

1 as the nature of the offense, the youth's age, the discretion or lack of discretion of the county attorney, and the
2 opportunity for a "transfer hearing" to move some or all of the charges to district court or youth court, creating a
3 trial within a trial; and

4 WHEREAS, as another example of complexity, there are a variety of dispositions unique to the
5 Montana Youth Court Act, such as consent decree, consent adjustment with petition, consent adjustment
6 without petition, disposition in violation of consent adjustment, commitment to department, and extended
7 jurisdiction juvenile; and

8 WHEREAS, as another example of complexity, there is a confusing series of laws regarding
9 supervision when a youth becomes an adult, such as a "208 transfer," an extended jurisdiction prosecution, and
10 the Criminally Convicted Youth Act; and

11 WHEREAS, as a result of this complexity, a juvenile proceeding was reversed by the Montana
12 Supreme Court for a failure to follow this complex procedure in Matter of C.L., 2021 MT 294 (DA 20-0155),
13 which involved a briefing that included a full-page flowchart to explain the youth court adjudication process; and

14 WHEREAS, a review, simplification, and clean-up of the Montana Youth Court Act would provide clarity
15 to judges, county attorneys, the legal profession, and families; and

16 WHEREAS, a streamlined and simplified Act would better fulfill the purposes provided in section 41-5-
17 102, MCA; and

18 WHEREAS, a simplified Act will still provide accountability for the youth's actions and protect the rights
19 of all parties by ensuring fair and accurate hearings.

20
21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
22 THE STATE OF MONTANA:

23 That the Legislative Council be requested to designate an appropriate interim committee or statutory
24 committee, pursuant to section 5-5-217, MCA, to review and propose legislation to simplify and streamline the
25 Montana Youth Court Act.

26 BE IT FURTHER RESOLVED, that the committee shall include input from county attorneys, district
27 court judges and personnel, youth probation officers, the director or designee of the Office of the Public
28 Defender, the director or designee of the Department of Public Health and Human Services, and the director or

1 designee of the Department of Corrections.

2 BE IT FURTHER RESOLVED, that any changes proposed as a result of the committee's study should
3 remain consistent with the legislative purposes enumerated in section 41-5-102, MCA, should not be driven by
4 policy intended to increase punishment of youth, and should focus primarily on procedure.

5 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
6 requirements, be concluded prior to September 15, 2026.

7 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
8 comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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