

## 1 HOUSE BILL NO. 391

2 INTRODUCED BY F. FLEMING

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE DISTRIBUTION OF  
5 DANGEROUS DRUGS; PROVIDING A PENALTY FOR CRIMINAL DISTRIBUTION WHEN A PERSON IS  
6 KILLED BY THE DANGEROUS DRUG THAT WAS DISTRIBUTED; AND AMENDING SECTION 45-9-101,  
7 MCA."

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

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11 **Section 1.** Section 45-9-101, MCA, is amended to read:

12 **"45-9-101. Criminal distribution of dangerous drugs.** (1) Except as provided in Title 16, chapter  
13 12, or Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the  
14 person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous  
15 drug, as defined in 50-32-101.

16 (2) A person convicted of criminal distribution of dangerous drugs involving giving away or sharing  
17 any dangerous drug, as defined in 50-32-101, shall be sentenced as provided in 45-9-102.

18 (3) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in  
19 subsection (1), (2), ~~or (4), or (5)~~ shall be imprisoned in the state prison for a term not to exceed 25 years or be  
20 fined an amount of not more than \$50,000, or both.

21 (4) A person who was an adult at the time of distribution and who is convicted of criminal distribution  
22 of dangerous drugs to a minor shall be sentenced as follows:

23 (a) For a first offense, the person shall be imprisoned in the state prison for a term not to exceed 40  
24 years and may be fined not more than \$50,000.

25 (b) For a second or subsequent offense, the person shall be imprisoned in the state prison for a term  
26 not to exceed life and may be fined not more than \$50,000.

27 (5) If the offense charged results in the death of an individual from the use of any dangerous drug that  
28 was distributed, the person shall be imprisoned in the state prison for a term of not less than 10 years or more

1 than 100 years and may be fined not more than \$100,000.

2 ~~(5)(6)~~ Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course

3 of a professional practice are exempt from this section."

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