Rlect Mumay 尼introduced iy
a bill for an act entitled：an act to reduce the penaltiesfor criminal pessessign of 60 grams or less of marihuana orof 1 GRam or less of hashish；to repeal the provision thatFIRST DFFENDERS GF 21 YEARS DF age OR UNDER ARE PRESUMED tobe ENTITLED tO A SUSPENDED SENTENCE；AND TO PRJVIDEJURISOICTION IN JUSTICES＊COURTS JVER CASES DF CRIMINALPOSSESSION：AMENDING SECTIONS 54－133 AND 95－302，R．C．M．
1947.
Be it enacted by the legislature of the state of montana:
Section 1. Section 54-133, R.C.M. 1947, is amended to
read as follows:
454-133. Criminal possession of dangerous drugs.
(a) A person commits the offense of criminal possession of
dangerous arugs if he possesses any dangerous drur as
defined in this act.
(b) Any person convicted of a criminal possession of
marihuana or its derivatives in any amount, the aggregate
weight of which does not exceed sixty (60) grams of
marihuana, or one (1) gram of hashish, shall, for the first
offense, be guilty of a misdemeanor and is punishable oy a
fine not to exceed ane-thousand-dot7ars-tyte日et siog or by
imprisonment in the county jail not to exceed one－－tさł－year 12－daysy or by both such fine and imprisomment．A person convicted of a secondy－or－subsequentr offense under this subsection is punishable by a fine not to exceed one thousand－dot＋trs－t＊tye日et 5500 or by imprisonment in the county jail not to exceed one－－tti－year－or－in－the－state prison－not－to－exeeed－three－f3t－years 6＿qonths or by both such fine and imprisonment．A oerson＿fonyicted of＿a＿third＿or subsequent＿offense under this subsection is ounishable＿bya fine not te exceed s1000 or imprisonment＿in the＿county jail not to exceed 1 yeare or eath．
（c）a person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection（b） shall be imprisoned by imprisonament in the state prison not to exceed five（5）years．
tot－－A－person－－of－the－age－of－twenty－ane－fitf－years－or undery－convicted－of－a－first－－viotation－under－－this－－section shatl－be－presumed－to－be－entitted－to－a－deferrectimposition－of sentences－－－Jurisdiction－－－under－－－this－－－section－shstt－－be exetusivety－in－the－distriet－eourtw＂

Section 2．Section 95－302，R．C．N．1947，is amended to read as follows：

M95－302．Jurisdiction of the justice of the peace courts．The justices＊courts have：
（a）Jurisdiction of all misdemeanors punishable ay a

1 fine not exceeding five hundred dollars ( $\$ 500.00$ ) or 2 imprisonment not exceeding six (6) months, or botin such fine and imprisonment; exetuding-jurisdiction-in-eases-eommenced under--the-Mintana--Banger ous--Orug--Act--exeept--to-act-as examining -and-comitting-courts-and-to-conduet-pretiminary hearings-as-provided-in-subsection-tetw
(b) Concurrent jurisdiction, with district courts, of all misdemeanors punishable by a fine only, not exceeding fifteen hundred dollars (\$1,500.00); and
(c) Jurisdiction to act as examining and committing courts and for such purpose to conduct prejiminary hearings.*

Approved by Committee on Judiciary

SENATE SILL NO. 255
INFRODUCED 3Y ROBERTS, MURRAY


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For CxIminal. poSSESSIGN OF 60 GRAMS OR LESS OF HARIHUANA OR
OF 1 Gram or less gF tashish; tu repeal the provision thar
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BE ENTITLED to A SUSPEADED SENTENLE; AND TO frgvide
JURISOICTIU: IN JUSTICES' COURTS OVER CASES JF CFIMINAL
POSSESSIDN; AMENDING SECTIONS S4-133 AND 95-302, R.C.M.
1947.4
ge It eyacteo ey the legislature of the siate of Montana=
    Section 1. Section 54-133, R.C.M. 1947, is amended to
reaci as follows:
    "=4-133. Criminal dossession of damgerous truģs.
(A) a gerson commits the offense of criminal oossession of
dangerods druas if he possesses any dangerous orug as
defin:u in this act.
    (c) Any ferson convicted of a criminal possession o
arifuana or its d=rivatives in any amount, tha jogregote
weight of which does not exceed sixty (o0) irams of
marihuana, or one (1) Gam of hashish, shali, for the first
offansa, be cuilty of a miscemeanor and is ounistarle by a
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or by imprisonment in the county jail not to exceed one--tty year 10 dayst or by both such fine and imorisonment. A versan mavicten of a secandy-nt-subsequentr offonise under this subsection is punishable by a fine not to exceed one thousind-dottors-t $\$ t y \theta 00+\$ 500$ or by imprisonment in the county jail not to exceed one--ft+-year-or-in-the-state prison-mot-to-exered-three- 3 - years 6 months or by both such fine and imprisonment. A_person convicted af_a_third_or subsequent offense under this subsection is puaishable by a fine-aot to exceed $\$ 1000$ or imprisonment in the county iail not to exceed_l_yeare or bothe
(c) A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsection (b) shall bs imprisoned by imprisonment in the state prison not to exceed five (5) years.
 undefy-convietef-sf-o-fifst--viatstion--under--this-section shat+-be-prestrmed-to-be-entithed-to-a-deferred-imposition-of sentemetv---turisdietion---under---this---seetron--shott--be exetusivety-in-the-distriet-courtw"

