

1 HOUSE BILL NO. 414  
2 INTRODUCED BY Smith  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FINE FOR  
5 POSSESSION OF AN INTOXICATING SUBSTANCE BY A PERSON UNDER  
6 THE AGE OF 18 YEARS; MAKING POSSESSION OF ALCOHOL BY A  
7 PERSON 18 YEARS OF AGE OR OLDER AND UNDER 21 YEARS OF AGE A  
8 MISDEMEANOR; AND AMENDING SECTION 45-5-624, MCA."  
9

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

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

12 "45-5-624. Unlawful possession of an intoxicating  
13 substance -- interference with sentence or court order --  
14 penalties. (1) (a) A person under the age of 18 years  
15 commits the offense of possession of an intoxicating  
16 substance if he knowingly has in his possession an  
17 intoxicating substance ~~other-than-an-alcoholic-beverage~~ as  
18 defined in 45-2-101.

19 (b) A person who is 18 years of age or older and under  
20 the-age-of 21 years of age commits the offense of possession  
21 of an intoxicating substance if he knowingly has in his  
22 possession an alcoholic beverage, except that he does not  
23 commit the offense when in the course of his employment it  
24 is necessary to possess alcoholic beverages.

25 (2) (a) A person convicted of the offense of

1 possession of an intoxicating substance under subsection  
2 (1)(a) shall:

3 ~~(a)(i)~~ be fined not to exceed \$50 \$250;

4 ~~(b)(ii)~~ be ordered to complete and, if financially  
5 able, pay all costs of his participation in a  
6 community-based substance abuse information course;

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

12 ~~(d)(iv)~~ be sentenced to any combination of these  
13 penalties.

14 (b) A person convicted of the offense of possession of  
15 an intoxicating substance under subsection (1)(b) shall be  
16 fined not to exceed \$500 or be imprisoned in the county jail  
17 for a term not to exceed 6 months, or both.

18 (3) A defendant who fails to comply with a sentence  
19 and is under 21 years of age and was under 18 years of age  
20 when he failed to comply must be transferred to the youth  
21 court. If proceedings for violation of subsection (1) are  
22 held in the youth court, the penalties in subsection (2) do  
23 not apply. If proceedings for violation of subsection (1) or  
24 for failure to comply with a sentence are held in the youth  
25 court, the offender shall be treated as an alleged youth in

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1    need of supervision as defined in 41-5-103. In such case,  
2    the youth court may enter its judgment under 41-5-523.

3           (4) A person commits the offense of interference with  
4    a sentence or court order if he purposely or knowingly  
5    causes his child or ward to fail to comply with a sentence  
6    imposed under this section or a youth court disposition  
7    order for a youth found to have violated this section and  
8    upon conviction shall be fined \$100 or imprisoned in the  
9    county jail for 10 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 HB414, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act for increasing the fine for possession of an intoxicating substance by a person under the age of 18 years; making possession of alcohol by a person 18 years of age or older and under 21 years of age a misdemeanor; and amending Section 45-5-624, MCA.

FISCAL IMPACT:

During calendar year 1987, there were approximately 2,000 arrests of people 17 years and younger for possession of alcohol (drug information not available) and approximately 1,000 arrests of people ages 18-20. There is no data available on court fines by offense.

*Ray Shackelford*

*1/31/89*

RAY SHACKLEFORD, BUDGET DIRECTOR      DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

*Gary L. Spaeth*

GARY L. SPAETH, PRIMARY SPONSOR

DATE

Fiscal Note for HB414, as introduced

*HB 414*