

HOUSE BILL 229

Introduced by Fagg, et al.

1/17	Introduced
1/17	Referred to Judiciary
1/17	Fiscal Note Requested
1/21	Fiscal Note Received
1/24	Fiscal Note Printed
1/25	Hearing
1/25	Tabled in Committee

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INTRODUCED BY HOUSE BILL NO. 229  
Jerry Turk

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE POSSIBLE PENALTY FOR THE CRIMINAL OFFENSES OF DISORDERLY CONDUCT AND FAILURE OF DISORDERLY PERSONS TO DISPERSE; AND AMENDING SECTIONS 45-8-101 AND 45-8-102, MCA."

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

**Section 1.** Section 45-8-101, MCA, is amended to read:

"45-8-101. Disorderly conduct. (1) A person commits the offense of disorderly conduct if he knowingly disturbs the peace by:

- (a) quarreling, challenging to fight, or fighting;
- (b) making loud or unusual noises;
- (c) using threatening, profane, or abusive language;
- (d) discharging firearms;
- (e) rendering vehicular or pedestrian traffic impassable;
- (f) rendering the free ingress or egress to public or private places impassable;
- (g) disturbing or disrupting any lawful assembly or public meeting;
- (h) transmitting a false report or warning of a fire or other catastrophe in such a place that its occurrence would

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endanger human life;

(i) creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

(j) transmitting a false report or warning of an impending explosion in such a place that its occurrence would endanger human life.

(2) Except as provided in subsection (3), a person convicted of the offense of disorderly conduct shall be fined not to exceed ~~\$100~~ \$500 or be imprisoned in the county jail for a term not to exceed 10 days, or both.

(3) A person convicted of a violation of subsection (1)(j) shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both."

**Section 2.** Section 45-8-102, MCA, is amended to read:

"45-8-102. Failure of disorderly persons to disperse.

(1) Where two or more persons are engaged in disorderly conduct, a peace officer, judge, or mayor may order the participants to disperse. A person who purposely refuses or knowingly fails to obey such an order commits the offense of failure to disperse.

(2) A person convicted of the offense of failure to disperse shall be fined not to exceed ~~\$100~~ \$500 or be imprisoned in the county jail for a term not to exceed 10 days, or both."



STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0229, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


The bill would increase the maximum fine for the criminal offenses of disorderly conduct and failure of disorderly persons to disperse.


ASSUMPTIONS:

1. Estimates of the number of arrests for the above offenses are from the Montana Uniform Crime Reports.
2. It is estimated that 50% of arrests for disorderly conduct or failure to disperse will result in the assessment of fines.
3. It is estimated that 25% of arrests for the above offenses are attributable to repeat offenders.
4. The average fine assessed is estimated to be \$50 for first time offenders and \$250 for second time offenders.
5. At least 99% of cases are assumed to be handled in city or justice of the peace courts.
6. Under current state statute, revenue from fines assessed in city courts are retained by city governments.
7. Under current state statute, revenue from fines assessed in justice of the peace courts are allocated 50% to county government and 50% to state government. The state share is further allocated between the general fund and various state special revenue accounts in accordance with 3-10-601, MCA.
8. Revenue estimates assume that all fines assessed will be collected.

FISCAL IMPACT:

see next page

 1-21-91  
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ROD SUNDSTED, BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning

 \_\_\_\_\_  
RUSSELL FAGG, PRIMARY ~~SPONSOR~~                      DATE  
Fiscal Note for HB0229, as introduced

HB 229

Fiscal Note Request, HB0229, as introduced

Form BD-15

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Revenues:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund (01)	2,550	5,100	2,550	2,550	5,100	2,550
Fish and Game (02)	1,100	2,200	1,100	1,100	2,200	1,100
Highways Special (02)	1,400	2,800	1,400	1,400	2,800	1,400
Traffic Education (02)	4,000	8,000	4,000	4,000	8,000	4,000
Crime Victim Comp.(02)	1,850	3,700	1,850	1,850	3,700	1,850
Other state spec.(02)	175	350	175	175	350	175
City governments	45,900	91,800	45,900	45,900	91,800	45,900
County governments	<u>11,075</u>	<u>22,150</u>	<u>11,075</u>	<u>11,075</u>	<u>22,150</u>	<u>11,075</u>
Total	68,050	136,100	68,050	68,050	136,100	68,050

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

City and county government revenue is expected to increase as a result of the increased fine limits. However, expenditures for incarceration could increase if the increased fines result in increases in payment defaults. Any deterrent effect from the increased fines could result in reduced repeat offenses and a lower level of fine revenue or incarceration expenses.

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