

SENATE BILL NO. 133
INTRODUCED BY T. ZOOK
BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF CORRECTIONS, RATHER THAN THE YOUTH COURT JUDGE, TO SELECT AND APPOINT THE JUVENILE PAROLE OFFICER REPRESENTATIVE ON YOUTH PLACEMENT COMMITTEES; AND AMENDING SECTION 41-5-121, MCA."

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

Section 1. Section 41-5-121, MCA, is amended to read:

"41-5-121. Youth placement committees -- composition. (1) In each judicial district, the youth court and the department shall establish a youth placement committee for the purposes of:

(a) recommending an appropriate placement of a youth referred to the youth court or the department under 41-5-1512 and 41-5-1513; or

(b) recommending available community services or alternative placements whenever a change is required in the placement of a youth who is currently in the custody of the department under 41-5-1512 or 41-5-1513. However, the committee may not substitute its judgment for that of the superintendent of a state youth correctional facility regarding the discharge of a youth from the facility.

(2) (a) The committee consists of not less than five members and must include persons who are knowledgeable about the youth, treatment and placement options, and other resources appropriate to address the needs of the youth.

(b) The committee must include:

(i) a juvenile parole officer employed by the department;

(ii) a representative of the department of public health and human services;

(iii) the chief probation officer or the chief probation officer's designee, who is the presiding officer of the committee;

(iv) a mental health professional; and

(v) if an Indian youth is involved, a person, preferably an Indian, knowledgeable about Indian culture and Indian family matters.

(c) The committee may include:

(i) a representative of a school district located within the boundaries of the judicial district who has knowledge of and experience with youth;

(ii) the youth's parent or guardian;

(iii) a youth services provider; and

(iv) the youth's probation officer.

(3) The youth court judge shall appoint all members of the youth placement committee except the juvenile parole officer. The director of the department shall appoint the juvenile parole officer and shall, when making the appointment, take into consideration:

(a) the juvenile parole officer's qualifications;

(b) the costs involved in the juvenile parole officer's attendance at youth placement committee meetings;

and

(c) the location of the juvenile parole officer's home in relation to the location of the youth placement committee.

~~(3)~~(4) Committee members serve without compensation.

~~(4)~~(5) Notwithstanding the provisions of 41-5-123, the committee may be convened by the department or the probation officer of the youth court.

~~(5)~~(6) If a representative of the school district within the boundaries of which the youth is recommended to be placed and will be attending school is not included on the committee, the person who convened the committee shall inform the school district of the final placement decision for the youth.

~~(6)~~(7) The department may not disburse funds from the budget allocation accounts established pursuant to 41-5-130 unless the youth court ~~has~~ and the department have established a youth placement committee as provided in this section."

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