

## 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)(a)~~ quarreling, challenging to fight, or fighting;

~~(ii)(b)~~ making loud or unusual noises;

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

~~(iv)(d)~~ rendering vehicular or pedestrian traffic impassable;

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

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

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

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

~~(ix)(i)~~ 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  
(3) AND (4), a person convicted of the offense of disorderly conduct shall be fined an amount not to exceed \$100

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

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

13 - END -