

SENATE BILL NO. 164
INTRODUCED BY J. MANGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING A CONFLICT BETWEEN STATUTES TO CLARIFY THAT A SHELTER CARE FACILITY MAY NOT HOLD A YOUTH IN A PHYSICALLY RESTRICTING MANNER; AMENDING SECTION 41-5-1801, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 41-5-1801, MCA, is amended to read:

"41-5-1801. Shelter care facilities. (1) Counties, cities, or nonprofit corporations may provide by purchase, lease, or otherwise, a shelter care facility.

~~(2) A shelter care facility may be used to provide an appropriately physically restricting setting for youth alleged or adjudicated to be a delinquent youth or a youth in need of intervention.~~

~~(3)~~(2) A shelter care facility must be physically separated from any facility housing adults accused or convicted of criminal offenses.

~~(4)~~(3) State appropriations and federal funds may be received by counties, cities, or nonprofit corporations for establishment, maintenance, or operation of a shelter care facility.

~~(5)~~(4) A shelter care facility must be furnished in a comfortable manner.

~~(6)~~(5) A shelter care facility may be operated in conjunction with a youth detention facility.

~~(7)~~(6) A shelter care facility may permit a school district to use the facility as an alternative education site provided that the school district provides the educational program and personnel necessary to instruct the youth. Public schools shall follow the requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., in making education placement decisions for youth with disabilities."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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