

West's Annotated Mississippi Code Currentness

Title 97. Crimes

Chapter 3. Crimes Against the Person (Refs & Annos)

§ 97-3-2. Crimes of violence

(1) The following shall be classified as crimes of violence:

- (a) Driving under the influence as provided in Sections 63-11-30(5) and 63-11-30(12)(d);
- (b) Murder and attempted murder as provided in Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;
- (c) Aggravated assault as provided in Sections 97-3-7(2)(a) and (b) and 97-3-7(4)(a);
- (d) Manslaughter as provided in Sections 97-3-27, 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43, 97-3-45 and 97-3-47;
- (e) Killing of an unborn child as provided in Sections 97-3-37(2)(a) and 97-3-37(2)(b);
- (f) Kidnapping as provided in Section 97-3-53;
- (g) Human trafficking as provided in Section 97-3-54.1;
- (h) Poisoning as provided in Section 97-3-61;
- (i) Rape as provided in Sections 97-3-65 and 97-3-71;
- (j) Robbery as provided in Sections 97-3-73 and 97-3-79;
- (k) Sexual battery as provided in Section 97-3-95;
- (l) Drive-by shooting or bombing as provided in Section 97-3-109;
- (m) Carjacking as provided in Section 97-3-117;
- (n) Felonious neglect, abuse or battery of a child as provided in Section 97-5-39;
- (o) Burglary of a dwelling as provided in Sections 97-17-23 and 97-17-37;
- (p) Use of explosives or weapons of mass destruction as provided in Section 97-37-25;
- (q) Statutory rape as provided in Section 97-3-65(1), but this classification is rebuttable on hearing by a judge;
- (r) Exploitation of a child as provided in Section 97-5-33;
- (s) Gratification of lust as provided in Section 97-5-23; and
- (t) Shooting into a dwelling as provided in Section 97-37-29.

(2) In any felony offense with a maximum sentence of no less than five (5) years, upon conviction, the judge may find and place in the sentencing order, on the record in open court, that the offense, while not listed in subsection (1) of this section, shall be classified as a crime of violence if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act. No person convicted of a crime of violence listed in this section is eligible for parole or for early release from the custody of the Department of Corrections until the person has served at least fifty percent (50%) of the sentence imposed by the court.

CREDIT(S)

Added by Laws 2014, H.B. No. 585, § 39, eff. July 1, 2014.

OFFENSE CHART - Common Name Index (Effective July 1, 2014)

