

1 House BILL NO. 721  
 2 INTRODUCED BY Judiciary Comm Bill  
 3 by Scully, Ch.

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 94-5-610, R.C.M. 1947, TO PROVIDE THAT UNLAWFUL POSSESSION  
 6 OF AN INTOXICATING SUBSTANCE BY A CHILD BE TREATED AS  
 7 PROVIDED IN THE YOUTH COURT ACT."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 94-5-610, R.C.M. 1947, is amended  
 11 to read as follows:

12 "94-5-610. Unlawful possession of intoxicating  
 13 substance by children. (1) A person who has not reached the  
 14 age of majority commits the offense of possession of  
 15 intoxicating substance if he knowingly has in his possession  
 16 an intoxicating substance, except a person who has not  
 17 reached the age of majority does not commit the offense of  
 18 possession of an intoxicating substance when in the course  
 19 of his employment, he bags, carries or transports beer for  
 20 customers at a grocery store.

21 ~~(2) A person convicted of the offense of possessing an~~  
 22 ~~intoxicating substance shall be fined not to exceed fifty~~  
 23 ~~dollars (\$50) or be imprisoned in the county jail for any~~  
 24 ~~term not to exceed ten (10) days or both. A minor charged~~  
 25 with the offense of possession of an intoxicating substance

1 shall be treated as an alleged youth in need of supervision  
 2 as defined in 10-1203(13). In the case of a minor convicted  
 3 under this section, the youth court may enter its judgment  
 4 under 10-1222a."

-End-

INTRODUCED BILL

HB 721

Approved by Committee  
on Judiciary

1 House BILL NO. 721  
2 INTRODUCED BY Judiciary (Dunn Bill)  
3 by Scully, Clerk

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
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 3 by Scully, Ch.

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1 shall be treated as an alleged youth in need of supervision  
 2 as defined in 10-1203(13). In the case of a minor convicted  
 3 under this section, the youth court may enter its judgment  
 4 under 10-1222."

-End-

March 25, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 721 be amended as follows:

1. Amend title, line 7.

Following: "ACT"

Insert: "WHEN PROCEEDINGS ARE HELD IN THE YOUTH COURT"

2. Amend page 1, section 1, lines 24 and 25.

Following: "~~both-~~"

Strike: "A minor charged with the offense of possession of an intoxicating substance"

Insert: "A person convicted of the offense of possessing an intoxicating substance shall be fined not to exceed \$50 or be imprisoned in the county jail for any term not to exceed 10 days, or both. If proceedings are held in the youth court, the preceding penalty does not apply and the offender"

3. Amend page 2, section 1, lines 2 and 3.

Following: "In"

Strike: "the"

Insert: "such"

Following: "case"

Strike: "of a minor convicted under this section"

HOUSE BILL NO. 721

INTRODUCED BY SCULLY (CHAIRMAN, JUDICIARY COMMITTEE)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 94-5-610, R.C.M. 1947, TO PROVIDE THAT UNLAWFUL POSSESSION OF AN INTOXICATING SUBSTANCE BY A CHILD BE TREATED AS PROVIDED IN THE YOUTH COURT ACT WHEN PROCEEDINGS ARE HELD IN THE YOUTH COURT."

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

Section 1. Section 94-5-610, R.C.M. 1947, is amended to read as follows:

"94-5-610. Unlawful possession of intoxicating substance by children. (1) A person who has not reached the age of majority commits the offense of possession of intoxicating substance if he knowingly has in his possession an intoxicating substance, except a person who has not reached the age of majority does not commit the offense of possession of an intoxicating substance when in the course of his employment, he bags, carries or transports beer for customers at a grocery store.

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

~~with--the--offense--of--possession--of--an--intoxicating--substance~~  
~~A PERSON CONVICTED OF THE OFFENSE OF POSSESSING AN INTOXICATING SUBSTANCE SHALL BE FINED NOT TO EXCEED \$50 OR BE IMPRISONED IN THE COUNTY JAIL FOR ANY TERM NOT TO EXCEED 10 DAYS, OR BOTH, IF PROCEEDINGS ARE HELD IN THE YOUTH COURT. THE PRECEDING PENALTY DOES NOT APPLY AND THE OFFENDER shall be treated as an alleged youth in need of supervision as defined in 10-1203(13). In the SUCH case of a minor convicted under this section, the youth court may enter its judgment under 10-1222."~~

-End-