

HOUSE BILL NO. 52

INTRODUCED BY MANUEL

BY REQUEST OF THE BOARD OF CRIME CONTROL

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Human Services and Aging.
January 10, 1985	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
January 11, 1985	Second reading, do pass.  Considered correctly engrossed.
January 12, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Judiciary.
February 12, 1985	Committee recommend bill be concurred in as amended. Report adopted.
February 15, 1985	Second reading, concurred in.
February 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.  Returned to House with amendments.

IN THE HOUSE

February 19, 1985	Received from Senate.
March 5, 1985	Second reading, pass consideration.

March 7, 1985

Second reading, amendments  
concurrent in.

March 8, 1985

Third reading, amendments  
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 52

INTRODUCED BY MANUEL

BY REQUEST OF THE BOARD OF CRIME CONTROL

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PENALTIES THAT MAY BE IMPOSED FOR UNLAWFUL POSSESSION OF INTOXICATING SUBSTANCES BY CHILDREN, TO PROVIDE A REMEDY FOR FAILURE TO COMPLY WITH A SENTENCE, AND TO MAKE IT AN OFFENSE TO CAUSE ONE'S CHILD OR WARD TO FAIL TO COMPLY WITH A SENTENCE OR A YOUTH COURT ORDER; AMENDING SECTION 45-5-624, MCA."

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

Section 1. Section 45-5-624, MCA, is amended to read:

"45-5-624. Unlawful possession of an intoxicating substance by children -- interference with sentence or court order. (1) A person under the age of 18 years commits the offense of possession of an intoxicating substance if he knowingly has in his possession an intoxicating substance other than an alcoholic beverage. A person under the age of 19 commits the offense of possession of an intoxicating substance if he knowingly has in his possession an alcoholic beverage, except that he does not commit the offense when in the course of his employment it is necessary to possess alcoholic beverages.

(2) A person convicted of the offense of possession of

an intoxicating substance shall:

(a) be fined not to exceed \$50; ~~or be imprisoned in the county jail for any term not to exceed 10 days, or both;~~

(b) be ordered to complete and, if financially able, pay all costs of his participation in a substance abuse information course approved by the department of institutions and given by a chemical dependency program approved by that department;

(c) have his driver's license confiscated by the court for not more than 90 days and be ordered not to drive during that period if he was driving or otherwise in actual physical control of a motor vehicle when the offense occurred; or

(d) be sentenced to any combination of these penalties.

(3) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when he failed to comply must be transferred to the youth court. If proceedings for violation of subsection (1) are held in the youth court, the preceding ~~penalty~~ ~~does~~ penalties in subsection (2) do not apply ~~and~~. If proceedings for violation of subsection (1) or for failure to comply with a sentence are held in the youth court, the offender shall be treated as an alleged youth in need of supervision as defined in 41-5-103(13). In such case, the

1 youth court may enter its judgment under 41-5-523.

2 (4) A person commits the offense of interference with  
3 a sentence or court order if he purposely or knowingly  
4 causes his child or ward to fail to comply with a sentence  
5 imposed under this section or a youth court disposition  
6 order for a youth found to have violated this section and  
7 upon conviction shall be fined \$100 or imprisoned in the  
8 county jail for 10 days, or both."

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

1 HOUSE BILL NO. 52
2 INTRODUCED BY MANUEL
3 BY REQUEST OF THE BOARD OF CRIME CONTROL

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PENALTIES
5 THAT MAY BE IMPOSED FOR UNLAWFUL POSSESSION OF INTOXICATING
6 SUBSTANCES BY CHILDREN, TO PROVIDE A REMEDY FOR FAILURE TO
7 COMPLY WITH A SENTENCE, AND TO MAKE IT AN OFFENSE TO CAUSE
8 ONE'S CHILD OR WARD TO FAIL TO COMPLY WITH A SENTENCE OR A
9 YOUTH COURT ORDER; AMENDING SECTION 45-5-624, MCA."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 45-5-624, MCA, is amended to read:
13 "45-5-624. Unlawful possession of an intoxicating
14 substance by-children -- interference with sentence or court
15 order. (1) A person under the age of 18 years commits the
16 offense of possession of an intoxicating substance if he
17 knowingly has in his possession an intoxicating substance
18 other than an alcoholic beverage. A person under the age of
19 19 commits the offense of possession of an intoxicating
20 substance if he knowingly has in his possession an alcoholic
21 beverage, except that he does not commit the offense when in
22 the course of his employment it is necessary to possess
23 alcoholic beverages.
24 (2) A person convicted of the offense of possession of

1 an intoxicating substance shall:
2 (a) be fined not to exceed \$50; or--be--imprisoned--in
3 the-county-jail-for-any-term-not-to-exceed-10-days,-or-both-
4 (b) be ordered to complete and, if financially able,
5 pay all costs of his participation in a substance abuse
6 information course approved by the department of
7 institutions and given by a chemical dependency program
8 approved by that department;
9 (c) have his driver's license confiscated by the court
10 for not more than 90 days and be ordered not to drive during
11 that period if he was driving or otherwise in actual
12 physical control of a motor vehicle when the offense
13 occurred; or
14 (d) be sentenced to any combination of these
15 penalties.
16 (3) A defendant who fails to comply with a sentence
17 and is under 21 years of age and was under 18 years of age
18 when he failed to comply must be transferred to the youth
19 court. If proceedings for violation of subsection (1) are
20 held in the youth court, the preceding--penalty---does
21 penalties in subsection (2) do not apply--and. If
22 proceedings for violation of subsection (1) or for failure
23 to comply with a sentence are held in the youth court, the
24 offender shall be treated as an alleged youth in need of
25 supervision as defined in 41-5-103(13). In such case, the



1 youth court may enter its judgment under 41-5-523.

