

HOUSE BILL NO. 403

Introduced: 01/19/83

Referred to Committee on Judiciary: 1/19/83

Hearing: 1/31/83

Died in Committee

1 House BILL NO. 403  
2 INTRODUCED BY Hand  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SENTENCES  
5 FOR POSSESSION OF DANGEROUS DRUGS; PROVIDING FOR CONCURRENT  
6 COURT JURISDICTION OVER OFFENSES INVOLVING DANGEROUS DRUGS;  
7 AMENDING SECTION 45-9-102, MCA; REPEALING SECTION 45-9-201,  
8 MCA."  
9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Section 45-9-102, MCA, is amended to read:  
12 "45-9-102. Criminal possession of dangerous drugs. (1)  
13 A person commits the offense of criminal possession of  
14 dangerous drugs if he possesses any dangerous drug, as  
15 defined in 50-32-101.  
16 (2) Any person convicted of criminal possession of  
17 marijuana or its derivatives in an amount the aggregate  
18 weight of which does not exceed 60 grams of marijuana or 1  
19 gram of hashish is, for the first offense, guilty of a  
20 misdemeanor and ~~punishable by a fine not to exceed \$1,000 or~~  
21 ~~imprisonment in the county jail for a term not to exceed 1~~  
22 ~~year or both such fine and imprisonment~~ shall be fined not  
23 less than \$100 or more than \$500 and imprisoned in the  
24 county jail for not less than 5 days or more than 6 months.  
25 The minimum fine and jail term may not be suspended or

1 deferred. The minimum fine and jail term may be imposed as  
2 conditions of a suspended or deferred sentence. A person  
3 convicted of a second or subsequent offense under this  
4 subsection is punishable by a fine not to exceed \$1,000 or  
5 imprisonment in the county jail for a term not to exceed 1  
6 year or in the state prison for a term not to exceed 3 years  
7 or both such fine and imprisonment.  
8 (3) A person convicted of criminal possession of an  
9 opiate, as defined in 50-32-101(18), shall be imprisoned in  
10 the state prison for a term of not less than 2 years or more  
11 than 5 years and may be fined not more than \$50,000, except  
12 as provided in 46-18-222.  
13 (4) A person convicted of criminal possession of  
14 dangerous drugs not otherwise provided for in subsection (2)  
15 or (3) ~~shall be imprisoned in the state prison for a term~~  
16 ~~not to exceed 5 years or be fined an amount not to exceed~~  
17 ~~\$50,000, or both~~ fined not less than \$300 or more than  
18 \$50,000, except as provided in 46-18-222, and imprisoned in  
19 the county jail for not less than 30 days or more than 1  
20 year or in the state prison for not less than 1 year or more  
21 than 5 years. The minimum fine and jail term may not be  
22 suspended or deferred. The minimum fine and jail term may  
23 be imposed as conditions of a suspended or deferred  
24 sentence.  
25 (5) A person of the age of 21 years or under convicted

1 of a first violation under this section shall be presumed to  
2 be entitled to a deferred imposition of sentence.

3 (6) Ultimate users and practitioners and agents under  
4 their supervision acting in the course of a professional  
5 practice, as defined by 50-32-101, are exempt from this  
6 section."

7 NEW SECTION. Section 2. Repealer. Section 45-9-201,  
8 MCA, is repealed.

-End-