

January 29, 2009

TO: Senate Judiciary Committee

RE: Public Testimony, SB 87

Senator Gary Perry, Chairman:

Chairman Perry and members of the Committee, my name is Steve Nelsen. I am Executive Director of the Montana Children's Initiative Provider Association representing 18 Children's Mental Health programs across the state. Our members provide a wide range of services ranging from school based counseling to in patient psychiatric care.

I rise in opposition to SB 87 in it's present form because it appears the legislation would prohibit a Level 2 or Level 3 juvenile sex offender from participating in a community based program. Which begs the question – "where will these youth acquire the skills and abilities they need to become productive citizens?"

It is our interpretation of the bill that the definition of a sexual offender as an "individual who has committed a sexual offense and is designated as a level 2 or 3 sexual offender pursuant to 46-23-509" would include juveniles. The referenced statute (46-23-509) provides guidance for designating the level of and a sexual offender and does not distinguish between adults and juveniles. Consequently, we assume this bill governs the handling of juveniles as well as adult sexual offenders.

The language in Section One prohibits a sexual offender from living "where a minor resides". You don't have to connect the dots very far to see the implications this has for our group homes and residential child care facilities. This prohibition simply makes it illegal to place a juvenile sexual offender in a group home with other youth. Since we have several programs that run specialized group homes for juvenile sexual offenders the bill would apparently close their doors.

We would propose amending this Bill by inserting "adult" in the New Section 1 (6)(d) defining a sexual offender. This would exclude juveniles from the provisions contained in this Legislation.

We thank you for your listening to our concerns, and stand ready to answer questions on this Bill.

Steve P. Nelsen, Executive Director

Montana Children's Initiative

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