

1                    HOUSE    BILL NO.   28  
 2    INTRODUCED BY   BENGTSON, ROTH

3  
 4    A BILL FOR AN ACT ENTITLED:    "AN ACT TO AMEND SECTIONS  
 5    4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE  
 6    LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO  
 7    NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO  
 8    THE ELECTORS OF THE STATE OF MONTANA."

9  
 10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        Section 1. Section 4-6-104, R.C.M. 1947, is amended to  
 12    read as follows:

13        "4-6-104. Age limit for sale of alcoholic beverages.  
 14    Except in the case of an alcoholic beverage given to a  
 15    person under the age of ~~eighteen-(18)~~ 19 years by his parent  
 16    or guardian for beverage or medicinal purposes, or  
 17    administered to him by his physician or dentist for  
 18    medicinal purposes, or sold to him by a vendor or druggist  
 19    upon the prescription of a physician, no person shall sell,  
 20    give, or otherwise supply an alcoholic beverage to any  
 21    person under the age of ~~eighteen-(18)~~ 19 years, or permit  
 22    any person under that age to consume an alcoholic beverage."

23        Section 2. Section 94-5-609, R.C.M. 1947, is amended  
 24    to read as follows:

25        "94-5-609. Unlawful transactions with children. (1) A

1    person commits the offense of unlawful transactions with  
 2    children if he knowingly:

3            (a) sells or gives explosives to a child under the age  
 4    of majority except as authorized under appropriate city  
 5    ordinances; or

6            (b) sells or gives intoxicating substances other than  
 7    alcoholic beverages to a child under the age of majority; or

8            (c) sells or gives alcoholic beverages to a person  
 9    under 19 years of age; or

10           ~~(d)~~ (d) being a junk dealer, pawnbroker, or ~~second-hand~~  
 11    ~~secondhand~~ dealer he receives or purchases goods from a  
 12    child under the age of majority without authorization of the  
 13    parent or guardian.

14           (2) A person convicted of the offense of unlawful  
 15    transactions with children shall be fined not to exceed ~~five~~  
 16    ~~hundred-dollars-(\$500)~~ or be imprisoned in the county jail  
 17    for any term not to exceed ~~six-(6)~~ months, or both. A person  
 18    convicted of a second offense of unlawful transactions with  
 19    children shall be fined not to exceed ~~one--thousand--dollars~~  
 20    ~~(\$1,000)~~ or be imprisoned in the county jail for any term  
 21    not to exceed ~~six-(6)~~ months, or both."

22        Section 3. Section 94-5-610, R.C.M. 1947, is amended  
 23    to read as follows:

24        "94-5-610. Unlawful possession of intoxicating  
 25    substance by children. (1) A person ~~who--has--not--reached~~

1 ~~under~~ the age of majority ~~18 years~~ commits the offense of  
 2 possession of intoxicating substance if he knowingly has in  
 3 his possession an intoxicating substance ~~except a other~~  
 4 ~~than an alcoholic beverage. A person who has not reached~~  
 5 ~~under~~ the age of majority ~~19 commits the offense of~~  
 6 ~~possession of an intoxicating substance if he knowingly has~~  
 7 ~~in his possession an alcoholic beverage, except that he does~~  
 8 not commit the offense of ~~possession of an intoxicating~~  
 9 ~~substance~~ when in the course of his employment, he bags,  
 10 carries, or transports beer for customers at a grocery  
 11 store.

12 (2) A person convicted of the offense of possessing an  
 13 intoxicating substance shall be fined not to exceed ~~fifty~~  
 14 ~~dollars--(\$50)~~ or be imprisoned in the county jail for any  
 15 term not to exceed ~~ten--(10)~~ days, or both."

16 Section 4. Effective date. Sections 1, 2, and 3 of  
 17 this act, if approved by the electors of the state of  
 18 Montana, are effective January 1, 1979.

19 Section 5. Submission to electors. The question of  
 20 whether this act will become effective shall be submitted to  
 21 the electors of the state of Montana at the general election  
 22 to be held November 7, 1978, by printing on the ballot the  
 23 full title, sections 1 through 4 of this act, and the  
 24 following:

25  FOR raising the legal drinking age to 19.

1  AGAINST raising the legal drinking age to 19.

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 28

INTRODUCED BY BENGTON, ROTH, DAY, FAGG,

PISTORIA, RAMIREZ, PORTER, McLANE, ELLISON,

KESSLER, FRATES, CONROY, GERKE, VINCENT, COLBURN,

LINK, FABREGA, HURWITZ, QUILICI, ERNST, TROPILA, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE  
LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO  
NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO  
THE ELECTORS OF THE STATE OF MONTANA."