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
ACCESSORY AFTER THE FACT		97-1-5	See sub-offenses				Penalties under this section are different depending on certain factors	CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (nonviolent crime, penalty 10 + years maximum)		97-1-5(1)(b)(i)	10 years		\$10,000			CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (nonviolent crime, penalty less than 10 years maximum)		97-1-5(1)(b)(ii)	same as principal offense		same as principal offense			CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (violent crime, penalty 20 + years maximum)		97-1-5(1)(a)(i)	20 years		\$10,000		Violent crime is definded for this section in MCA 97-1-5(2).	CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (violent crime, penalty less than 20 years maximum)		97-1-5(1)(a)(ii)	same as principal offense		same as principal offense		Violent crime is definded for this section in MCA 97-1-5(2).	CONSPIRACY & ACCESSORIES
ACCESSORY BEFORE THE FACT		97-1-3	same as principal offense		same as principal offense			CONSPIRACY & ACCESSORIES
AGGRAVATED ASSAULT		97-3-7(2)	20 years		\$10,000		If the victim falls into certain categories set forth in the statute the maximum is 30 years and a \$5,000 fine. See MCA 97-3-7(2)(b).	CRIMES AGAINST THE PERSON
ARSON (1st degree-dwelling house)		97-17-1	20 years	5 years	\$10,000		Restitution is mandatory.	PROPERTY CRIMES
ARSON (1st degree-house of worship)		97-17-3	30 years	5 years	\$10,000		There is a lessor penalty where the arson is accidental and the defendant does not report it (2-10 years). Restitution is mandatory.	PROPERTY CRIMES
ARSON (2nd degree-other buildings or structures)		97-17-5	10 years	1 year	\$10,000			PROPERTY CRIMES
ARSON (3rd degree-personal property of another)		97-17-7	3 years	1 year	\$10,000			PROPERTY CRIMES
ARSON (4th degree-attempt to burn)		97-17-9	2 years	1 year	\$1,000			PROPERTY CRIMES
ARSON (injury to a law enforcement, firefighters, etc...)		97-17-14	10 years		\$1,000		This consitutes an aggravated assault conviction	CRIMES AGAINST PROPERTY
ARSON (insurance fraud)		97-17-11	10 years	1 year	\$10,000			PROPERTY CRIMES
ARSON (woods, marsh, meadow, etc)		97-17-13	2 years	1 year	\$1,000	\$200	Restitution to fire agency mandatory.	PROPERTY CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
ATTEMPT TO COMMIT A CRIME		97-1-7 (1)	same as principal offense		\$10,000		This applies where no other provision provides punishment	CONSPIRACY & ACCESSORIES
ATTEMPT TO COMMIT MURDER		97-1-7(2)	Life by jury Less than life by court	20 years	\$10,000			CONSPIRACY & ACCESSORIES
BAD CHECK (third or subsequent offense)		97-19-55	5 years	1 year	\$10,000		The sentencing provisions for this offense is located at MCA 97-19-67(1)(c). No imprisonment if given to satisfy a pre-existing debt. MCA 97-19-67(2)	FRAUDULENT CRIMES
BAD CHECK (value over \$100)		97-19-55	3 years		\$1,000	\$100	The sentencing provisions for this offense is located at MCA 97-19-67(1)(d). No imprisonment if given to satisfy a pre-existing debt. MCA 97-19-67(2)	FRAUDULENT CRIMES
BURGLAR'S TOOLS, POSSESSION		97-17-35	5 years		\$10,000		There is an alternative maximum of one year in the county jail	PROPERTY CRIMES
BURGLARY (breaking out of a dwelling)		97-17-25	10 years		\$10,000			CRIMES AGAINST THE PERSON
BURGLARY (with explosives)		97-17-37	40 years	5 years	\$10,000			CRIMES AGAINST THE PERSON
BURGLARY OF A DWELLING		97-17-23(1)	25 years	3 years	\$10,000			PROPERTY CRIMES
BURGLARY OF A DWELLING (home invasion or terror provision)		97-17-23(2)	25 years	10 years	\$10,000			CRIMES AGAINST THE PERSON
BURGLARY OF A PLACE OF WORSHIP		97-17-33(2)	14 years		\$10,000			PROPERTY CRIMES
BURGLARY OTHER THAN A DWELLING		97-17-33(1)	7 years		\$10,000		This includes non-dwellings, cars etc. It does not include places of worship	PROPERTY CRIMES
CARJACKING, ARMED		97-3-117(2)	30 years		\$10,000			CRIMES AGAINST THE PERSON
CARJACKING, SECOND OR SUBSEQUENT OFFENSE		97-3-117(3)	30/60 years		\$10,000/ \$20,000		This sections doubles the penalties for armed or unarmed carjacking	CRIMES AGAINST THE PERSON
CARJACKING, UNARMED		97-3-117(1)	15 years		\$5,000			CRIMES AGAINST THE PERSON
CARRYING A CONCEALED WEAPON		97-37-1	See sub-offenses				See sub-offenses	WEAPON CRIMES
CARRYING A CONCEALED WEAPON	3rd or subsequent conviction	97-37-1(1)(c)	5 years	1 year	\$10,000			WEAPON CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