Setion 2. Section 35-302, R.C.N. 1947, is Fmended to read os folloas:
-95-302. jurisaiction of the justice of the peace courts. The justices' courts have:
(d) Jurisdiction of all mistemeanors punishatile oy a

# fine not exceeding five rundred collers (\$500.00) or imprisonment not exceeding six (6) months, or betn such fine and imprisonment; exetudine-juriguietion-in-eases--eommenced under--the-Montono--Bangerous--Grug--Aet--except--to-act-as examining-and-eommitting-eeurts-end-to--enntuet--opr=timinory hearincs-as-provided-in-subsection-tets <br> (b) Concurrent jurisdiction, with district courts, of all misderpeanors punishable by $e$ fine only, not exceeding fifteen hundred dollars ( $\$ 1,500.00)$; and <br> (c) Jurisdiction to act as examining and committing courts and for such purpose to conduct oreliminary hearingse" 

## THIRD READING

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SENATE BILL NO. 255
INTRGDUCED BY ROBERTS, MURRAY
A bill for an act entitled: man act to rebuee-fHE-PENAtFIES
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GF--\Psi--GRAM-GR-EESS-OF-HASHISHH-FQ-REPEAL-FHE-PRGUYSIEN-FHAF
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OE HARINUANA LAHS_BY INCREASING PENALIIES IM SONE CASES ARD
REDUCING PENALIIES IN OTHER CASES AND TO PROVIDE
JURISOICTION IN JUSTICES' COURTS OVER CASES OF CRIMINAL
POSSESSION; AMENDING SECTIONS 54-133 AND 95-302; ReCoM.
1947."
be it enacted by the legislature of the state of montana:
    Section 1. Section 54-133, R.C.H. 1947, is amended to
read as follows:
    054-133. Criminal possession of dangerous drugs.
(a) A person commits the offense of criminal possession of
dangerous drugs if he possesses any dangerous drug as
defined in this act.
    (b) Any person convicted of a criminal possession of
marihuana or its derivatives in any amount, the aggregate
weight of which does not exceed sixty (60) grams of
marihuana, or one (l) gram of hashish, shall, for the first
Section 1. Section 54-133, R.C.H. 1947, is amended to read as follows:
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```N4-133. person comits the offense of criminal possession of
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dangerous drugs if he possesses any dangerous drug as

``` defined in this act.
(b) Any person convicted of a criminal possession of marihuana or its derivatives in any amount, the aggregate weight of which does not exceed sixty \(\{60\) ) grams of marihuana, or one (l) gram of hashish, shall, for the first
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## SENATE BILL NO. 255

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INTRQDUCED BY ROBERTS, MURRAY
bill for an act entitled: an act to rebuee-fhe-penatites
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``` QE HARELUANA LAHS BY INCREASIAG PENALEES IN SOAE CASES_AND JURISOICTION IN JUSTICES' COURTS OVER CASES OF CRIMINAL OSSESSION; AMENDING SECTIONS 54-133 AND 95-302; ReCoM. 947.
```13
offense, be guilty of a misdemeanor and is punishable by a
2 fine not to exceed one-thousand-dot+ars-tttree日t itel \(\$ 250\)
3 or by imprisonment in the county jail not to exceed one-tty
4 year lQ daysy or by both such fine and imprisonment. A
person convicted of a secandr-or-subsequenty offense under
this subsection is punishable by a fine not to exceed one
thousend--dot+ars-t \(\$ 1\) ve日et 5500 or by imprisonment in the
county jail not to exceed one-fty-year--or--in-the-state
prison-not--to-exceed-three-fif-yeers gimaths or by both \(^{\text {min }}\)
subsequent_offense_under this subsection is puaishable by a
fine not to exceed sh000 or leprisonment in the county jail
not to exceed 1 yeare or both.
    (c) A person convicted of criminal possession of
dangerous drugs mot otherwise provided for in subsection (b)
shall be imprisoned by imprisonment in the state prison not
to exceed five (5) years.
tdt-A-person-of-the-ege-of-twentr-one-tztt-years-or
under.--eonvieted-of-a--ftrat-viotation-under-this-section
shet+-be-presumed-to-be-entitted-to-o-deferred-impesition-of
sentereew--Jurisctretion--unter---this---section---shet+---be
exełusivety-in-the-distriet-courtw"
    Section 2. Section 95-302, R.C.H. 1947, is amended to
read as follows:
    -95-302. Jurisdiction of the justice of the peace

 dangerous drugs mot otherwise provided for in subsection (b) shall be imprisoned by imprisonment in the state prison not (5) years.
\[
-2-
\]

\section*{1 courts. The justices" courts have:}
and imprisonment; exefuding-furisadietion-in-eases-eommenced
under-the-Montano--Bangerous-Brug-Act-exrept-to-met-ms
examining--and-committing-courts-and-to-conduct-pretiwinary
heerings-es-provided-in-subsection-tetw
(b) Concurrent jurisdiction, with district courts, of all misdemeanors punishable by a fine only, not exceeding fifteen hundred dollars (\$1,500.00); and
(c) Jurisdiction to act as examining and comatting courts and for such purpose to conduct preliminary hearings.*
-End-```