2 (4) A person commits the offense of interference with  
3 a sentence or court order if he purposely or knowingly  
4 causes his child or ward to fail to comply with a sentence  
5 imposed under this section or a youth court disposition  
6 order for a youth found to have violated this section and  
7 upon conviction shall be fined \$100 or imprisoned in the  
8 county jail for 10 days, or both."

-End-

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 12    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13                    Section 1. Section 45-5-624, MCA, is amended to read:  
 14                    "45-5-624. Unlawful possession of an intoxicating  
 15    substance ~~by children -- interference with sentence or court~~  
 16    order. (1) A person under the age of 18 years commits the  
 17    offense of possession of an intoxicating substance if he  
 18    knowingly has in his possession an intoxicating substance  
 19    other than an alcoholic beverage. A person under the age of  
 20    19 commits the offense of possession of an intoxicating  
 21    substance if he knowingly has in his possession an alcoholic  
 22    beverage, except that he does not commit the offense when in  
 23    the course of his employment it is necessary to possess  
 24    alcoholic beverages.  
 25                    (2) A person convicted of the offense of possession of

1    an intoxicating substance shall:  
 2                    (a) ~~be fined not to exceed \$50; or--be--imprisoned--in~~  
 3    ~~the county jail for any term not to exceed 10 days; or both;~~  
 4                    (b) be ordered to complete and, if financially able,  
 5    pay all costs of his participation in a substance abuse  
 6    information course approved by the department of  
 7    institutions and given by a chemical dependency program  
 8    approved by that department;  
 9                    (c) have his driver's license confiscated by the court  
 10    for not more than 90 days and be ordered not to drive during  
 11    that period if he was driving or otherwise in actual  
 12    physical control of a motor vehicle when the offense  
 13    occurred; or  
 14                    (d) be sentenced to any combination of these  
 15    penalties.  
 16                    (3) A defendant who fails to comply with a sentence  
 17    and is under 21 years of age and was under 18 years of age  
 18    when he failed to comply must be transferred to the youth  
 19    court. If proceedings for violation of subsection (1) are  
 20    held in the youth court, the preceding--penalty---does  
 21    penalties in subsection (2) do not apply;--and. If  
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 24    offender shall be treated as an alleged youth in need of  
 25    supervision as defined in 41-5-103(13). In such case, the

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1 youth court may enter its judgment under 41-5-523.

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3 a sentence or court order if he purposely or knowingly  
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6 order for a youth found to have violated this section and  
7 upon conviction shall be fined \$100 or imprisoned in the  
8 county jail for 10 days, or both."

-End-



SENATE STANDING COMMITTEE REPORT

Page 1 of 2

February 11 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 52

third reading copy (blue color) (Sen. Lynch will carry)

YOUTHS POSSESSING INTOXICATING SUBSTANCE; PARENTAL INTERFERENCE WITH ORDER.

Respectfully report as follows: That HOUSE BILL No. 52

be amended as follows:

1. Title, line 10. Following: "AMENDING" Strike: "SECTION" Insert: "SECTIONS 16-6-314 AND"

2. Page 2, line 5. Following: "a" Insert: "community based"

3. Page 2, lines 6 through 8. Following: "course" on line 6 Strike: remainder of line 6 through "department" on line 8

XXXXXX REPORT XXXX

Senator Joe Mazurek

Report adopted Chairman.

Report adopted

KB

Page 2 of 2

HOUSE BILL NO. 52

4. Page 3, following line 8. Insert: "Section 2. Section 16-6-314, MCA, is amended to read:

16-6-314. Penalty for violating code -- revocation of license penalty for violation by underage person. (1) Any A person violating any of the provisions who violates a provision of this code shall, upon conviction thereof, be deemed is guilty of a misdemeanor and punishable by such fine or imprisonment, or both, as provided in 46-18-212, except as is herein otherwise provided.

(2) If any a retail licensee is convicted of any an offense under this code, his license shall be immediately revoked or, in the discretion of the department, such other sanction imposed as may be authorized under 16-4-406.

(3) Further, if any A person under 19 years of age is convicted of an offense under this code he shall be subject to a \$100 fine or 30 days in confinement who violates 16-3-301(3) or 16-6-305(3) is subject to the penalty provided in 45-5-624(2)."

AND AS AMENDED BE CONCURRED IN

XXXXXX

Senator Joe Mazurek, Chairman

Report adopted

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10 YOUTH COURT ORDER; AMENDING SECTION SECTIONS 16-6-314 AND  
11 45-5-624, MCA."

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2 an intoxicating substance shall:

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4 the-county-jail-for-any-term-not-to-exceed-10-days,-or-both-

5 (b) be ordered to complete and, if financially able,  
6 pay all costs of his participation in a COMMUNITY-BASED  
7 substance abuse information course approved---by---the  
8 department---of---institutions---and---given---by---a---chemical  
9 dependency-program-approved-by-that-department;

10 (c) have his driver's license confiscated by the court  
11 for not more than 90 days and be ordered not to drive during  
12 that period if he was driving or otherwise in actual  
13 physical control of a motor vehicle when the offense  
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24 to--a--\$100--fine--or--30--days--in-confinement who violates  
25 16-3-301(3) or 16-6-305(3) is subject to the penalty