CARRYING A CONCEALED WEAPON	Convicted felon	97-37-1(1)(d)	10 years	1 year	\$10,000			WEAPON CRIMES
CHILD ABUSE		97-5-39	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-First offense	97-5-39(2)(a) or (c)	Life	5 years	\$10,000		Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-Second offense	97-5-39(2)(a) - (c)	Life	Life	\$10,000		Life sentence is mandatory. Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-First offense	97-5-39(2)(b)	10 years	2 years	\$10,000		Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN
CHILD DESERTION (failure to pay child support)		97-5-3	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD DESERTION (failure to pay child support)	First offense	97-5-3	5 years		\$500	\$100		CRIMES AGAINST CHILDREN
CHILD DESERTION (failure to pay child support)	Second or subsequent offense	97-5-3	5 years	2 years	\$10,000	\$1,000		CRIMES AGAINST CHILDREN
CHILD ENDANGERMENT (no substantial harm)		97-5-39(2)(b)(i)	10 years		\$10,000		This applies to a parent, guardian, etc. allowing a child to be present during drug manufacture or sale.	CRIMES AGAINST CHILDREN
CHILD ENDANGERMENT (substantial harm)		97-5-39(2)(b)(ii)	20 years		\$20,000		This applies to a parent, guardian, etc. allowing a child to be present during drug manufacture or sale.	CRIMES AGAINST CHILDREN
CHILD EXPLOITATION		97-5-33	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD EXPLOITATION	First offense	97-5-33	40 years	5 years	\$500,000	\$50,000	Penalty provision is found at MCA 97-5-35.	CRIMES AGAINST CHILDREN
CHILD EXPLOITATION	Second or subsequent offense	97-5-33	Life	20 years	\$1,000,000	\$100,000	Penalty provision is found at MCA 97-5-35.	CRIMES AGAINST CHILDREN
CHILD NEGLECT (PERMITTING SEXUAL ABUSE)		97-5-39(1)(e)	10 years		\$10,000			CRIMES AGAINST CHILDREN
CHILD NEGLECT (SUBSTANTIAL HARM)		97-5-39(1)(d)	5 years		\$5,000			CRIMES AGAINST CHILDREN

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
COMPUTER CRIMES	\$1,000-\$5,000	97-45-3 through 97-45-9	5 years		\$10,000		These sections involve crimes with and against computers, computer equipment and intellectual property.	COMPUTER CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
COMPUTER CRIMES (3RD OFFENSE MISDEMEANOR)		97-45-3 through 97-45-9	3 years		\$1,000 (\$2,000 for MCA 97-45-3)		Value between \$500-\$1,000	COMPUTER CRIMES
CONSPIRACY, SIMPLE		97-1-1	5 years		\$5,000		But see other punishment if the conspiracy is to commit murder or certain drug crimes.	CONSPIRACY & ACCESSORIES
CONSPIRACY TO COMMIT MURDER		97-1-1	20 years		\$500,000		See MCA 97-1-1(3)	CONSPIRACY & ACCESSORIES
CONSPIRACY TO VIOLATE MCA 41-29-139(b)(1) OR MCA 41-29-139 (c)(2)(D) OR MCA 41-29-313(1)		97-1-1	20 years		\$500,000		See MCA 97-1-1(3)	CONSPIRACY & ACCESSORIES
COUNTERFEIT NOTES	\$1,000-\$5,000	97-21-37	5 years		\$10,000		The sentencing provision for forgery is under MCA 97-21-33.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
COUNTERFEIT NOTES (3RD OFFENSE MISDEMEANOR)		97-21-59	3 years		\$1,000		Value between \$500-\$1,000 The sentencing provision for forgery is offenses under MCA 97-21-33.	FRAUDULENT CRIMES
CREDIT CARD FRAUD (over \$100)		97-19-21	3 years		\$1,000	\$100	The sentencing provision is MCA 97-19-21(3)(c)	FRAUDULENT CRIMES
CREDIT CARD FRAUD (second or subsequent offense)		97-19-21	3 years		\$1,000	\$100	There is no \$100 limitation under MCA 97-19-21(3)(b)	FRAUDULENT CRIMES
DESTRUCTION OF PUBLIC PROPERTY AND CEMETERIES	\$500-\$5,000	97-17-39	5 years		\$5,000			PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
DESTRUCTION OF PUBLIC PROPERTY AND CEMETERIES	3rd offense, not less than \$500	97-17-39	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES
DOMESTIC VIOLENCE (third or subsequent offense of aggravated assault)		97-3-7(4)	20 years	10 years	\$10,000		Convictions must be within 5 years. The presence of a 16 year old is an aggravating factor.	CRIMES AGAINST THE PERSON
DOMESTIC VIOLENCE (third or subsequent offense of simple assault)		97-3-7(3)	10 years	5 years	\$10,000		The convictions must be within 5 years. The presence of a 16 year old is an aggravating factor.	CRIMES AGAINST THE PERSON
DOMESTIC VIOLENCE-aggravated assault		97-3-7(4)	20 years	2 years	\$10,000		The presence of a child under 16 is an aggravating factor.	CRIMES AGAINST THE PERSON

