use of restraints on a youth in Youth Court proceedings, prohibiting restraints for a youth under 10 years of age except under certain circumstances.

## 2025

House Bill 173 – Revises the definition of 'victim' in the YCA to provide that a victim may include a corporation or other entity.

House Bill 332 – Revises YCA to enumerate additional offenses by a youth that may be filed in District Court. Also allows a county attorney to transfer a case to Youth Court for good cause. Expands requirements to detain a youth in jail or other adult detention facility pending final disposition. Additionally, allows a youth to waive a transfer hearing.