

_____ BILL NO. _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

INTRODUCED BY _____
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AND CRIMINALIZING THE TRANSFER OF A MOBILE COMMUNICATION DEVICE TO OR FROM A PERSON SUBJECT TO OFFICIAL DETENTION; AND AMENDING SECTION 45-7-307, MCA."

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

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

"45-7-307. Transferring illegal articles -- unauthorized communication. (1) (a) A person commits the offense of transferring illegal articles if the person knowingly or purposely transfers any illegal article, mobile communication device, or weapon to a person subject to official detention or is transferred any illegal article, mobile communication device, or weapon by a person subject to official detention.

(b) A person convicted of transferring illegal articles, a mobile communication device, or a weapon shall be:

- (i) imprisoned in a state prison for a term not to exceed 20 years; if the item transferred is a weapon;
- (ii) imprisoned in a state prison for a term not to exceed 10 years; if the illegal article is a dangerous drug, as defined in 50-32-101; or

(iii) imprisoned in a state prison for a term not to exceed 13 months or be fined an amount not more than \$1,500, or both, if the article transferred is not illegal article, other than a weapon or dangerous drug; and is transferred to or from a person incarcerated in a state prison, as defined in 53-30-101(3)(c), or be fined an amount not more than \$100 or be imprisoned in the county jail for any term not to exceed 10 days, or both, if the article transferred is not illegal article, other than a weapon or dangerous drug; and is transferred to or from a person incarcerated in a place other than a state prison.

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

(2) (a) A person commits the offense of unauthorized communication if the person knowingly or



1 purposely communicates with a person subject to official detention without the consent of the person in charge
2 of the official detention.

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

5 - END -