

## 1 HOUSE BILL NO. 238

2 INTRODUCED BY B. THOMAS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT VICTIMS OF JUVENILE FELONY OFFENSES  
5 BE NOTIFIED OF AN OFFENDER'S RELEASE PRIOR TO RELEASE; AND AMENDING SECTION 41-5-1416,  
6 MCA."

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

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10 **Section 1.** Section 41-5-1416, MCA, is amended to read:

11 **"41-5-1416. Victims and witnesses of juvenile felony offenses -- consultation -- notification of**  
12 **proceedings.** (1) The attorney general shall ensure that the services and assistance that must be provided  
13 under Title 46, chapter 24, to a victim or witness of a crime are also provided to the victim or witness of  
14 a juvenile felony offense.

15 (2) In a proceeding filed under this part, the county attorney or a designee shall consult with the  
16 victim of a juvenile felony offense regarding the disposition of the case, including:

17 (a) a dismissal of the petition filed under 41-5-1402;

18 (b) a reduction of the charge to misdemeanor;

19 (c) the release of the youth from detention or shelter care pending the adjudicatory hearing, ~~and~~  
20 or pending a probable cause hearing. The consultation required by this subsection (2)(c) must take place  
21 prior to the youth's release, whether or not the county attorney or designee has received information from  
22 the victim under subsection (3)(a), UNLESS THE COUNTY ATTORNEY OR DESIGNEE IS UNABLE TO CONTACT THE VICTIM  
23 AFTER MAKING A GOOD FAITH EFFORT TO CONTACT THE VICTIM.

24 (d) the disposition of the youth.

25 (3) (a) Whenever possible, a person described in subsection (3)(b) who provides the appropriate  
26 agency with a current address and telephone number must receive prompt advance notification of youth  
27 court case proceedings, including:

28 (i) the filing of a petition under 41-5-1402;

29 (ii) the release of the youth from detention or shelter care; and

30 (iii) proceedings in the adjudication of the petition, including, when applicable, entry of a consent

1 decree under 41-5-1501, the setting of a date for the adjudicatory hearing under 41-5-1502, the setting  
2 of a date for the dispositional hearing under 41-5-1511, the disposition made, and the release of the youth  
3 from a youth correctional facility.

4 (b) A person entitled to notification under this subsection (3) must be a victim, as defined in  
5 41-5-103, of a juvenile felony offense.

6 (c) The county attorney or a designee ~~that~~ who provides the consultation regarding the disposition  
7 of a case required in subsection (2) shall give the victim the opportunity to provide the victim's current  
8 telephone number and address and shall provide the victim with the name and address of the agency or  
9 agencies responsible for operation of youth detention, correctional, or shelter care facilities that are  
10 responsible for the custody of the youth.

11 (d) The appropriate official or agency shall provide the notification required by this subsection (3)  
12 in the same manner as required for offenses committed by adults.

13 (4) For purposes of this section, "juvenile felony offense" means an offense committed by a  
14 juvenile that, if committed by an adult, would constitute a felony offense. The term includes any offense  
15 for which a juvenile may be declared a serious juvenile offender, as defined in 41-5-103."

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