

SENATE BILL NO. 19

INTRODUCED BY K. REGIER

BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SENTENCING LAWS FOR DISORDERLY CONDUCT;  
AND AMENDING SECTION 45-8-101, MCA."

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

**Section 1.** Section 45-8-101, MCA, is amended to read:

**"45-8-101. Disorderly conduct.** (1) A person commits the offense of disorderly conduct if:

(a) the person knowingly disturbs the peace by:

(i) quarreling, challenging to fight, or fighting;

(ii) making loud or unusual noises;

(iii) using threatening, profane, or abusive language;

(iv) rendering vehicular or pedestrian traffic impassable;

(v) rendering the free ingress or egress to public or private places impassable;

(vi) disturbing or disrupting any lawful assembly or public meeting;

(vii) transmitting a false report or warning of a fire or other catastrophe in a place where its  
occurrence would endanger human life;

(viii) creating a hazardous or physically offensive condition by any act that serves no legitimate  
purpose; or

(ix) transmitting a false report or warning of an impending explosion in a place where its occurrence  
would endanger human life; or

(b) in the course of engaging in any of the conduct prohibited by subsections (1)(a)(i) through  
(1)(a)(vi), a peace officer recognizes the person's conduct creates an articulable public safety risk.

(2) (a) Except as provided in subsections (2)(b), (3), and (4) subsection (3)(2)(b), a person  
convicted of ~~the offense of disorderly conduct a violation of (1)(b), (1)(c), or (1)(f)~~ shall be fined an amount not

1 to exceed \$100 ~~or be imprisoned in the county jail for a term not to exceed 10 days, or both.~~

2 (b) ~~A person convicted of a second or subsequent violation of subsections (1)(a)(i) through (1)(a)(vi)~~  
3 ~~within 1 year shall be fined an amount not to exceed \$100 or be imprisoned in the county jail for a term not to~~  
4 ~~exceed 10 days, or both.~~

5 (b) If a peace officer recognizes the conduct of a person engaging in any of the conduct prohibited  
6 by subsections (1)(b), (1)(c), or (1)(f) creates an articulable public safety risk, the person, upon conviction of a  
7 violation of (1)(b), (1)(c), or (1)(f), shall be fined an amount not to exceed \$100, or be imprisoned in the county  
8 jail for a term not to exceed 10 days, or both.

9 (3) A person convicted of a violation of subsections (1)(a), (1)(d), (1)(e), (1)(g), or 1(h) shall be  
10 fined an amount not to exceed \$100 or be imprisoned in the county jail for a term not to exceed 10 days, or  
11 both.

12 ~~(3)(4)~~ A person convicted of a violation of subsections subsection (1)(i)(a)(vii) through (1)(a)(ix) shall  
13 be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or  
14 both.

15 (4) ~~A person convicted of a violation of subsection (1)(b) shall be fined an amount not to exceed \$500~~  
16 ~~or be imprisoned in the county jail for a term not to exceed 1 day, or both."~~

17 - END -