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.
Pebruary 1, 1983	Second reading, do pass.
February 2, 1983	Considered correctly engrossed.
February 3, 1983	Third reading, passed. Transmitted to Senate.
in the s	ENATE
February 4, 1983	Introduced and referred to Committee on Judiciary.
Pebruary 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

Pobruary 15, 1983	Returned to House with amendments.
Pebruary 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.

1			House	BILL NO.	307
2	INTRODUCED	вч	Brand.	Elled	

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

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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."

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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.
- 13) A person who commits the offense of riot while incarcerated at any state adult correctional facility shall be subject to imprisonment for not less than 1 year or more

1 than 5 years."

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2 Section 2. Section 45-8-104, MCA, is amended to read: 3 "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 7 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 14 15 riot while incarcerated at any state adult correctional facility shall be subject to imprisonment for not less than 16 1 year or more than 5 years.

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HB 0307/02

Approved by Committee on Judiciary

1	HOUSE BILL NO. 307
2	INTRODUCED BY BRAND. ELLERD
3	BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
4	
5	A BILL FOR AM 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 FELDNY WITH A TERM OF
8	IMPRISONMENT OF NOT MORE THAN 5 YEARS OR LESS THAN 1 YEARS
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 b
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

exceed \$500 or be imprisoned in the county jail for a term

incarcerated at any state adult correctional facility OR

CITY OR COUNTY JAIL shall be subject to imprisonment for not

(3) A person who commits the offense of riot while

not to exceed 6 months, or both.

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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) * 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	131 A person who commits the offense of incitement to
15	riot while incarcerated at any state adult correctional
16	facility OR CITY OR COUNTY JAIL shall be subject to

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

less than 1 year or more than 5 years."

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imprisonment for not less than 1 year or more than 5 years.*

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1	HOUSE BILL NO. 307
2	INTRODUCED BY BRAND. ELLERD
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
В	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
l 6	violence as part of an assemblage of five or more persons,
L 7	which act or threat presents a clear and present danger of
8	or results in damage to property or injury to persons.
19	(2) * 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 OR
25	CITY DR COUNTY JAIL shall be subject to imprisonment for not

ı	less than 1 year or more 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.
0	(2) * Except as provided in subsection (3). a person
1	convicted of the offense of incitement to riot shall be
2	fined not to exceed \$500 or be imprisoned in the county jail
3	for a term not to exceed 6 months: or both.
4	(3) A person who commits the offense of incitement to
5	riot while incarcerated at any state adult correctional
6	facility OR CITY OR COUNTY JAIL shall be subject to

imprisonment for not less than 1 year or more than 5 years."

-End-

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SENATE STANDING COMMITTEE REPORT (Judiciary)

That House Bill No. 307 be amended as follows:

Title, line 7. 1.

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"

Page 1, line 23. 3.

Following: "riot"
Insert: "by engaging in an act of violence"

Page 1, line 25.

Strike: "subject to imprisonment"

Insert: "imprisoned"

Page 2, line 16.

Strike: "OR CITY OR COUNTY JAIL"

Page 2, lines 16 and 17.

Strike: "subject to imprisonment" Insert: "imprisoned"

Page 2. 7.

Following: line 17.

Insert: "Section 3. Effective Date. This act is effective

on passage and approval."

48th Legislature H8 0307/03

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PASSAGE_AND_APPROYAL.

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

1	ENGAGING IN AN ACT DE VIQUENCE while incarcerated at any
2	state_adult_correctional_facility OR_CIIY_DR_COUNTY_JAIL
3	shall be subject:to:impriscoment IMPRISONED for not less
4	than_1_year_or_more_than_5_years.*
5	Section 2. Section 45-8-104, MCA, is amended to read:
6	#45-8-104. Incitement to riot. (1) A person commits
7	the offense of incitement to riot if he purposely and
8	knowingly commits an act or engages in conduct that urges
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10	the mere oral or written advocacy of ideas or expression of
11	belief which advocacy or expression does not urge the
12	commission of an act of immediate violence.
13	(2) A Except_as_provided in subsection (3) a person
14	convicted of the offense of incitement to riot shall be
15	fined not to exceed \$500 or be imprisoned in the county jail
16	for a term not to exceed 6 months, or both.
17	(3)_Aperson_who_commits_the_offense_of_iocitement_to
18	riot_while_incarcerated_atanystateadultcorrectional
19	facility OREFFYOR-:EOUNTY-:dait shall be subject::to
20	imprisonment INCRISONED for not less than 1 year or more
21	than_5_yearsa*

-End-

SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON

HB 0307/03