8

10

11

13

ló

17

18

19

20

21

22

23

24

25

1	Seaste BILL NO. 355 INTRODUCED BY Sheet Munay
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE PE

1

A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE THE PENALTIES FOR CRIMINAL POSSESSION OF 60 GRAMS OR LESS OF MARIHUANA OR OF 1 GRAM OR LESS OF HASHISH; TO REPEAL THE PROVISION THAT FIRST OFFENDERS OF 21 YEARS OF AGE OR UNDER ARE PRESUMED TO BE ENTITLED TO A SUSPENDED SENTENCE; AND TO PROVIDE JURISDICTION IN JUSTICES\* COURTS OVER CASES OF CRIMINAL POSSESSION; AMENDING SECTIONS 54-133 AND 95-302, R.C.M. 1947."

12

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:

#54-133. 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 (1) gram of hashish, shall, for the first offense, be guilty of a misdemeanor and is punishable by a fine not to exceed one-thousand-dollars-(\$1x000) \$100 or by

imprisonment in the county jail not to exceed one—(i)—year

lo\_daysv or by both such fine and imprisonment. A person

convicted of a secondv-or—subsequentv offense under this

subsection is punishable by a fine not to exceed one

thousand-dollars-(\$1v000) \$500 or by imprisonment in the

county jail not to exceed one—(i)-year-or—in-the-state

prison—not—to—exceed—three—(3)—years 6 months or by both

such fine and imprisonment. A person convicted of a third or

subsequent offense under this subsection is punishable by a

fine not to exceed \$1000 or imprisonment in the county jail

not to exceed 1 years or both.

12 (c) A person convicted of criminal possession of 13 dangerous drugs not otherwise provided for in subsection (b) 14 shall be imprisoned by imprisonment in the state prison not 15 to exceed five (5) years.

16

17

18

19

20

25

(d)--A--person--of--the-age-of-twenty-one-(21)-years-or
undery-convicted-of-a-first--violation--under--this--section
shall-be-presumed-to-be-entitled-to-a-deferred-imposition-of
sentencey---durisdiction---under---this---section--shall--be
exclusively-in-the-district-courty\*

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

23 M95-302. Jurisdiction of the justice of the peace 24 courts. The justices\* courts have:

(a) Jurisdiction of all misdemeanors punishable by a

- 1 fine not exceeding five hundred dollars (\$500.00) or
  2 imprisonment not exceeding six (6) months, or both such fine
  3 and imprisonment; excluding-jurisdiction-in-cases-commenced
  4 under-the-Montona-Bangerous-Brug-Act-except-to-act-as
- 5 examining and committing courts and to-conduct-preliminary

hearings-as-provided-in-subsection-{c}\*

- 7 (b) Concurrent jurisdiction, with district courts, of 8 all misdemeanors punishable by a fine only, not exceeding 9 fifteen hundred dollars (\$1,500.00); and
- 10 (c) Jurisdiction to act as examining and committing
  11 courts and for such purpose to conduct preliminary
  12 hearings.\*\*

-End-

SENATE BILL NO. 255

## Approved by Committee on Judiciary

5	INTRODUCED BY ROBERTS. HURRAY
3	
4	A BILL FOR AN ACT ENTITIES: "AN ACT TO REDUCE THE PENALTIES
5	FOR CXIMINAL POSSESSION OF 60 GRAMS OR LESS OF MARTHUANA OR
E	OF 1 GRAM OR LESS OF HASHISH; TO REPEAL THE PROVISION THAT
1	FIRST FFFENDERS OF 21 YEARS OF AGE OR UNDER ARE PRESUMED. TO
ē	BE ENTITLED TO A SUSPENDED SENTENCE; AND TO PROVIDE
9	JURISDICTION IN JUSTICES! COURTS OVER CASES OF CRIMINAL
19	POSSESSION; AMENDING SECTIONS 54-133 AND 95-302, R.C.M.
11	1947•"
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 54-133, R.C.H. 1947, is amended to
15	read as follows:
15	#54~133. Criminal cossession of dangerous drugs.
17	(a) 14 person commuts the offense of criminal possession of
18	dangerous drups if he possesses any dangerous drug as
19	defined in this act.
20	(b) Any person convicted of a criminal possession of
21	maribuana or its derivatives in any amount, the adgregate
22	weight of which does not exceed sixty (60) grams of
23	marihuana, or one (1) gram of hashish, shall, for the first
24	offanse, be quilty of a misdemeanor and is munishable by a
25	fine not to exceed <del>one-thousand-dollars-(\$1+898) <u>\$106</u> \$250</del>

