

SENATE JOINT RESOLUTION NO. 6

INTRODUCED BY SCHMIDT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF THE JUVENILE JUSTICE SYSTEM IN ORDER TO IDENTIFY ANY GAPS IN THE LAW OR RESOURCES OR BETWEEN THE EXISTING AGENCIES WITH VARIOUS RESPONSIBILITIES WITHIN THE SYSTEM.

WHEREAS, our state should work to balance youth accountability for delinquent behavior with the best and most appropriate services to help youth contribute to our state and our society; and

WHEREAS, our state should coordinate youth services in order to provide the best services in the most fiscally responsible manner in order to enhance rehabilitation and restore the communities affected by juvenile offenders; and

WHEREAS, a comprehensive study of juvenile justice programs and data is necessary to determine the most objective and fair treatment of youth; and

WHEREAS, the Montana Constitution provides that the rights of persons under 18 years of age include but are not limited to all the fundamental rights unless specifically precluded by laws that enhance their protection; and

WHEREAS, a review of the juvenile justice system is needed because of its complexities that involve many entities in government and because of the effects on the youth, families, and communities in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the various entities of the Montana system of juvenile justice, its governing statutes, and its resources.

BE IT FURTHER RESOLVED, that the committee prioritize areas for study based on the review and the areas of need brought to its attention by the public and the stakeholders and determine those that could be effectively addressed during the interim.

BE IT FURTHER RESOLVED, that the committee:

(1) identify gaps or overlap and consistency in services by examining the roles of the specific entities involved, including juvenile probation, juvenile parole, detention centers, secure care, foster care, schools, and mental health professionals in state, local, and tribal governments;

(2) determine what statutory changes to the Montana Youth Court Act or other laws may be required to facilitate a more seamless delivery of services among and between the various agencies that are involved with youth in the juvenile justice system;

(3) identify the existence and quality of any tools used for assessment, evaluation, and treatment of youth and the extent to which the tools need to be developed or updated to reflect research-based best practices and to measure outcomes;

(4) identify any inconsistencies statewide in the handling of graduated sanctions and probation violations;

(5) research how to improve the transition of the population of youth that is between 18 and 24 years of age to the adult correctional system; and

(6) analyze existing data to determine areas of greatest success in prevention of and early intervention in juvenile delinquency and related areas that need improvement.

BE IT FURTHER RESOLVED, that the committee develop methods, such as public hearings, panel discussions, or working groups, to solicit concerns and information from the public and representatives from the Office of Court Administrator, juvenile probation, juvenile detention, the Department of Corrections, juvenile parole, the Board of Crime Control, the Youth Justice Council, school districts, tribal and local governments, County Attorneys, the public defender system, law enforcement, the mental health profession, addictive and mental disorders and child and family services in the Department of Public Health and Human Services, and youth and parents either currently involved or previously involved in aspects of the juvenile justice system relevant to this study.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2008.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 61st Legislature.

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