

HOUSE BILL NO. 402
INTRODUCED BY J. PARKER

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM IMPRISONMENT PENALTIES FOR THE CRIME OF OPERATING AN UNLAWFUL CLANDESTINE ILLEGAL DRUG LABORATORY; AND AMENDING SECTION 45-9-132, MCA."

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

Section 1. Section 45-9-132, MCA, is amended to read:

"45-9-132. Operation of unlawful clandestine laboratory -- penalties. (1) A person commits the offense of operation of an unlawful clandestine laboratory if the person purposely or knowingly engages in:

(a) the procurement, possession, or use of chemicals, precursors to dangerous drugs, supplies, equipment, or a laboratory location for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;

(b) the transportation of or arranging for the transportation of chemicals, precursors to dangerous drugs, supplies, or equipment for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;
or

(c) the setting up of equipment or supplies in preparation for the criminal production or manufacture of dangerous drugs as prohibited by 45-9-110.

(2) Except as provided in subsections (3) and (4), a person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$25,000, be imprisoned in a state prison for a term not to exceed ~~20~~ 40 years, or both.

(3) A person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$50,000, be imprisoned in a state prison for a term not to exceed ~~25~~ 50 years, or both, if 46-1-401 is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation:

(a) created a substantial risk of death of or serious bodily injury to another;

(b) took place within 500 feet of a residence, business, church, or school; or

(c) took place in the presence of a person less than 18 years of age.

(4) A person convicted of operation of an unlawful clandestine laboratory shall be fined an amount not to exceed \$100,000, be imprisoned in a state prison for a term not to exceed ~~40~~ 50 years, or both, if 46-1-401

is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation involved the use of a firearm or booby trap."

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