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

Section 1. Section 4-6-104, R.C.M. 1947, is amended to  
read as follows:

"4-6-104. Age limit for sale of alcoholic beverages.  
Except in the case of an alcoholic beverage given to a  
person under the age of ~~eighteen-(18)~~ 19 years by his parent  
or guardian for beverage or medicinal purposes or  
administered to him by his physician or dentist for  
medicinal purposes or sold to him by a vendor or druggist  
upon the prescription of a physician, no person shall sell,  
give, or otherwise supply an alcoholic beverage to any  
person under the age of ~~eighteen-(18)~~ 19 years, or permit  
any person under that age to consume an alcoholic beverage."

Section 2. Section 94-5-609, R.C.M. 1947, is amended  
to read as follows:

"94-5-609. Unlawful transactions with children. (1) A  
person commits the offense of unlawful transactions with  
children if he knowingly:

(a) sells or gives explosives to a child under the age  
of majority except as authorized under appropriate city  
ordinances; or

(b) sells or gives intoxicating substances other than  
alcoholic beverages to a child under the age of majority; or

(c) sells or gives alcoholic beverages to a person  
under 19 years of age; or

(d) (1) being a junk dealer, pawnbroker, or second-hand  
secondhand dealer he receives or purchases goods from a  
child under the age of majority without authorization of the  
parent or guardian.

(2) A person convicted of the offense of unlawful  
transactions with children shall be fined not to exceed five  
hundred-dollars-(500) or be imprisoned in the county jail  
for any term not to exceed six-(6) months, or both. A person  
convicted of a second offense of unlawful transactions with  
children shall be fined not to exceed one--thousand--dollars  
-(1,000) or be imprisoned in the county jail for any term  
not to exceed six-(6) months, or both."

Section 3. Section 94-5-610, R.C.M. 1947, is amended

1 to read as follows:

2 \*94-5-610. Unlawful possession of intoxicating  
 3 substance by children. (1) A person ~~who has not reached~~  
 4 under the age of majority 18 years commits the offense of  
 5 possession of intoxicating substance if he knowingly has in  
 6 his possession an intoxicating substance, ~~except a other~~  
 7 than an alcoholic beverage. A person ~~who has not reached~~  
 8 under the age of majority 19 commits the offense of  
 9 possession of an intoxicating substance if he knowingly has  
 10 in his possession an alcoholic beverage, except that he does  
 11 not commit the offense of ~~possession of an intoxicating~~  
 12 ~~substance when in the course of his employment, he bags,~~  
 13 ~~carries, or transports beer for customers at a grocery store~~  
 14 IT IS NECESSARY TO POSSESS ALCOHOLIC BEVERAGES.

15 (2) A person convicted of the offense of possessing an  
 16 intoxicating substance shall be fined not to exceed ~~fifty~~  
 17 ~~dollars~~ {50} or be imprisoned in the county jail for any  
 18 term not to exceed ~~ten~~ {10} days, or both."

19 Section 4. Effective date. Sections 1, 2, and 3 of  
 20 this act, if approved by the electors of the state of  
 21 Montana, are effective January 1, 1979.

22 Section 5. Submission to electors. The question of  
 23 whether this act will become effective shall be submitted to  
 24 the electors of the state of Montana at the general election  
 25 to be held November 7, 1978, by printing on the ballot the

1 full title, ~~sections 1 through 4 of this act~~ and the  
 2 following:

- 3  FOR raising the legal drinking age to 19.
- 4  AGAINST raising the legal drinking age to 19.

-End-

1 HOUSE BILL NO. 28  
 2 INTRODUCED BY BENGTON, ROTH, DAY, FAGG,  
 3 PISTORIA, RAMIREZ, PORTER, McLANE, ELLISON,  
 4 KESSLER, FRATES, CONROY, GERKE, VINCENT, COLBURN,  
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 7 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
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 9 LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO  
 10 NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO  
 11 THE ELECTORS OF THE STATE OF MONTANA."  
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 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14 Section 1. Section 4-6-104, R.C.M. 1947, is amended to  
 15 read as follows:  
 16 "4-6-104. Age limit for sale of alcoholic beverages.  
 17 Except in the case of an alcoholic beverage given to a  
 18 person under the age of ~~eighteen-<sup>(18)</sup>~~ 19 years by his parent  
 19 or guardian for beverage or medicinal purposes, or  
 20 administered to him by his physician or dentist for  
 21 medicinal purposes, or sold to him by a vendor or druggist  
 22 upon the prescription of a physician, no person shall sell,  
 23 give, or otherwise supply an alcoholic beverage to any  
 24 person under the age of ~~eighteen-<sup>(18)</sup>~~ 19 years, or permit  
 25 any person under that age to consume an alcoholic beverage."