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRIVE BY SHOOTING		97-3-109	30 years		\$10,000			CRIMES AGAINST THE PERSON
DRUG POSSESSION		41-29-139	See sub-offenses				This statute encompasses many provisions. Please see the particular sub-offense.	DRUG CRIMES
DRUG POSSESSION	Schedule I-II (.1-2 grams or 2-10 dosage units)	41-29-139(c)(1)(B)	3 years		\$50,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule I-II (2-10 grams or 10-20 dosage units)	41-29-139(c)(1)(C)	8 years		\$250,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule I-II (10-30 grams or 20-40 dosage units)	41-29-139(c)(1)(D)	20 years	3 years	\$500,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Marijuana (30-250 grams)	41-29-139(c)(2)(C)	3 years		\$3,000		Marijuana is a Schedule I drug but has its own sentencing structure. This charge can be sentenced alternatively to up to one year in the county jail.	DRUG CRIMES
DRUG POSSESSION	Marijuana (250-500 grams)	41-29-139(c)(2)(D)	8 years	2 years	\$50,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (500 grams to 1 kilogram)	41-29-139(c)(2)(E)	16 years	4 years	\$250,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (1-5 kilograms)	41-29-139(c)(2)(F)	24 years	6 years	\$500,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (more than 5 kilograms)	41-29-139(c)(2)(G)	30 years	10 years	\$1,000,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (50-150 grams or 100-500 dosage units)	41-29-139(c)(3)(B)	4 years	1 year	\$10,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (150-300 grams or 500-1,000 dosage units)	41-29-139(c)(3)(C)	8 years	2 years	\$50,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (300-500 grams or 1,000-2,500 dosage units)	41-29-139(c)(3)(D)	16 years	4 years	\$250,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG POSSESSION IN JAIL		47-5-198	7 years	3 years (Mandatory)	\$25,000		Not eligible for probation, parole, suspension, earned time allowance or reduction.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT		41-29-139	See sub-offenses				This statute encompasses many provisions. Please see the sub-offenses	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (less than 2 grams or 10 dosage units)	41-29-139(b)(1)(A)	8 years		\$50,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (2-10 grams or 10-20 dosage units)	41-29-139(b)(1)(B)	20 years	3 years	\$250,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (10-30 grams or 20-40 dosage units)	41-29-139(b)(1)(C)	30 years	5 years	\$500,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Marijuana (30 grams-1 kilogram)	41-29-139(b)(2)	5 years		\$30,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Marijuana (30 grams or less)	41-29-139(b)(3)	3 years		\$3,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (less than 2 grams or 10 dosage units)	41-29-139(b)(4)(A)	8 years		\$5,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (2-10 grams or 10-20 dosage units)	41-29-139(b)(4)(B)	8 years		\$50,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (10-30 grams or 20-40 dosage units)	41-29-139(b)(4)(C)	15 years		\$100,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (less than 2 grams or 10 dosage units)	41-29-139(b)(5)(A)	1 year		\$5,000			DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (2-10 grams or 10-20 dosage units)	41-29-139(b)(5)(B)	5 years		\$10,000			DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (10-30 grams or 20-40 dosage units)	41-29-139(b)(5)(C)	10 years		\$20,000			DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG TRAFFICKING (Certain quantities)	30 grams or 40 dosage units under subsection (a) and (c) (Schedule I-II) 500 grams or 2,500 dosage units under subsection (c) (Schedule III-V) 1 kg marijuana under subsection (a)	41-29-139(f)	40 years	10 years (Mandatory)	\$1,000,000	\$5,000	This section deals with distribution of certain quantities. Minimum sentence is not to be reduced or suspended and the defendant is not eligible for parole. There is an exception for assisting law enforcement (judge's discretion). Judge may give 25% of sentence in certain circumstances.	DRUG CRIMES
DRUG TRAFFICKING, AGGRAVATED	200 grams or more (Schedule I-II)	41-29-139(g)	Life	25 years (Mandatory)	\$1,000,000	\$5,000	Trafficking is specifically spelled out in the statute. The minimum sentence may not be reduced or suspended and the defendant is not eligible for parole. Judge may give 25% of sentence in certain circumstances.	DRUG CRIMES
DUI DEATH OR INJURY		63-11-30(5)	25 years	5 years	\$10,000		This sentence is for each death or injury.	DUI CRIMES
DUI ENDANGERMENT TO A CHILD UNDER 16 (3rd offense)		63-11-30(12)(c)	5 years	1 year		\$10,000	This is a separate offense and is not to be merged with the underlying DUI	DUI CRIMES
DUI ENDANGERMENT TO A CHILD UNDER 16 (death or injury)		63-11-30(12)(d)	25 years	5 years		\$10,000	This is a separate offense and is not to be merged with the underlying DUI	DUI CRIMES
DUI FELONY (third or subsequent offense within 5 years)		63-11-30(2)(c)	5 years	1 year (Mandatory)	\$5,000	\$2,000	The minimum, per statute, may not be reduced or suspended. Penalties are different for minors. MCA 63-11-30(3)(d)	DUI CRIMES
EMBEZZLEMENT	\$1,000-\$5,000	97-23-19	5 years		\$5,000		Value must be over \$1,000.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$25,000			
	>\$25,000		20 years		\$25,000			
EMBEZZLEMENT (3RD OFFENSE MISDEMEANOR)		97-23-19	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES
EXPOSURE TO CERTAIN DISEASES		97-27-14	10 years	3 years	\$10,000		Knowledge is required by defendant for felony	CRIMES AGAINST THE PERSON
FALSE PRETENSES		97-19-39(2)	10 years		\$10,000		Value must be over \$500.	FRAUDULENT CRIMES
FALSE REPRESENTATION OF A PRESCRIPTION OR LEGEND DRUG		41-29-146	5 years		\$5,000			DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
FELON IN POSSESSION OF A FIREARM OR OTHER WEAPON		97-37-5	10 years	1 year	\$5,000			WEAPON CRIMES
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER		97-9-72	See sub-offenses				See sub-offenses	OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	In a reckless manner	97-9-72(2)	5 years		\$5,000			OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	Causing serious bodily injury	97-9-72(3)	20 years	3 years	\$10,000			OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	Causing death	97-9-72(4)	40 years	5 years	\$10,000			OBSTRUCTION OF JUSTICE
FONDLING (first offense)		97-5-23	15 years	2 years	\$5,000	\$1,000	Defendant must be over 18. Victim must be under 16 or mentally ill as per MCA 97-3-97. The victim can be between 16-18 if the defendant is in a position of trust per MCA97-5-23(2). A second or subsequent offense carries a 20 year maximum with a requirement that the defendant serve at least one-half of the sentence.	SEX CRIMES
FORGED PRESCRIPTION		41-29-144	5 years	1 year	\$1,000			DRUG CRIMES
FORGERY	\$1,000-\$5,000	97-21-1, et seq	5 years		\$10,000		The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
FORGERY (3RD OFFENSE MISDEMEANOR)		97-21-1, et seq	3 years		\$1,000		Value between \$500-\$1,000 The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES
FRAUD INVOLVING FEDERAL FUNDS		97-19-71	3 years		\$10,000	\$1,000	There is an alternative sentence in the county jail.	FRAUDULENT CRIMES
GRAND LARCENY	\$1,000-\$5,000	97-17-41(1)	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
GRAND LARCENY OF A CHURCH	>1,000	97-17-41(2)	10 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	>\$25,000		20 years		\$10,000			
IDENTIFICATION FRAUD		97-19-85	See sub-offenses				See sub-offenses	FRAUDULENT CRIMES
IDENTIFICATION FRAUD	First offense	97-19-85(1)	5 years		\$5,000		Restitution is mandatory.	FRAUDULENT CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
IDENTIFICATION FRAUD	Second or subsequent offense	97-19-85(1)	10 years		\$10,000		Restitution is mandatory.	FRAUDULENT CRIMES
IDENTITY THEFT		97-45-19	15 years	2 years	\$10,000		Option of misdemeanor if value is below \$250 (6 months) in court's discretion.	FRAUDULENT CRIMES
INCEST		97-29-5	10 years		\$10,000		See also MCA 97-29-27 and MCA 97-29-29	SEX CRIMES
KIDNAPPING		97-3-53	Life, if by jury or 30 years	1 year	\$10,000			CRIMES AGAINST THE PERSON
LARCENY (3RD OFFENSE PETIT LARCENY OF A CHURCH)		97-17-43(2)	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES
LARCENY (3RD OFFENSE PETIT LARCENY)		97-17-43(1)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
LARCENY BY TRICK (i.e., RENTAL PROPERTY)	\$1,000-\$5,000	97-17-62	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
LARCENY UNDER LEASE		97-17-64	5 years		\$1,000		Value over \$1,000	CRIMES AGAINST PROPERTY
LARCENY UNDER LEASE (3RD OFFENSE MISDEMEANOR)		97-17-64(5)(a)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
LEAVING THE SCENE OF AN ACCIDENT-DEATH OR DISFIGUREMENT		63-3-401(4)	20 Years	5 Year	\$10,000	\$1,000	The sentencing provision is contained at 63-3-401(4). There is a lesser penalty for a lesser injury. MCA 63-3-401(3)	OBSTRUCTION OF JUSTICE
LOOTING		97-17-65	15 years		\$10,000			CRIMES AGAINST PROPERTY
MAIL FRAUD		97-19-83	5 years		\$10,000			FRAUDULENT CRIMES
MALICIOUS MISCHIEF	\$1,000-\$5,000	97-17-67(3)	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
MALICIOUS MISCHIEF (3RD OFFENSE MISDEMEANOR)		97-17-67(2)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
MANSLAUGHTER		97-3-35	20 years	2 years	\$10,000	\$500	There is an alternative maximum of one year in the county jail. The sentencing statute for manslaughter is MCA 97-3-25.	CRIMES AGAINST THE PERSON
MANSLAUGHTER (CHILD VICTIM)		97-3-25(2)(b)	30 years		\$10,000		Defendant over 21 years of age and child under 18 years of age.	CRIMES AGAINST THE PERSON

