

DEPARTMENT OF JUSTICE
HB 126: Amending the Youth Court Act

Background

Most offenses committed by youth are prosecuted in youth court. However, the Youth Court Act allows the State to prosecute youth in district court for certain serious offenses. The State typically transfers any related offenses to district court with the serious offense. For example, if a youth kills someone and then steals the victim's belongings before leaving the scene, the youth can be prosecuted in district court for both the serious offense of deliberate homicide and the less serious offense of theft.

Inconsistent Interpretation

If the court finds the youth guilty of a serious offense, the Youth Court Act clearly states that the court may impose any sentence that could be imposed on an adult and retains jurisdiction until the youth turns 21 (Section 41-5-206(6) MCA).

However, the language in Section 41-5-206(6) is unclear about whether the district court retains jurisdiction to sentence a youth if:

- the youth is found not guilty of the serious offense, but guilty of one or more lesser offenses transferred with the serious offense, or
- the State dismisses the serious offense with a plea agreement and the youth pleads guilty to one of the lesser offenses.

As a result, district courts have reached different conclusions about whether they have the authority to sentence a youth in these situations. While one district court determined that it retained jurisdiction to sentence a youth found guilty only of lesser offenses transferred with the serious offense, another dismissed a conviction against a youth because it concluded that it had neither jurisdiction to sentence the youth, nor the statutory authority to send the case back to youth court.

Clarification of the Youth Court Act

HB 126 amends Section 41-5-206(6) to clarify that the district court retains jurisdiction to sentence a youth for any offense the youth is convicted of in district court. This amendment is consistent with the Attorney General's interpretation of the current statute, but will remove any doubt about whether the district court retains jurisdiction.

HB 126 will:

- prevent the situation where a district court dismisses a conviction because it believes it does not have jurisdiction;
- provide district courts with the necessary guidance so that each district court in Montana handles the situation in the same way; and
- clarify that the district court retains jurisdiction to sentence the youth if the serious charges are dismissed in exchange for a guilty plea to a lesser offense transferred with the serious offense.