

1 SENATE BILL NO. 19

2 INTRODUCED BY K. REGIER

3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SENTENCING LAWS FOR DISORDERLY CONDUCT;
6 AND AMENDING SECTION 45-8-101, MCA."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
10 **Section 1.** Section 45-8-101, MCA, is amended to read:11 **"45-8-101. Disorderly conduct.** (1) A person commits the offense of disorderly conduct if:12 ~~(a)~~ the person knowingly disturbs the peace by:13 ~~(i)(a)~~ quarreling, challenging to fight, or fighting;14 ~~(ii)(b)~~ making loud or unusual noises;15 ~~(iii)(c)~~ using threatening, profane, or abusive language;16 ~~(iv)(d)~~ rendering vehicular or pedestrian traffic impassable;17 ~~(v)(e)~~ rendering the free ingress or egress to public or private places impassable;18 ~~(vi)(f)~~ disturbing or disrupting any lawful assembly or public meeting;19 ~~(vii)(g)~~ transmitting a false report or warning of a fire or other catastrophe in a place where its
20 occurrence would endanger human life;21 ~~(viii)(h)~~ creating a hazardous or physically offensive condition by any act that serves no legitimate
22 purpose; or23 ~~(ix)(i)~~ transmitting a false report or warning of an impending explosion in a place where its occurrence
24 would endanger human life; or25 ~~(b) in the course of engaging in any of the conduct prohibited by subsections (1)(a)(i) through~~
26 ~~(1)(a)(vi), a peace officer recognizes the person's conduct creates an articulable public safety risk.~~27 (2) ~~(a)~~ Except as provided in ~~subsections (2)(b), (3), and (4)~~ subsection (3), a person convicted of
28 the offense of disorderly conduct shall be fined an amount not to exceed \$100 or be imprisoned in the county

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

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

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