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
MURDER, CAPITAL		97-3-19(2)	Death penalty	Life	\$10,000		The sentencing statute for capital murder is MCA 97-3-21(3). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
MURDER, NON-CAPITAL	1st Degree	97-3-19(1)(a), (c) & (d)	Life	Life	\$10,000		The sentencing statute for 1st degree murder is MCA 97-3-21(1). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
MURDER, NON-CAPITAL	2nd Degree	97-3-19(1)(b)	Life by jury 40 years by court	20 years	\$10,000		The sentencing statute for murder is MCA 97-3-21(2). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
PERJURY		97-9-59	See sub-offenses				See sub-offenses	OBSTRUCTION OF JUSTICE
PERJURY	Felonies at trial	97-9-59	Court discretion	10 years	\$10,000		The penalty statute is MCA 97-9-61.	OBSTRUCTION OF JUSTICE
PERJURY	Other judicial trial or inquiries or in any other case	97-9-59	10 years		\$10,000		The penalty statute is MCA 97-9-61.	OBSTRUCTION OF JUSTICE
PERJURY, SUBORNATION OF		97-9-63	10 years		\$10,000			OBSTRUCTION OF JUSTICE
POSSESSION OF A STOLEN FIREARM		97-37-35	5 years (1st conviction); 15 years (2nd or subsequent conviction)		\$10,000		If the conviction involves 2 or more firearms the maximum is 15 years MCA 97-37-35(3)(c)	WEAPON CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more	41-29-313(1)(c)	8 years		\$50,000	\$5,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 2 grams or less of controlled substance from precursors	41-29-313(1)(d)	8 years			\$50,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 2-10 grams of controlled substance from precursors	41-29-313(1)(e)	10 years			\$50,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 10-30 grams of controlled substance from precursors	41-29-313(1)(f)	20 years	3 years		\$250,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with more than 30 grams of controlled substance from precursors	41-29-313(1)(g)	20 years	3 years		\$250,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
POSSESSION OF PRECURSORS (250 dosage units or 15 grams of pseudoephedrine or ephedrine)		41-29-313(2)(c)(i)	5 years		\$5,000		The penalty provision is located at MCA 41-29-313(2)(d).	DRUG CRIMES
RAPE, FORCIBLE OR THROUGH USE OF SUBSTANCE OR WEAKNESS OF MIND		97-3-65(4)(a)	Life by jury, anything less than life by court.		\$10,000		Life sentence can only be set by a jury.	SEX CRIMES
RECEIVING STOLEN PROPERTY	\$1,000-\$5,000	97-17-70	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
RECEIVING STOLEN PROPERTY (3RD OFFENSE MISDEMEANOR)		97-17-70(7)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
ROBBERY, ARMED		97-3-79	Life	3 years	\$10,000		Life sentence can only be set by a jury. If set by the Judge, the maximum is any term not less than 3 years	CRIMES AGAINST THE PERSON
ROBBERY, SIMPLE (STRONG ARM)		97-3-73	15 years		\$10,000		Penalty provision is found at MCA 97-3-75	CRIMES AGAINST THE PERSON
SEXUAL BATTERY		97-3-95	See sub-offenses				See sub-offenses	
SEXUAL BATTERY	All offenses-defendant between 13-18	97-3-95	Court discretion		Court discretion		The penalty provision is located at MCA 97-3-101(4).	SEX CRIMES
SEXUAL BATTERY	Without consent-1st offense	97-3-95(1)(a)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1). Last amended 1999.	SEX CRIMES
SEXUAL BATTERY	Without consent-2nd or subsequent offense	97-3-95(1)(a)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a mentally or physically impaired person-1st offense	97-3-95(1)(b)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a mentally or physically impaired person-2nd or subsequent offense	97-3-95(1)(b)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a child between 14-16 and defendant at least 36 months older than victim-defendant 18-21 years old	97-3-95(1)(c)	5 years		\$5,000		The penalty provision is located at MCA 97-3-101(2)(a).	SEX CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
SEXUAL BATTERY	With a child between 14-16 years old and defendant at least 36 months older than victim-defendant 21 years or older-1st offense	97-3-95(1)(c)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(2)(b).	SEX CRIMES
SEXUAL BATTERY	With a child between 14-16 years old and defendant is at least 36 months older than victim - defendant 21 years or older - 2nd or subsequent offense	97-3-95(1)(c)	40 years		\$10,000		The penalty provision is located in MCA 97-3-101(2)(b). Last amended 1999.	SEX CRIMES
SEXUAL BATTERY	With a child under 14 years of age if the defendant is 24 months older than the victim-defendant 18 years or older	97-3-95(1)(d)	Life	20 years	\$10,000		The penalty provision is located at MCA 97-3-101(3).	SEX CRIMES
SEXUAL BATTERY	With a child under 18 if defendant is in a position of trust-1st offense	97-3-95(2)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a child under 18 if defendant is in a position of trust-2nd or subsequent offense	97-3-95(2)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SHOOTING INTO A DWELLING		97-37-29	10 years		\$5,000			WEAPON CRIMES
SHOPLIFTING (OVER \$1,000)	\$1,000-\$5,000	97-23-93	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
SHOPLIFTING (AIDING A MINOR, 3RD OFFENSE)		97-23-94	3 years		\$1,000		This is in addition to any other penalty.	PROPERTY CRIMES
SHOPLIFTING (THIRD OR SUBSEQUENT OFFENSE)		97-23-93	3 years		\$1,000		Value between \$500 - \$1,000	PROPERTY CRIMES
STALKING, AGGRAVATED		97-3-107(2)(b)(i)	5 years		\$3,000			CRIMES AGAINST THE PERSON

