

SENATE BILL NO. 6

INTRODUCED BY CHRISTIAENS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE OFFENSE OF POSSESSION OF A DEADLY WEAPON BY A PRISONER; MAKING IT AN OFFENSE FOR A YOUTH IN A YOUTH DETENTION FACILITY, SECURE DETENTION FACILITY, REGIONAL DETENTION FACILITY, SHORT-TERM DETENTION CENTER, STATE YOUTH CORRECTIONAL FACILITY, OR SHELTER CARE FACILITY TO POSSESS A DEADLY WEAPON; AND AMENDING SECTION 45-8-318, MCA."

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

Section 1. Section 45-8-318, MCA, is amended to read:

"45-8-318. Possession of deadly weapon by prisoner or youth in facility. (1) ~~Every prisoner committed to the Montana state prison or incarcerated in a county jail, city jail, or regional jail who, while at the state prison or a jail, while being conveyed to or from the Montana state prison or a jail, while at a state prison farm or ranch, while being conveyed to or from any such place, or while under the custody of prison or jail officials, officers, or employees,~~ A person commits the offense of possession of a deadly weapon by a prisoner if the person purposely or knowingly possesses or carries ~~upon his person~~ or has under ~~his~~ the person's custody or control without lawful authority a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife, razor not including a safety razor, or other deadly weapon ~~is guilty of a felony while the person is:~~

(a) a prisoner committed to the Montana state prison or incarcerated in a county jail, city jail, or regional jail and is:

(i) at the state prison, a state prison farm or ranch, or jail;

(ii) being conveyed to or from a place listed in this subsection (1)(a); or

(iii) under the custody of prison or jail officials, officers, or employees; or

(b) a youth in a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility and is at the facility, being conveyed to or from the facility, or under the custody of the facility officials, officers, or employees.

(2) ~~He~~ An adult convicted of the offense of possession of a deadly weapon by a prisoner shall be

1 punished by imprisonment in the state prison for a term not less than 5 years or more than 15 years, ~~such~~
2 ~~term of imprisonment to commence from the time he would otherwise have been released from jail or~~
3 ~~prison, or shall be punished~~ by a fine of not more than \$50,000, or by both ~~such~~ fine and imprisonment.
4 A term of imprisonment commences at the time that the person would have been released from prison or
5 jail.

6 (3) A youth charged with possession of a deadly weapon by a prisoner must be adjudicated
7 pursuant to Title 41, chapter 5."

8 -END-

APPROVED BY COM
ON JUDICIARY

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6 ~~(3) A youth charged with possession of a deadly weapon by a prisoner must be adjudicated~~
7 ~~pursuant to Title 41, chapter 5~~ THE YOUTH COURT HAS JURISDICTION OF ANY VIOLATION OF
8 SUBSECTION (1)(B) UNLESS A YOUTH'S CASE IS TRANSFERRED TO DISTRICT COURT, IN WHICH CASE
9 THE DISTRICT COURT HAS JURISDICTION."

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(i) at the state prison, a state prison farm or ranch, or jail;

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(b) a ~~youth~~ PERSON in a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility, AS THOSE TERMS ARE DEFINED IN 41-5-103, and is at the facility, being conveyed to or from the facility, or under the custody of the facility officials, officers, or employees.

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