

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 ~~SUBSECTIONS-subsection~~

**Amendment - 1st Reading/2nd House-blue - Requested by: Keith Regier - Conference
Committee on SB 19**

68th Legislature

Drafter: Julianne Burkhardt, 406-444-4025

SB0019.002.002

1 ~~(3) AND (4),~~ a person convicted of the offense of disorderly conduct shall be fined an amount not to exceed \$100
2 or be imprisoned in the county jail for a term not to exceed 10 days, or both.

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

6 (3) A person convicted of a violation of subsections subsection (1)(i)(a)(vii) through (1)(a)(ix) shall
7 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
8 both.

9 (4) IMPRISONMENT IN THE COUNTY JAIL IS NOT A SENTENCING OPTION IF THE PERSON'S CONSTITUTIONAL
10 RIGHTS ARE IN QUESTION, INCLUDING BUT NOT LIMITED TO THE FIRST AMENDMENT OR AN INDIVIDUAL'S LAWFUL ABILITY
11 TO PROVIDE FOR SELF-DEFENSE.

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

14 - END -