

HOUSE BILL NO. 307

INTRODUCED BY BRAND, ELLERD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on Judiciary.
January 28, 1983	Committee recommend bill do pass as amended. Report adopted.
January 29, 1983	Bill printed and placed on members' desks.
February 1, 1983	Second reading, do pass.
February 2, 1983	Considered correctly engrossed.
February 3, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1983	Introduced and referred to Committee on Judiciary.
February 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
February 12, 1983	Second reading, concurred in.
February 15, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

February 15, 1983

Returned to House with amendments.

February 17, 1983

On motion, consideration passed until the 46th legislative day.

March 1, 1983

Second reading, amendments concurred in.

March 2, 1983

Third reading, amendments concurred in. Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 307  
2 INTRODUCED BY Brand - Eklund  
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE  
6 CRIME OF RIOT OR INCITEMENT TO RIOT IF OCCURRING IN A STATE  
7 ADULT CORRECTIONAL FACILITY IS A FELONY WITH A TERM OF  
8 IMPRISONMENT OF NOT MORE THAN 5 YEARS OR LESS THAN 1 YEAR;  
9 AMENDING SECTIONS 45-8-103 AND 45-8-104, MCA."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 Section 1. Section 45-8-103, MCA, is amended to read:  
13 "45-8-103. Riot. (1) A person commits the offense of  
14 riot if he purposely and knowingly disturbs the peace by  
15 engaging in an act of violence or threat to commit an act of  
16 violence as part of an assemblage of five or more persons,  
17 which act or threat presents a clear and present danger of  
18 or results in damage to property or injury to persons.  
19 (2) A Except as provided in subsection (3), a person  
20 convicted of the offense of riot shall be fined not to  
21 exceed \$500 or be imprisoned in the county jail for a term  
22 not to exceed 6 months, or both.  
23 (3) A person who commits the offense of riot while  
24 incarcerated at any state adult correctional facility shall  
25 be subject to imprisonment for not less than 1 year or more

1 than 5 years."  
2 Section 2. Section 45-8-104, MCA, is amended to read:  
3 "45-8-104. Incitement to riot. (1) A person commits  
4 the offense of incitement to riot if he purposely and  
5 knowingly commits an act or engages in conduct that urges  
6 other persons to riot. Such act or conduct shall not include  
7 the mere oral or written advocacy of ideas or expression of  
8 belief which advocacy or expression does not urge the  
9 commission of an act of immediate violence.  
10 (2) A Except as provided in subsection (3), a person  
11 convicted of the offense of incitement to riot shall be  
12 fined not to exceed \$500 or be imprisoned in the county jail  
13 for a term not to exceed 6 months, or both.  
14 (3) A person who commits the offense of incitement to  
15 riot while incarcerated at any state adult correctional  
16 facility shall be subject to imprisonment for not less than  
17 1 year or more than 5 years."

-End-

INTRODUCED BILL

Approved by Committee  
on Judiciary

## HOUSE BILL NO. 307

INTRODUCED BY BRAND, ELLERD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE  
CRIME OF RIOT OR INCITEMENT TO RIOT IF OCCURRING IN A STATE  
ADULT CORRECTIONAL FACILITY IS A FELONY WITH A TERM OF  
IMPRISONMENT OF NOT MORE THAN 5 YEARS OR LESS THAN 1 YEAR;  
AMENDING SECTIONS 45-8-103 AND 45-8-104, MCA."

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

Section 1. Section 45-8-103, MCA, is amended to read:

"45-8-103. Riot. (1) A person commits the offense of  
riot if he purposely and knowingly disturbs the peace by  
engaging in an act of violence or threat to commit an act of  
violence as part of an assemblage of five or more persons,  
which act or threat presents a clear and present danger of  
or results in damage to property or injury to persons.

(2) A ~~Except as provided in subsection (3),~~ a person  
convicted of the offense of riot shall be fined not to  
exceed \$500 or be imprisoned in the county jail for a term  
not to exceed 6 months, or both.

~~(3) A person who commits the offense of riot while  
incarcerated at any state adult correctional facility OR  
CITY OR COUNTY JAIL shall be subject to imprisonment for not~~

~~less than 1 year or more than 5 years."~~

Section 2. Section 45-8-104, MCA, is amended to read:

"45-8-104. Incitement to riot. (1) A person commits  
the offense of incitement to riot if he purposely and  
knowingly commits an act or engages in conduct that urges  
other persons to riot. Such act or conduct shall not include  
the mere oral or written advocacy of ideas or expression of  
belief which advocacy or expression does not urge the  
commission of an act of immediate violence.

(2) ~~A Except as provided in subsection (3),~~ a person  
convicted of the offense of incitement to riot shall be  
fined not to exceed \$500 or be imprisoned in the county jail  
for a term not to exceed 6 months, or both.

