

HOUSE BILL NO. 170

Introduced: 01/11/83

Referred to Committee on Judiciary: 01/11/83

Hearing: 01/18/83,

Report: 01/18/83, Do Not Pass

Rereferred to Committee on Judiciary: 01/19/83

Died in Committee

1 House BILL NO. 170
2 INTRODUCED BY Paul D. Pisteria Richard D. Manning
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADD TO THE LIST OF
5 PLACES TO WHICH AN INTOXICATED PERSON MAY BE TAKEN FOR HELP;
6 TO PROVIDE THAT PERSONS AIDING INTOXICATED PERSONS ARE NOT
7 CIVILLY LIABLE IF THEY ACT WITHIN THE SCOPE OF THE LAW;
8 AMENDING SECTION 53-24-107, MCA."

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

11 Section 1. Section 53-24-107, MCA, is amended to read:

12 "53-24-107. Public intoxication not a criminal offense

13 ~~-- giving aid to incapacitated persons -- liability.~~ (1) A
14 person who appears to be intoxicated or incapacitated by
15 alcohol in public commits no criminal offense solely by
16 reason of being in such condition but may be detained by a
17 peace officer for the person's own protection. A peace
18 officer who detains a person who appears to be intoxicated
19 or incapacitated by alcohol in public shall proceed in the
20 manner as provided by 53-24-303.

21 (2) If none of the alternatives in 53-24-303 are
22 reasonably available, a peace officer may take the person to
23 any medical establishment, charitable organization,
24 church-related facility, or similar place or to the home of
25 a friend or relative of the person that will accept him and

1 that the peace officer believes is capable of caring for the
2 person; and if such a place or person is not reasonably
3 available, the officer may detain the person who appears
4 to be intoxicated or incapacitated by alcohol in jail until
5 the person is no longer creating a risk to himself or
6 others.

7 (3) A peace officer or other person acting within the
8 scope of ~~his authority under this chapter,~~ shall not be
9 personally liable for his actions."

-End-

INTRODUCED BILL

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