

HOUSE BILL NO. 791

INTRODUCED BY C. SPRUNGER, F. SMITH, E. BUTTREY, D. SALOMON, S. FITZPATRICK, J. WINDY
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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DRUG CRIME SENTENCES;
PROVIDING A MANDATORY MINIMUM FOR CRIMINAL DISTRIBUTION OF FENTANYL; PROVIDING A
MANDATORY MINIMUM FOR CRIMINAL POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL;
AMENDING SECTIONS 45-9-101, 45-9-103, AND 46-18-222, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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

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

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

(3) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in
subsection (1), (2), (4), ~~or (5)~~, or (6) shall be imprisoned in the state prison for a term not to exceed 25 years or
be fined an amount of not more than \$50,000, or both.

(4) A person who was an adult at the time of distribution and who is convicted of criminal

Amendment - 1st Reading-white - Requested by: Jonathan Windy Boy - (H) Appropriations

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Drafter: Julie Johnson, 406-444-4024

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1 commission of the offense; or

2 (6) the offense was committed under 45-5-502(3), 45-5-508, 45-5-601(3), 45-5-602(3), or 45-5-
3 603(2)(b) and the judge determines, based on the findings contained in a psychosexual evaluation report
4 prepared by a qualified sexual offender evaluator pursuant to the provisions of 46-23-509, that treatment of the
5 offender while incarcerated, while in a residential treatment facility, or while in a local community affords a
6 better opportunity for rehabilitation of the offender and for the ultimate protection of the victim and society, in
7 which case the judge shall include in its judgment a statement of the reasons for its determination."

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9 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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11 **NEW SECTION. Section 5. Applicability.** [This act] applies to offenses committed on or after [the
12 effective date of this act].

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