

Unofficial Draft Copy - CJOC 4

For review by the Criminal Justice Oversight Council on 6/28/2022

67th Legislature

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CJOC 4

Drafter: Milly Allen, 406-444-9280

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**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SENTENCING LAWS FOR DISORDERLY CONDUCT;
AND AMENDING SECTION 45-8-101, MCA."

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

Section 1. Section 45-8-101, MCA, is amended to read:

"45-8-101. Disorderly conduct. (1) A person commits the offense of disorderly conduct if ~~;~~

~~(a)~~ the person knowingly disturbs the peace by:

~~(i)~~ quarreling, challenging to fight, or fighting;

~~(ii)~~ making loud or unusual noises;

~~(iii)~~ using threatening, profane, or abusive language;

~~(iv)~~ rendering vehicular or pedestrian traffic impassable;

~~(v)~~ rendering the free ingress or egress to public or private places impassable;

~~(vi)~~ disturbing or disrupting any lawful assembly or public meeting;

~~(vii)~~ transmitting a false report or warning of a fire or other catastrophe in a place where its
occurrence would endanger human life;

~~(viii)~~ creating a hazardous or physically offensive condition by any act that serves no legitimate
purpose; or

~~(ix)~~ transmitting a false report or warning of an impending explosion in a place where its occurrence
would endanger human life; ~~or~~

~~(b) in the course of engaging in any of the conduct prohibited by subsections (1)(a)(i) through
(1)(a)(vi), a peace officer recognizes the person's conduct creates an articulable public safety risk.~~

(2) ~~(a)~~ Except as provided in subsections ~~(2)(b), (3), and (4),~~ a person convicted of the offense of
disorderly conduct shall be fined an amount not to exceed \$100 or be imprisoned in the county jail for a term

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1 not to exceed 10 days, or both.

2 ~~(b)—A person convicted of a second or subsequent violation of subsections (1)(a)(i) through (1)(a)(vi)~~
3 ~~within 1 year shall be fined an amount not to exceed \$100 or be imprisoned in the county jail for a term not to~~
4 ~~exceed 10 days, or both.~~

5 (3) A person convicted of a violation of subsections (1)~~(i)(a)(vii) through (1)(a)(ix)~~ shall be fined an
6 amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

7 ~~(4)—A person convicted of a violation of subsection (1)(b) shall be fined an amount not to exceed \$500~~
8 ~~or be imprisoned in the county jail for a term not to exceed 1 day, or both."~~

9 - END -

DRAFT