

## DRUG CRIMES

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** This topic includes bills regarding or related to drug crimes. This topic does not include bills regarding drug treatment courts, the prescription drug registry and drug testing except as it relates to drug crimes.

**Legislative Services Division Materials:** [Drug Offender Sentencing Data Analysis, 2003-2011](#), by Sheri Scurr

**Other Materials:** [Justice Reinvestment in Montana: Summary of Analysis and Policy Options](#), (general paper but contains some analysis of drug crimes and incarceration)

### Introduced Legislation

Include year, most recent first. Hyperlink to status page. \*Chapter number assigned means bill was passed and approved. Most recent action. Cut and paste title. Example provided.

2017

[House Bill 278](#) – Chapter Number Assigned -- AN ACT AUTHORIZING SENTENCING JUDGES TO PLACE OFFENDERS IN RESIDENTIAL TREATMENT; AMENDING SECTION 46-18-201, MCA; AND PROVIDING AN APPLICABILITY DATE.

[House Bill 463](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS CONCERNING SUBSTANCE ABUSE; ALLOWING LOCAL GOVERNMENTS TO ADOPT ORDINANCES FOR THE CRIMINAL OFFENSE OF CHRONIC PUBLIC INCAPACITATION; PROVIDING PENALTIES;

PROVIDING DEFINITIONS; AND AMENDING SECTIONS 53-24-102, 53-24-103, 53-24-106, 53-24-107, 53-24-207, AND 53-24-303, MCA."

[House Bill 654](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING DRUG AND ALCOHOL TREATMENT PROGRAMS FOR CONVICTED OFFENDERS AT CERTAIN STATE FACILITIES; APPROPRIATING MONEY TO CONTRACT FOR PROVISION OF DRUG AND ALCOHOL TREATMENT PROGRAMS AT THE STATE FACILITIES; REDEFINING TERMS RELATED TO STATE YOUTH CORRECTIONAL FACILITIES AND STATE PRISONS; ALLOWING THE DEPARTMENT OF CORRECTIONS TO HOLD CERTAIN YOUTH AND ADULT OFFENDERS IN THE SAME FACILITY SUBJECT TO CERTAIN CONDITIONS; REQUIRING THE DEPARTMENT TO PRIORITIZE YOUTH NEEDS WHEN CONSIDERING THE CURRENT USE OF A FACILITY PREVIOUSLY USED TO HOUSE YOUTH; PROVIDING DIRECTION TO THE DEPARTMENT; AMENDING SECTIONS 19-20-101, 20-4-134, 20-4-502, 20-5-420, 20-9-327, 41-5-103, 41-5-106, 41-5-121, 41-5-122, 41-5-206, 41-5-208, 41-5-355, 41-5-1304, 41-5-1416, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, 41-5-1522, 41-5-1523, 41-5-2002, 41-5-2005, 45-5-214, 45-5-501, 45-7-307, 45-8-318, 46-23-201, 52-2-302, 52-5-101, 52-5-108, 52-5-109, 52-5-110, 52-5-111, 52-5-112, 52-5-113, 52-5-114, 52-5-120, 52-5-121, 52-5-126, 52-5-128, 52-5-129, 53-1-104, 53-1-107, 53-1-109, 53-1-201, 53-1-202, 53-1-203, 53-1-207, 53-30-101, 53-30-102, AND 53-30-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

[House Bill 133](#) – Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATED TO SENTENCING; REVISING CERTAIN DEFINITIONS; REVISING CRIMINAL HISTORY RECORD INFORMATION LAWS; EXPANDING THE TYPES OF OFFENSES FOR WHICH FINGERPRINTS MUST BE SENT TO THE STATE REPOSITORY; REVISING WHEN CERTAIN IDENTIFICATION INFORMATION MUST BE RETURNED TO AN INDIVIDUAL; CLARIFYING THE ELEMENTS NECESSARY TO SUPPORT A CRIMINAL ENDANGERMENT CHARGE; CLARIFYING THAT THE YOUTH COURT HAS JURISDICTION OF CHARGES OF ASSAULT WITH A BODILY FLUID WHEN COMMITTED BY A MINOR; LIMITING EXCEPTIONS TO MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER; REVISING THE MANDATORY MINIMUMS FOR CERTAIN SEXUAL OFFENSES WHEN VICTIM IS 12 YEARS OF AGE OR YOUNGER; CREATING A TIERED SENTENCING STRUCTURE FOR THEFT-BASED CRIMES; REDUCING PENALTIES FOR CERTAIN MISDEMEANORS; REDUCING PENALTIES FOR MOST DRUG OFFENSES; REVISING THE PERSISTENT FELONY OFFENDER DESIGNATION; REVISING THE REQUIREMENT FOR A CHEMICAL DEPENDENCY EDUCATION COURSE; REVISING CERTAIN DRIVING OFFENSES; REVISING DUI PENALTIES; AMENDING SECTIONS 41-5-206, 44-5-202, 45-2-101, 45-5-207, 45-5-214, 45-5-503, 45-5-507, 45-5-625, 45-6-301, 45-6-309, 45-6-316, 45-6-317, 45-6-325, 45-6-332, 45-8-101, 45-8-102, 45-8-111, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 46-1-202, 46-18-201, 46-18-204, 46-18-205, 46-18-222, 46-18-231, 46-18-502, 53-1-203, 61-5-102, 61-5-208, 61-5-212, 61-6-302, 61-6-304, 61-8-407, 61-8-422, 61-8-731, AND 61-8-732, MCA; REPEALING SECTIONS 45-9-208, 45-10-108, AND 46-18-501, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill 228](#) – Chapter Number Assigned -- AN ACT REVISING DRUG PARAPHERNALIA LAWS; EXEMPTING CERTAIN PERSONS THAT PROVIDE NEEDLE AND SYRINGE EXCHANGE SERVICES FROM DRUG PARAPHERNALIA LAWS; AMENDING SECTION 45-10-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2015