1 Section 2. Section 94-5-609, R.C.M. 1947, is amended  
 2 to read as follows:  
 3 "94-5-609. Unlawful transactions with children. (1) A  
 4 person commits the offense of unlawful transactions with  
 5 children if he knowingly:  
 6 (a) sells or gives explosives to a child under the age  
 7 of majority except as authorized under appropriate city  
 8 ordinances; or  
 9 (b) sells or gives intoxicating substances other than  
 10 alcoholic beverages to a child under the age of majority; or  
 11 (c) sells or gives alcoholic beverages to a person  
 12 under 19 years of age; or  
 13 ~~(c)(d)~~ being a junk dealer, pawnbroker, or ~~second-hand~~  
 14 ~~secondhand~~ dealer he receives or purchases goods from a  
 15 child under the age of majority without authorization of the  
 16 parent or guardian.  
 17 (2) A person convicted of the offense of unlawful  
 18 transactions with children shall be fined not to exceed five  
 19 ~~hundred-dollars-<sup>(500)</sup>~~ or be imprisoned in the county jail  
 20 for any term not to exceed ~~six-<sup>(6)</sup>~~ months, or both. A person  
 21 convicted of a second offense of unlawful transactions with  
 22 children shall be fined not to exceed ~~one-thousand--dollars~~  
 23 ~~(\$1,000)~~ or be imprisoned in the county jail for any term  
 24 not to exceed ~~six-<sup>(6)</sup>~~ months, or both."  
 25 Section 3. Section 94-5-610, R.C.M. 1947, is amended

1 to read as follows:

2       \*94-5-610. Unlawful possession of intoxicating  
3 substance by children. (1) A person who has not reached  
4 under the age of majority 18 years commits the offense of  
5 possession of intoxicating substance if he knowingly has in  
6 his possession an intoxicating substance except a other  
7 than an alcoholic beverage. A person who has not reached  
8 under the age of majority 19 commits the offense of  
9 possession of an intoxicating substance if he knowingly has  
10 in his possession an alcoholic beverage, except that he does  
11 not commit the offense of possession of an intoxicating  
12 substance when in the course of his employment he does  
13 carries or transports beer for customers at a grocery store  
14 IT IS NECESSARY TO POSSESS ALCOHOLIC BEVERAGES.

15       (2) A person convicted of the offense of possessing an  
16 intoxicating substance shall be fined not to exceed fifty  
17 dollars-{150} or be imprisoned in the county jail for any  
18 term not to exceed ten-{10} days, or both."

19       Section 4. Effective date. Sections 1, 2, and 3 of  
20 this act, if approved by the electors of the state of  
21 Montana, are effective January 1, 1979.

22       Section 5. Submission to electors. The question of  
23 whether this act will become effective shall be submitted to  
24 the electors of the state of Montana at the general election  
25 to be held November 7, 1978, by printing on the ballot the

1 full title, sections 1 through 4 of this act, and the  
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- 3        FOR raising the legal drinking age to 19.
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(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances; or

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority; or

(c) sells or gives alcoholic beverages to a person under 19 years of age; or

~~(e)~~(d) being a junk dealer, pawnbroker, or ~~second-hand~~ secondhand dealer he receives or purchases goods from a child under the age of majority without authorization of the parent or guardian.

(2) A person convicted of the offense of unlawful transactions with children shall be fined not to exceed ~~five hundred-dollars-(500)~~ or be imprisoned in the county jail for any term not to exceed ~~six-(6)~~ months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined not to exceed ~~one--thousand--dollars~~ ~~-(1,000)~~ or be imprisoned in the county jail for any term not to exceed ~~six-(6)~~ months, or both."

Section 3. Section 94-5-610, R.C.M. 1947, is amended

1 to read as follows:

2 "94-5-610. Unlawful possession of intoxicating  
 3 substance by children. (1) A person ~~who has not reached~~  
 4 ~~under~~ the age of majority ~~18 years~~ commits the offense of  
 5 possession of intoxicating substance if he knowingly has in  
 6 his possession an intoxicating substance ~~except a other~~  
 7 ~~than an alcoholic beverage. A person who has not reached~~  
 8 ~~under~~ the age of majority ~~19~~ ~~commits the offense of~~  
 9 ~~possession of an intoxicating substance if he knowingly has~~  
 10 ~~in his possession an alcoholic beverage, except that he does~~  
 11 not commit the offense of ~~possession of an intoxicating~~  
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 14 IT IS NECESSARY TO POSSESS ALCOHOLIC BEVERAGES.

15 (2) A person convicted of the offense of possessing an  
 16 intoxicating substance shall be fined not to exceed ~~fifty~~  
 17 ~~dollars~~ ~~{50}~~ or be imprisoned in the county jail for any  
 18 term not to exceed ~~ten~~ ~~{10}~~ days, or both."

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