1	or by imprisonment in the county jail not to exceed one(+)
S	year 10 days or by both such fine and imprisonment. A
3	person convicted of a second <del>y or subsequenty</del> offense under
4	this subsection is punishable by a fine not to exceed one
5	thousand dollars-(\$1+000) \$500 or by imprisonment in the
5	county jail not to exceed one(1)-year-or-in-the-state
7	prison-not-to-exceed-three-(3)-years 6_ months or by both
8	such fine and imprisonment. A person convicted of a third or
9	subsequent offense under this subsection is punishable by a
10	fine not to exceed \$1000 or imprisonment in the county jail
11	not to exceed 1 year. or both.
12	(c) A person convicted of criminal possession of
13	dangerous drugs not otherwise provided for in subsection (b)
14	shall be imprisoned by imprisonment in the state prison not
15	to exceed five (5) years.
16	(d)kpersonofthe-age-of-twenty-one-(21)-years-or

undery-convicted-of-o-first--violation--under--this--section

shall-be-presumed-to-be-entitled-to-a-deferred-imposition-of

sentence----durisdiction---under---this---section--shall--be

- 23 #95-302. Jurisdiction of the justice of the peace 24 courts. The justices! courts have:
- 25 (a) Jurisdiction of all misdemeanors punishable by a

-2-

17

18

19

\$8 0255/02

not exceeding five hundred dollars (\$500.00) or 1 2 imprisonment not exceeding six (6) months, or both such fine and imprisonment; excluding-jurisdiction-in-cases--commenced 3 under--the--Montana--Dangerous--Drug--Act--except--to-act-es examining-and-committins-courts-and-to--conduct--oreliminary 5 6 hearings-as-provided-in-subsection-(c)= 7 (b) Concurrent jurisdiction, with district courts, of 3 all misdemeanors punishable by a fine only, not exceeding 9 fifteen hundred dollars (\$1,500.00); and

-End-

courts and for such purpose to conduct preliminary

(c) Jurisdiction to act as examining and committing

10

11

12

hearings."

1	SENATE BILL NO. 255
2	INTRODUCED BY ROBERTS. MURRAY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REDUCE-THE-PENALTIES
5	FOR-CRIMINAL-POSSESSION-OF-60-GRAMS-OR-LESS-OF-MARINUANAOR
6	OF1GRAM-OR-LESS-OF-HASHISH; -TO-REPEAL-THE-PROVISION-THAT
7	FIRST-OFFENDERS-OF-21-YEARS-OF-AGE-OR-UNDER-ARE-PRESUMEDTO
8	BE-ENTITLEB-TO-A-SUSPENDED-SENTENCET IMPROVE THE ENFORCEMENT
9	DE MARIJUANA LAWS BY INCREASING PENALTIES IN SOME CASES AND
10	REDUCING PENALTIES IN OTHER CASES AND TO PROVIDE
11	JURISDICTION IN JUSTICES COURTS OVER CASES OF CRIMINAL
12	POSSESSION; AMENDING SECTIONS 54-133 AND 95-302, R.C.M.
13	1947."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 54-133, R.C.H. 1947, is amended to
17	read as follows:
16	#54-133. Criminal possession of dangerous drugs.
19	(a) A person commits the offense of criminal possession of
20	dangerous drugs if he possesses any dangerous drug as
21	defined in this act.
22	(b) Any person convicted of a criminal possession of
23	marihuana or its derivatives in any amount, the aggregate
24	weight of which does not exceed sixty (60) grams of
25	marihuana, or one (1) gram of hashish, shall, for the first

1	offense, be guilty of a misdemeanor and is punishable by a
2	fine not to exceed one-thousand-dollars-(\$1,000) \$100 \$250
3	or by imprisonment in the county Jail not to exceed one-(1)
4	year 10 days or by both such fine and imprisonment. A
5	person convicted of a second <del>y-or-subsequenty</del> offense under
6	this subsection is punishable by a fine not to exceed one
7	thousanddollars(\$1,000) 1500 or by imprisonment in the
8	county jail not to exceed one(1)yearorinthestate
9	prison-not-to-exceed-three-(3)-years 6_months or by both
10	such fine and imprisonment. A person convicted of a third or
11	subsequent offense under this subsection is punishable by a
12	fine not to exceed \$1000 or imprisonment in the county jail
13	not to exceed 1 year, or both,
14	(c) A person convicted of criminal possession of
15	dangerous drugs not otherwise provided for in subsection (b)

18 (d)--A-person-of-the-age-of-twenty-one--(21)--years--or
19 undery--convicted--of--a--first-violation-under-this-section
20 shell-be-presumed-to-be-entitled-to-a-deferred-imposition-of
21 sentencew--durisdiction--under---this---section---shell---be
22 exclusively-in-the-district-courts\*

shall be imprisoned by imprisonment in the state prison not

16

17

to exceed five (5) years.

- 23 Section 2. Section 95-302. R.C.N. 1947, is amended to read as follows:
- 25 #95-302. Jurisdiction of the justice of the peace

courts. The justices' courts have:

1

2

5

6

7

8

9 10

11

- (a) Jurisdiction of all misdemeanors punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding six (6) months, or both such fine and imprisonment; excluding jurisdiction in cases commenced under the Montana Dangerous Drug Act except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (c).
- (b) Concurrent jurisdiction, with district courts, of all misdemeanors punishable by a fine only, not exceeding fifteen hundred dollars (\$1,500.00); and
- 12 (c) Jurisdiction to act as examining and committing
  13 courts and for such purpose to conduct preliminary
  14 hearings.\*\*

-End-