

SENATE BILL NO. 134  
INTRODUCED BY BECK, CAMPBELL  
BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

IN THE SENATE

JANUARY 19, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON JUDICIARY.

JANUARY 27, 1987                   COMMITTEE RECOMMEND BILL  
  DO PASS. REPORT ADOPTED.

JANUARY 28, 1987                   PRINTING REPORT.

JANUARY 30, 1987                   SECOND READING, DO PASS.

JANUARY 31, 1987                   ENGROSSING REPORT.

FEBRUARY 2, 1987                   THIRD READING, PASSED.  
  AYES, 49; NOES, 0.

  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON JUDICIARY.

MARCH 6, 1987                    COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN. REPORT ADOPTED.

MARCH 9, 1987                    SECOND READING, CONCURRED IN.

  ON MOTION, TAKEN FROM THIRD READING  
  AND REREFERRED TO COMMITTEE  
  ON APPROPRIATIONS.

MARCH 26, 1987                    COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN. REPORT ADOPTED.

MARCH 28, 1987                    SECOND READING, CONCURRED IN.

MARCH 30, 1987

THIRD READING, CONCURRED IN.  
AYES, 98; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 134  
 2 INTRODUCED BY Breck Campbell  
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS  
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE CRIME OF  
 6 CONVEYING A DANGEROUS DRUG TO A PERSON SUBJECT TO OFFICIAL  
 7 DETENTION A FELONY PUNISHABLE BY A PRISON TERM NOT TO EXCEED  
 8 10 YEARS; AND AMENDING SECTION 45-7-307, MCA."

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

11 Section 1. Section 45-7-307, MCA, is amended to read:

12 "45-7-307. Transferring illegal articles or  
 13 unauthorized communication. (1) (a) A person commits the  
 14 offense of transferring illegal articles if he knowingly or  
 15 purposely transfers any illegal article or thing to a person  
 16 subject to official detention or is transferred any illegal  
 17 article or thing by a person subject to official detention.

18 (b) A person convicted of transferring illegal  
 19 articles shall be:

20 (i) imprisoned in the state prison for a term not to  
 21 exceed 20 years, if he conveys a weapon to a person subject  
 22 to official detention; or

23 (ii) imprisoned in the state prison for a term not to  
 24 exceed 10 years, if he conveys a dangerous drug, as defined  
 25 in 50-32-101, to a person subject to official detention; or

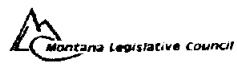
1 ~~(ii)(iii)~~ fined not to exceed \$100 or imprisoned in the  
 2 county jail for any term not to exceed 10 days, or both, if  
 3 he conveys any other illegal article or thing to a person  
 4 subject to official detention.

5 (c) Subsection ~~(i)(b)(ii)~~ (1)(b)(iii) does not apply  
 6 unless the offender knew or was given sufficient notice so  
 7 that he reasonably should have known that the article or  
 8 thing he conveyed was an illegal article.

9 (2) (a) A person commits the offense of unauthorized  
 10 communication if he knowingly or purposely communicates with  
 11 a person subject to official detention without the consent  
 12 of the person in charge of such official detention.

13 (b) A person convicted of the offense of unauthorized  
 14 communication shall be fined not to exceed \$100 or  
 15 imprisoned in the county jail for any term not to exceed 10  
 16 days, or both."

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB134, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to make the crime of conveying a dangerous drug to a person subject to official detention a felony punishable by a prison term not to exceed 10 years and amending section 45-7-307, MCA.

ASSUMPTIONS:

1. There would be limited population impact on the prison.
2. Arrest of civilians for the prescribed activity would number approximately three per year.
3. If the proposed statute also is applied to inmates who deal in contraband, some undetermined increase in length of stay of the prison population may result.

FISCAL IMPACT:

Expenditures:

	<u>FY88</u>	<u>FY89</u>
Variable costs of three additional inmates	\$7,523	\$8,494

Revenues:

N/A

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

David L. Hunter DATE 1/20/87

DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning

Tom Beck DATE 1-20-87

TOM BECK, PRIMARY SPONSOR

Fiscal Note for SB134, as introduced.

**SB-134**

APPROVED BY COMMITTEE  
ON JUDICIARY

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2 INTRODUCED BY David B. Langford  
3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS  
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13 (b) A person convicted of the offense of unauthorized  
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16 days, or both."

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