[House Bill 412](#) – Chapter Number Assigned -- AN ACT PROVIDING THAT A PERSON UNDER 21 YEARS OF AGE MAY NOT BE CHARGED OR PROSECUTED FOR CERTAIN CRIMINAL OFFENSES IF THE PERSON SEEKS MEDICAL TREATMENT FOR THE PERSON OR ANOTHER PERSON IN CERTAIN CIRCUMSTANCES FOR CONSUMING INTOXICATING SUBSTANCES OR IF EVIDENCE FOR THE CHARGE OR PROSECUTION WAS OBTAINED AS A RESULT OF THE PERSON'S SEEKING OR RECEIVING MEDICAL TREATMENT FOR CONSUMING INTOXICATING SUBSTANCES; PROVIDING DEFINITIONS; AND AMENDING SECTION 45-5-624, MCA.

2013

[House Bill 140](#) –Chapter Number Assigned -- AN ACT GENERALLY REVISING LAWS RELATING TO CONTROLLED SUBSTANCES; DEFINING "DANGEROUS DRUG ANALOGUES"; LISTING DANGEROUS DRUG ANALOGUES AS SCHEDULE I DANGEROUS DRUGS; REVISING PROVISIONS RELATED TO SYNTHETIC CANNABINOIDS; LISTING SUBSTITUTED CATHINONES, ALSO KNOWN AS BATH SALTS, AS SCHEDULE I DANGEROUS DRUGS; LISTING HASHISH AS A SCHEDULE I DANGEROUS DRUG; LISTING VARIOUS SUBSTANCES AS DANGEROUS DRUGS; AND AMENDING SECTIONS 45-9-101, 45-9-102, 45-9-103, 45-9-110, 50-32-101, 50-32-222, 50-32-224, 50-32-226, 50-32-229, 50-32-232, AND 50-32-314, MCA.

[House Bill 168](#) – Chapter Number Assigned -- AN ACT REVISING LAWS RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS TO PROVIDE A LEGAL LIMIT FOR THE AMOUNT OF DELTA-9-TETRAHYDROCANNABINOL ALLOWED BE PRESENT IN A PERSON'S BLOOD WHILE OPERATING A MOTOR VEHICLE; AND AMENDING SECTIONS 45-5-106, 46-16-130, 46-18-201, 46-18-236, 50-46-320, 61-2-302, 61-5-205, 61-5-208, 61-5-212, 61-5-231, 61-8-401, 61-8-402, 61-8-404, 61-8-405, 61-8-408, 61-8-421, 61-8-442, 61-8-465, 61-8-722, 61-8-731, 61-8-732, 61-8-733, 61-8-734, 61-8-741, AND 61-11-101, MCA.

2011

[House Bill 33](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; PROVIDING THAT DRIVING WITH ANY AMOUNT OF A DANGEROUS DRUG OR ITS METABOLITE IN A PERSON'S BODY IS A VIOLATION; PROVIDING AN EXEMPTION FOR PRESCRIPTION DRUGS; AMENDING SECTIONS 61-8-406, 61-8-714, AND 61-8-722, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

[House Bill 185](#) – Chapter Number Assigned -- AN ACT LISTING SYNTHETIC MARIJUANA AND SALVIA AS DANGEROUS DRUGS; REQUIRING RULEMAKING BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING PENALTIES; AMENDING SECTIONS 44-12-102, 45-9-101, 45-9-102, 45-9-110, 50-31-306, 50-31-310, AND 50-32-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill 210](#) – Chapter Number Assigned -- AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO OBTAIN OR ATTEMPT TO OBTAIN A DANGEROUS DRUG BY MAKING CERTAIN COMMUNICATIONS WITH A PERSON AUTHORIZED TO WRITE PRESCRIPTIONS FOR OR DISPENSE DANGEROUS DRUGS; AND AMENDING SECTIONS 26-1-805 AND 45-9-104, MCA.

2009

[House Bill 376](#) -- A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COURT ON A FIRST OR SECOND CONVICTION OF AN ALCOHOL-RELATED OR DRUG-RELATED TRAFFIC OFFENSE TO SENTENCE THE OFFENDER TO PERIODIC TESTING FOR ALCOHOL OR DRUGS AS AN ALTERNATIVE TO ANY OTHER SENTENCE; AND AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA."