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**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DANGEROUS DRUGS;
PROVIDING PENALTIES FOR POSSESSING OR USING A FIREARM IN THE COMMISSION OF CERTAIN
DRUG CRIMES; AND AMENDING SECTIONS 45-9-101 AND 45-9-103, MCA."

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) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (1), (2), (4), (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.

(b) If the provisions of 46-1-401 have been complied with, a person who has been found guilty of this offense and who, while engaged in the commission of the offense, knowingly possessed or used a firearm in addition to the penalty provided for the commission of the underlying offense, be sentenced to a term of imprisonment in the state prison of not less than 2 years or more than 10 years, except as provided in 46-18-222.

(4) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:

(a) For a first offense, the person shall be imprisoned in the state prison for a term not to exceed

1 40 years and may be fined not more than \$50,000.

2 (b) For a second or subsequent offense, the person shall be imprisoned in the state prison for a
3 term not to exceed life and may be fined not more than \$50,000.

4 (5) If the offense charged results in the death of an individual from the use of any dangerous drug
5 that was distributed, the person shall be imprisoned in the state prison for a term of not more than 100 years
6 and may be fined not more than \$100,000.

7 (6) A person convicted of criminal distribution of dangerous drugs that involves distribution of
8 fentanyl, carfentanil, sufentanil, alfentanil, or a fentanyl derivative, and who possessed or distributed a mixture
9 containing one or more of these substances in a combined amount greater than 100 pills or a combined weight
10 greater than 10 grams in a form such as a powder, solid, or liquid, inclusive of any additives or cutting agents,
11 shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years or may be fined
12 not more than \$50,000, or both. The court may not suspend execution or defer imposition of the first 2 years of
13 the sentence, except as provided in 46-18-222(1) through (4), and during the first 2 years of imprisonment, the
14 offender is not eligible for parole.

15 (7) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course
16 of a professional practice are exempt from this section."
17

18 **Section 2.** Section 45-9-103, MCA, is amended to read:

19 **"45-9-103. Criminal possession with intent to distribute.** (1) Except as provided in Title 16,
20 chapter 12, a person commits the offense of criminal possession with intent to distribute if the person
21 possesses with intent to distribute any dangerous drug as defined in 50-32-101 in an amount greater than
22 permitted or for which a penalty is not specified under Title 16, chapter 12.

23 (2) (a) Except as provided in subsection (3), a person convicted of criminal possession with
24 intent to distribute shall be imprisoned in the state prison for a term of not more than 20 years or be fined an
25 amount not to exceed \$50,000, or both.

26 (b) If the provisions of 46-1-401 have been complied with, a person who has been found guilty of
27 this offense and who, while engaged in the commission of the offense, knowingly possessed or used a firearm
28 in addition to the penalty provided for the commission of the underlying offense, be sentenced to a term of

1 imprisonment in the state prison of not less than 2 years or more than 10 years, except as provided in 46-18-

2 222.

3 (3) A person convicted of criminal possession with intent to distribute fentanyl shall be imprisoned
4 in the state prison for a term of not less than 2 years or more than 40 years or may be fined not more than
5 \$50,000, or both. The court may not suspend execution or defer imposition of the first 2 years of the sentence,
6 except as provided in 46-18-222(1) through (4), and during the first 2 years of imprisonment, the offender is not
7 eligible for parole.

8 (4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course
9 of a professional practice are exempt from this section."

10
11 - END -