~~(3) A person who commits the offense of incitement to  
riot while incarcerated at any state adult correctional  
facility OR CITY OR COUNTY JAIL shall be subject to  
imprisonment for not less than 1 year or more than 5 years."~~

-End-

## HOUSE BILL NO. 307

INTRODUCED BY BRAND, ELLERD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE CRIME OF RIOT OR INCITEMENT TO RIOT IF OCCURRING IN A STATE ADULT CORRECTIONAL FACILITY IS A FELONY WITH A TERM OF IMPRISONMENT OF NOT MORE THAN 5 YEARS OR LESS THAN 1 YEAR; AMENDING SECTIONS 45-8-103 AND 45-8-104, MCA."

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

Section 1. Section 45-8-103, MCA, is amended to read:

"45-8-103. Riot. (1) A person commits the offense of riot if he purposely and knowingly disturbs the peace by engaging in an act of violence or threat to commit an act of violence as part of an assemblage of five or more persons, which act or threat presents a clear and present danger of or results in damage to property or injury to persons.

(2) ~~A Except as provided in subsection (3), a person~~ convicted of the offense of riot shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

~~(3) A person who commits the offense of riot while incarcerated at any state adult correctional facility OR CITY OR COUNTY JAIL shall be subject to imprisonment for not~~

~~less than 1 year or more than 5 years."~~

Section 2. Section 45-8-104, MCA, is amended to read:

"45-8-104. Incitement to riot. (1) A person commits the offense of incitement to riot if he purposely and knowingly commits an act or engages in conduct that urges other persons to riot. Such act or conduct shall not include the mere oral or written advocacy of ideas or expression of belief which advocacy or expression does not urge the commission of an act of immediate violence.

(2) ~~A Except as provided in subsection (3), a person~~ convicted of the offense of incitement to riot shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

~~(3) A person who commits the offense of incitement to riot while incarcerated at any state adult correctional facility OR CITY OR COUNTY JAIL shall be subject to imprisonment for not less than 1 year or more than 5 years."~~

-End-

February 11, 1983

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 307 be amended as follows:

1. Title, line 7.  
Following: "FACILITY"  
Insert: "AND THE CRIME OF RIOT IN A CITY OR COUNTY JAIL"
2. Title, line 9.  
Following: "MCA"  
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 1, line 23.  
Following: "riot"  
Insert: "by engaging in an act of violence"
4. Page 1, line 25.  
Strike: "subject to imprisonment"  
Insert: "imprisoned"
5. Page 2, line 16.  
Strike: "OR CITY OR COUNTY JAIL"
6. Page 2, lines 16 and 17.  
Strike: "subject to imprisonment"  
Insert: "imprisoned"
7. Page 2.  
Following: line 17.  
Insert: "Section 3. Effective Date. This act is effective  
on passage and approval."

## HOUSE BILL NO. 307

INTRODUCED BY BRAND, ELLERD

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE CRIME OF RIOT OR INCITEMENT TO RIOT IF OCCURRING IN A STATE ADULT CORRECTIONAL FACILITY ~~AND THE CRIME OF RIOT IN A CITY OR COUNTY JAIL~~ IS A FELONY WITH A TERM OF IMPRISONMENT OF NOT MORE THAN 5 YEARS OR LESS THAN 1 YEAR; AMENDING SECTIONS 45-8-103 AND 45-8-104, MCA; ~~AND PROVIDING AN EFFECTIVE DATE.~~"

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

Section 1. Section 45-8-103, MCA, is amended to read:

"45-8-103. Riot. (1) A person commits the offense of riot if he purposely and knowingly disturbs the peace by engaging in an act of violence or threat to commit an act of violence as part of an assemblage of five or more persons, which act or threat presents a clear and present danger of or results in damage to property or injury to persons.

(2) ~~A person who commits the offense of riot while incarcerated at any state adult correctional facility or city or county jail shall be subject to imprisonment~~ Except as provided in subsection (3), a person convicted of the offense of riot shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

~~(3) A person who commits the offense of riot by~~

~~engaging in an act of violence while incarcerated at any state adult correctional facility or city or county jail shall be subject to imprisonment~~ IMPRISONED for not less than 1 year or more than 5 years."

Section 2. Section 45-8-104, MCA, is amended to read:

"45-8-104. Incitement to riot. (1) A person commits the offense of incitement to riot if he purposely and knowingly commits an act or engages in conduct that urges other persons to riot. Such act or conduct shall not include the mere oral or written advocacy of ideas or expression of belief which advocacy or expression does not urge the commission of an act of immediate violence.

(2) ~~Except as provided in subsection (3), a person convicted of the offense of incitement to riot shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.~~

~~(3) A person who commits the offense of incitement to riot while incarcerated at any state adult correctional facility or city or county jail shall be subject to imprisonment~~ IMPRISONED for not less than 1 year or more than 5 years."

SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

REFERENCE BILL