

## 1 HOUSE BILL NO. 157

2 INTRODUCED BY S. GALLUS

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR TRANSFER OF AN ILLEGAL  
6 ARTICLE, OTHER THAN A WEAPON OR DANGEROUS DRUG, TO A PERSON INCARCERATED IN A STATE  
7 PRISON; MAKING THE OFFENSE A FELONY; AMENDING SECTION 45-7-307, MCA; AND PROVIDING AN  
8 EFFECTIVE DATE."

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

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

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

17 (b) A person convicted of transferring illegal articles OR A WEAPON shall be:

18 (i) imprisoned in ~~the~~ a state prison for a term not to exceed 20 years, if ~~he conveys the illegal~~  
19 ~~article~~ ITEM TRANSFERRED is a weapon ~~to a person subject to official detention;~~

20 (ii) imprisoned in ~~the~~ a state prison for a term not to exceed 10 years, if ~~he conveys the illegal~~  
21 ~~article is~~ a dangerous drug, as defined in 50-32-101, ~~to a person subject to official detention;~~ or

22 (iii) imprisoned in a state prison for a term not to exceed 5 years 13 MONTHS or be fined an amount  
23 not more than \$5,000 \$1,500, or both, if the illegal article, other than a weapon or dangerous drug, is  
24 transferred to or from a person incarcerated in a state prison, as defined in 53-30-101(3)(c), or be fined  
25 an amount not to exceed more than \$100 or be imprisoned in the county jail for any term not to exceed  
26 10 days, or both, if he conveys any other the illegal article or thing, other than a weapon or dangerous  
27 drug, is transferred to or from a person subject to official detention incarcerated in a place other than a  
28 state prison.

29 (c) Subsection (1)(b)(iii) does not apply unless the offender knew or was given sufficient notice  
30 so that ~~he~~ the offender reasonably should have known that the article ~~or thing~~ he conveyed was an illegal

1 article.

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

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

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8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2001.

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