

1 HOUSE BILL NO. 393

2 INTRODUCED BY J. MANGAN, NEWMAN, BOOKOUT-REINICKE, CALLAHAN, CHRISTIAENS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PROBABLE CAUSE HEARING FOR A YOUTH
5 TAKEN INTO CUSTODY FOR QUESTIONING TO BE BY VIDEOCONFERENCE; AND AMENDING SECTION
6 41-5-332, 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 41-5-332, MCA, is amended to read:11 **"41-5-332. Custody -- hearing for probable cause.** (1) When a youth is taken into custody for
12 questioning, a hearing to determine whether there is probable cause to believe the youth is a delinquent
13 youth or a youth in need of intervention must be held within 24 hours, excluding weekends and legal
14 holidays. A hearing is not required if the youth is released prior to the time of the required hearing.15 (2) When a youth is taken into custody for a violation of placement under a home arrest program,
16 a hearing to determine whether a violation occurred must be held within 24 hours, excluding weekends
17 and holidays.18 (3) The probable cause hearing required under subsection (1) may be held in person or by
19 videoconference by the youth court, a justice of the peace, a municipal or city judge, or a magistrate
20 having jurisdiction in the case as provided in 41-5-203. If the probable cause hearing is held by a justice
21 of the peace, a municipal or city judge, or a magistrate, a record of the hearing must be made by a court
22 reporter or by a tape recording of the hearing or by an audio-video tape if the hearing is held by
23 videoconference.24 (4) A probable cause hearing may be conducted by telephone if other means of conducting the
25 hearing are impractical. All written orders and findings of the court in a hearing conducted by telephone
26 must bear the name of the judge or magistrate presiding in the case and the hour and date the order or
27 findings were issued.

28 (5) A hearing is not required for a youth placed in detention for an alleged parole violation."

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