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
STALKING, AGGRAVATED (SEX OFFENDER)		97-3-107(2)(b)(ii)	6 years		\$4,000		This applies to a sex offender with a victim under 18 years of age.	CRIMES AGAINST THE PERSON
STATUTORY RAPE		97-3-65	See sub-offenses				This statute encompasses many provisions. Please see the particular sub-offense.	SEX CRIMES
STATUTORY RAPE	All offenses- MCA 97-3-65(1) -defendant between 13-18	97-3-65	Court discretion		Court discretion		Penalty provision located at MC 97-3-65(3)(d)	SEX CRIMES
STATUTORY RAPE	Statutory Rape (Defendant 17 or older and child a.between 14-16 b.36 months younger than defendant AND c.not the defendant's spouse)	97-3-65(1)(a)	If 18-21 yrs old - 5 years. If over 21 yrs old - 30 yrs. (40 years for a second or subsequent offense.)		\$5000 (18-21). \$10,000 (21+)		The penalties under this subsection differ depending on the age of the defendant. These sentencing provisions are found at MCA97-3-65(3)(a)-(b).	SEX CRIMES
STATUTORY RAPE	Statutory Rape (Victim a. under 14 yrs old b. 24 months younger than defendant c. not the defendants spouse) - defendant 18 or older	97-3-65(1)(b)	Life	20 Years	\$10,000		The penalties under this subsection differ depending on the age of the defendant. These sentencing provisions can be found at MCA 97-3-65(3)(c)-(d).	SEX CRIMES
THEFT OR FRAUD ENTERPRISE, ORGANIZED		97-43-3.1	20 years		\$25,000			RACKETEERING AND CORRUPTION
UNLAWFUL POSSESSION OF A MOTOR VEHICLE - FIRST OFFENSE	\$1,000-\$5,000 \$5,000 - \$25,000 >\$25,000	97-17-42	5 years 10 years 20 years		\$10,000 \$10,000 \$10,000		Value over \$1,000	PROPERTY CRIMES
UNLAWFUL POSSESSION OF A MOTOR VEHICLE-SECOND OR SUBSEQUENT OFFENSE	\$1,000-\$5,000 \$5,000 - \$25,000 >\$25,000	97-17-42(4)	10 years 20 years 40 years		\$20,000 \$20,000 \$20,000		Value over \$1,000 Sentence for subsequent offense based on value of subsequent motor vehicle.	PROPERTY CRIMES
UTTERING FORGERY	\$1,000-\$5,000 \$5,000 - \$25,000 >\$25,000	97-21-59	5 years 10 years 20 years		\$10,000 \$10,000 \$10,000		The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES
VOYEURISM (photographing or filming victim under 16)		97-29-63(2)	10 years		\$5,000			SEX CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
VOYEURISM (photographing or filming)		97-29-63(1)	5 years		\$5,000			SEX CRIMES
VOYEURISM-PEEPING TOM		97-29-61	5 years		\$10,000		If child under 16 is the victim, maximum is 10 years. Also see MCA 97-29-63.	SEX CRIMES

