

HOUSE BILL NO. 97

Introduced: 01/05/83

Referred to Committee on Judiciary: 01/05/83

Hearing: 1/12/83

Report: 01/13/83, Do Not Pass

Bill Killed: 1/15/83

1 House BILL NO. 97
2 INTRODUCED BY Manuel
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PENALTIES
5 THAT MAY BE IMPOSED UPON YOUTHS FOR UNLAWFUL POSSESSION OF
6 INTOXICATING SUBSTANCES AND FOR MOTOR VEHICLE VIOLATIONS;
7 AND TO PROVIDE A CONTEMPT OF COURT REMEDY; AMENDING SECTIONS
8 45-5-624 AND 61-12-601, MCA."

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

11 Section 1. Section 45-5-624, MCA, is amended to read:
12 "45-5-624. Unlawful possession of an intoxicating
13 substance by children. (1) A person under the age of 18
14 years commits the offense of possession of an intoxicating
15 substance if he knowingly has in his possession an
16 intoxicating substance other than an alcoholic beverage. A
17 person under the age of 19 commits the offense of possession
18 of an intoxicating substance if he knowingly has in his
19 possession an alcoholic beverage, except that he does not
20 commit the offense when in the course of his employment it
21 is necessary to possess alcoholic beverages.

22 (2) A person convicted of the offense of possession of
23 an intoxicating substance shall be fined not to exceed \$50,
24 ~~or be imprisoned in the county jail for any term not to~~
25 ~~exceed 10 days, or both~~ ordered to complete an intoxicating

1 substance information course approved by the department of
2 institutions, or have his driver's license suspended for up
3 to 90 days or be subjected to any combination of these
4 penalties. A person may be held in contempt of court under
5 3-10-401 or 45-7-309 for failing to complete an information
6 course or for causing his child or ward to fail to complete
7 an information course.

8 (3) If proceedings are held in the youth court, the
9 preceding ~~penalty~~ penalties do not apply, and the
10 offender shall be treated as an alleged youth in need of
11 supervision as defined in 41-5-103(13). In such case, the
12 youth court may enter its judgment under 41-5-523."

13 Section 2. Section 61-12-601, MCA, is amended to read:
14 "61-12-601. Unlawful operation by minor --
15 jurisdiction of courts -- penalties. (1) The district courts
16 and the justices' courts of the state and the municipal and
17 city courts of cities and towns shall have concurrent
18 original jurisdiction in all proceedings concerning the
19 unlawful operation of motor vehicles by children under the
20 age of 18 years.

21 (2) Whenever, after a hearing before the court, it
22 shall be found that a child under the age of 18 years has
23 unlawfully operated a motor vehicle, the court may:

24 (a) impose a fine, not exceeding ~~\$50~~ to exceed that
25 which may be imposed under this title for the violation

1 found; provided such child shall not be imprisoned for
2 failure to pay such fine;

3 (b) revoke the driver's license of such child, or
4 suspend the same for such time as may be fixed by the court;
5 and

6 (c) order any motor vehicle owned or operated by such
7 child to be impounded by the probation officer for such
8 time, not exceeding 60 days, as shall be fixed by the court.
9 However, if the court shall find that the operation of such
10 motor vehicle was without the consent of the owner, then
11 such vehicle shall not be impounded.

12 (3) Upon nonpayment of any fine herein provided for,
13 the court may order that any motor vehicle owned by said
14 child or operated by said child with the consent of the
15 owner shall be impounded until the fine shall be paid, or
16 may order that the driver's license of such child shall be
17 taken up and held by the probation officer until payment of
18 said fine, or may cause both said motor vehicle and said
19 driver's license to be taken up and impounded until such
20 fine shall be paid; but no child shall be committed to or
21 held in any detention facility or jail by reason of
22 nonpayment of such fine."

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