OFFENSE CHART - Code Section Index (Effective July 1, 2014)

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG POSSESSION		41-29-139	See sub-offenses				This statute encompasses many provisions. Please see the particular sub-offense.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT		41-29-139	See sub-offenses				This statute encompasses many provisions. Please see the sub-offenses	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (less than 2 grams or 10 dosage units)	41-29-139(b)(1)(A)	8 years		\$50,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (2-10 grams or 10-20 dosage units)	41-29-139(b)(1)(B)	20 years	3 years	\$250,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule I-II (10-30 grams or 20-40 dosage units)	41-29-139(b)(1)(C)	30 years	5 years	\$500,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Marijuana (30 grams-1 kilogram)	41-29-139(b)(2)	5 years		\$30,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Marijuana (30 grams or less)	41-29-139(b)(3)	3 years		\$3,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (less than 2 grams or 10 dosage units)	41-29-139(b)(4)(A)	8 years		\$5,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (2-10 grams or 10-20 dosage units)	41-29-139(b)(4)(B)	8 years		\$50,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule III-IV (10-30 grams or 20-40 dosage units)	41-29-139(b)(4)(C)	15 years		\$100,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (less than 2 grams or 10 dosage units)	41-29-139(b)(5)(A)	1 year		\$5,000			DRUG CRIMES
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (2-10 grams or 10-20 dosage units)	41-29-139(b)(5)(B)	5 years		\$10,000			DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG SALE, MANUFACTURE, POSSESSION WITH INTENT	Schedule V (10-30 grams or 20-40 dosage units)	41-29-139(b)(5)(C)	10 years		\$20,000			DRUG CRIMES
DRUG POSSESSION	Schedule I-II (.1-2 grams or 2-10 dosage units)	41-29-139(c)(1)(B)	3 years		\$50,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule I-II (2-10 grams or 10-20 dosage units)	41-29-139(c)(1)(C)	8 years		\$250,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule I-II (10-30 grams or 20-40 dosage units)	41-29-139(c)(1)(D)	20 years	3 years	\$500,000		This includes heroin, psilocyn, oxycodone, hydrocodone, cocaine, morphine, MDMA, etc.	DRUG CRIMES
DRUG POSSESSION	Marijuana (30-250 grams)	41-29-139(c)(2)(C)	3 years		\$3,000		Marijuana is a Schedule I drug but has its own sentencing structure. This charge can be sentenced alternatively to up to one year in the county jail.	DRUG CRIMES
DRUG POSSESSION	Marijuana (250-500 grams)	41-29-139(c)(2)(D)	8 years	2 years	\$50,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (500 grams to 1 kilogram)	41-29-139(c)(2)(E)	16 years	4 years	\$250,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (1-5 kilograms)	41-29-139(c)(2)(F)	24 years	6 years	\$500,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Marijuana (more than 5 kilograms)	41-29-139(c)(2)(G)	30 years	10 years	\$1,000,000		Marijuana is a Schedule I drug but has its own sentencing structure.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (50-150 grams or 100-500 dosage units)	41-29-139(c)(3)(B)	4 years	1 year	\$10,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (150-300 grams or 500-1,000 dosage units)	41-29-139(c)(3)(C)	8 years	2 years	\$50,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES
DRUG POSSESSION	Schedule III-V (300-500 grams or 1,000-2,500 dosage units)	41-29-139(c)(3)(D)	16 years	4 years	\$250,000		This includes most prescription drugs, alprazolam, clonazepam, diazepam, etc.	DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG TRAFFICKING (Certain quantities)	30 grams or 40 dosage units under subsection (a) and (c) (Schedule I-II) 500 grams or 2,500 dosage units under subsection (c) (Schedule III-V) 1 kg marijuana under subsection (a)	41-29-139(f)	40 years	10 years (Mandatory)	\$1,000,000	\$5,000	This section deals with distribution of certain quantities. Minimum sentence is not to be reduced or suspended and the defendant is not eligible for parole. There is an exception for assisting law enforcement (judge's discretion). Judge may give 25% of sentence in certain circumstances.	DRUG CRIMES
DRUG TRAFFICKING, AGGRAVATED	200 grams or more (Schedule I-II)	41-29-139(g)	Life	25 years (Mandatory)	\$1,000,000	\$5,000	Trafficking is specifically spelled out in the statute. The minimum sentence may not be reduced or suspended and the defendant is not eligible for parole. Judge may give 25% of sentence in certain circumstances.	DRUG CRIMES
FORGED PRESCRIPTION		41-29-144	5 years	1 year	\$1,000			DRUG CRIMES
FALSE REPRESENTATION OF A PRESCRIPTION OR LEGEND DRUG		41-29-146	5 years		\$5,000			DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more	41-29-313(1)(c)	8 years		\$50,000	\$5,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 2 grams or less of controlled substance from precursors	41-29-313(1)(d)	8 years			\$50,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 2-10 grams of controlled substance from precursors	41-29-313(1)(e)	10 years			\$50,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with 10-30 grams of controlled substance from precursors	41-29-313(1)(f)	20 years	3 years		\$250,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (2 or more)	2 or more with more than 30 grams of controlled substance from precursors	41-29-313(1)(g)	20 years	3 years		\$250,000	The criminal statute is located at 41-29-313(1)(a)	DRUG CRIMES
POSSESSION OF PRECURSORS (250 dosage units or 15 grams of pseudoephedrine or ephedrine)		41-29-313(2)(c)(i)	5 years		\$5,000		The penalty provision is located at MCA 41-29-313(2)(d).	DRUG CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRUG POSSESSION IN JAIL		47-5-198	7 years	3 years (Mandatory)	\$25,000		Not eligible for probation, parole, suspension, earned time allowance or reduction.	DRUG CRIMES
DUI ENDANGERMENT TO A CHILD UNDER 16 (3rd offense)		63-11-30(12)(c)	5 years	1 year		\$10,000	This is a separate offense and is not to be merged with the underlying DUI	DUI CRIMES
DUI ENDANGERMENT TO A CHILD UNDER 16 (death or injury)		63-11-30(12)(d)	25 years	5 years		\$10,000	This is a separate offense and is not to be merged with the underlying DUI	DUI CRIMES
DUI FELONY (third or subsequent offense within 5 years)		63-11-30(2)(c)	5 years	1 year (Mandatory)	\$5,000	\$2,000	The minimum, per statute, may not be reduced or suspended. Penalties are different for minors. MCA 63-11-30(3)(d)	DUI CRIMES
DUI DEATH OR INJURY		63-11-30(5)	25 years	5 years	\$10,000		This sentence is for each death or injury.	DUI CRIMES
LEAVING THE SCENE OF AN ACCIDENT-DEATH OR DISFIGUREMENT		63-3-401(4)	20 Years	5 Year	\$10,000	\$1,000	The sentencing provision is contained at 63-3-401(4). There is a lesser penalty for a lesser injury. MCA 63-3-401(3)	OBSTRUCTION OF JUSTICE
CONSPIRACY, SIMPLE		97-1-1	5 years		\$5,000		But see other punishment if the conspiracy is to commit murder or certain drug crimes.	CONSPIRACY & ACCESSORIES
CONSPIRACY TO COMMIT MURDER		97-1-1	20 years		\$500,000		See MCA 97-1-1(3)	CONSPIRACY & ACCESSORIES
CONSPIRACY TO VIOLATE MCA 41-29-139(b)(1) OR MCA 41-29-139(c)(2)(D) OR MCA 41-29-313(1)		97-1-1	20 years		\$500,000		See MCA 97-1-1(3)	CONSPIRACY & ACCESSORIES
ACCESSORY BEFORE THE FACT		97-1-3	same as principal offense		same as principal offense			CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT		97-1-5	See sub-offenses				Penalties under this section are different depending on certain factors	CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (violent crime, penalty 20 + years maximum)		97-1-5(1)(a)(i)	20 years		\$10,000		Violent crime is definded for this section in MCA 97-1-5(2).	CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (violent crime, penalty less than 20 years maximum)		97-1-5(1)(a)(ii)	same as principal offense		same as principal offense		Violent crime is definded for this section in MCA 97-1-5(2).	CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (nonviolent crime, penalty 10 + years maximum)		97-1-5(1)(b)(i)	10 years		\$10,000			CONSPIRACY & ACCESSORIES
ACCESSORY AFTER THE FACT (nonviolent crime, penalty less than 10 years maximum)		97-1-5(1)(b)(ii)	same as principal offense		same as principal offense			CONSPIRACY & ACCESSORIES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
ATTEMPT TO COMMIT A CRIME		97-1-7 (1)	same as principal offense		\$10,000		This applies where no other provision provides punishment	CONSPIRACY & ACCESSORIES
ATTEMPT TO COMMIT MURDER		97-1-7(2)	Life by jury Less than life by court	20 years	\$10,000			CONSPIRACY & ACCESSORIES
ARSON (1st degree-dwelling house)		97-17-1	20 years	5 years	\$10,000		Restitution is mandatory.	PROPERTY CRIMES
ARSON (insurance fraud)		97-17-11	10 years	1 year	\$10,000			PROPERTY CRIMES
ARSON (woods, marsh, meadow, etc)		97-17-13	2 years	1 year	\$1,000	\$200	Restitution to fire agency mandatory.	PROPERTY CRIMES
ARSON (injury to a law enforcement, firefighters, etc...)		97-17-14	10 years		\$1,000		This constitutes an aggravated assault conviction	CRIMES AGAINST PROPERTY
BURGLARY OF A DWELLING		97-17-23(1)	25 years	3 years	\$10,000			PROPERTY CRIMES
BURGLARY OF A DWELLING (home invasion or terror provision)		97-17-23(2)	25 years	10 years	\$10,000			CRIMES AGAINST THE PERSON
BURGLARY (breaking out of a dwelling)		97-17-25	10 years		\$10,000			CRIMES AGAINST THE PERSON
ARSON (1st degree-house of worship)		97-17-3	30 years	5 years	\$10,000		There is a lesser penalty where the arson is accidental and the defendant does not report it (2-10 years). Restitution is mandatory.	PROPERTY CRIMES
BURGLARY OTHER THAN A DWELLING		97-17-33(1)	7 years		\$10,000		This includes non-dwellings, cars etc. It does not include places of worship	PROPERTY CRIMES
BURGLARY OF A PLACE OF WORSHIP		97-17-33(2)	14 years		\$10,000			PROPERTY CRIMES
BURGLAR'S TOOLS, POSSESSION		97-17-35	5 years		\$10,000		There is an alternative maximum of one year in the county jail	PROPERTY CRIMES
BURGLARY (with explosives)		97-17-37	40 years	5 years	\$10,000			CRIMES AGAINST THE PERSON
DESTRUCTION OF PUBLIC PROPERTY AND CEMETERIES	\$500-\$5,000	97-17-39	5 years		\$5,000			PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
DESTRUCTION OF PUBLIC PROPERTY AND CEMETERIES	3rd offense, not less than \$500	97-17-39	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
GRAND LARCENY	\$1,000-\$5,000	97-17-41(1)	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
GRAND LARCENY OF A CHURCH	>1,000	97-17-41(2)	10 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	>\$25,000		20 years		\$10,000			
UNLAWFUL POSSESSION OF A MOTOR VEHICLE - FIRST OFFENSE	\$1,000-\$5,000	97-17-42	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
UNLAWFUL POSSESSION OF A MOTOR VEHICLE-SECOND OR SUBSEQUENT OFFENSE	\$1,000-\$5,000	97-17-42(4)	10 years		\$20,000		Value over \$1,000 Sentence for subsequent offense based on value of subsequent motor vehicle.	PROPERTY CRIMES
	\$5,000 - \$25,000		20 years		\$20,000			
	>\$25,000		40 years		\$20,000			
LARCENY (3RD OFFENSE PETIT LARCENY)		97-17-43(1)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
LARCENY (3RD OFFENSE PETIT LARCENY OF A CHURCH)		97-17-43(2)	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES
ARSON (2nd degree-other buildings or structures)		97-17-5	10 years	1 year	\$10,000			PROPERTY CRIMES
LARCENY BY TRICK (i.e., RENTAL PROPERTY)	\$1,000-\$5,000	97-17-62	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
LARCENY UNDER LEASE		97-17-64	5 years		\$1,000		Value over \$1,000	CRIMES AGAINST PROPERTY
LARCENY UNDER LEASE (3RD OFFENSE MISDEMEANOR)		97-17-64(5)(a)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
LOOTING		97-17-65	15 years		\$10,000			CRIMES AGAINST PROPERTY
MALICIOUS MISCHIEF (3RD OFFENSE MISDEMEANOR)		97-17-67(2)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
MALICIOUS MISCHIEF	\$1,000-\$5,000	97-17-67(3)	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
ARSON (3rd degree-personal property of another)		97-17-7	3 years	1 year	\$10,000			PROPERTY CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
RECEIVING STOLEN PROPERTY	\$1,000-\$5,000	97-17-70	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
RECEIVING STOLEN PROPERTY (3RD OFFENSE MISDEMEANOR)		97-17-70(7)	3 years		\$1,000		Value between \$500-\$1,000	PROPERTY CRIMES
ARSON (4th degree-attempt to burn)		97-17-9	2 years	1 year	\$1,000			PROPERTY CRIMES
CREDIT CARD FRAUD (over \$100)		97-19-21	3 years		\$1,000	\$100	The sentencing provision is MCA 97-19-21(3)(c)	FRAUDULENT CRIMES
CREDIT CARD FRAUD (second or subsequent offense)		97-19-21	3 years		\$1,000	\$100	There is no \$100 limitation under MCA 97-19-21(3)(b)	FRAUDULENT CRIMES
FALSE PRETENSES		97-19-39(2)	10 years		\$10,000		Value must be over \$500.	FRAUDULENT CRIMES
BAD CHECK (third or subsequent offense)		97-19-55	5 years	1 year	\$10,000		The sentencing provisions for this offense is located at MCA 97-19-67(1)(c). No imprisonment if given to satisfy a pre-existing debt. MCA 97-19-67(2)	FRAUDULENT CRIMES
BAD CHECK (value over \$100)		97-19-55	3 years		\$1,000	\$100	The sentencing provisions for this offense is located at MCA 97-19-67(1)(d). No imprisonment if given to satisfy a pre-existing debt. MCA 97-19-67(2)	FRAUDULENT CRIMES
FRAUD INVOLVING FEDERAL FUNDS		97-19-71	3 years		\$10,000	\$1,000	There is an alternative sentence in the county jail.	FRAUDULENT CRIMES
MAIL FRAUD		97-19-83	5 years		\$10,000			FRAUDULENT CRIMES
IDENTIFICATION FRAUD		97-19-85	See sub-offenses				See sub-offenses	FRAUDULENT CRIMES
IDENTIFICATION FRAUD	First offense	97-19-85(1)	5 years		\$5,000		Restitution is mandatory.	FRAUDULENT CRIMES
IDENTIFICATION FRAUD	Second or subsequent offense	97-19-85(1)	10 years		\$10,000		Restitution is mandatory.	FRAUDULENT CRIMES
FORGERY	\$1,000-\$5,000	97-21-1, et seq	5 years		\$10,000		The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
FORGERY (3RD OFFENSE MISDEMEANOR)		97-21-1, et seq	3 years		\$1,000		Value between \$500-\$1,000 The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
COUNTERFEIT NOTES	\$1,000-\$5,000	97-21-37	5 years		\$10,000		The sentencing provision for forgery is under MCA 97-21-33.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
COUNTERFEIT NOTES (3RD OFFENSE MISDEMEANOR)		97-21-59	3 years		\$1,000		Value between \$500-\$1,000 The sentencing provision for forgery is offenses under MCA 97-21-33.	FRAUDULENT CRIMES
UTTERING FORGERY	\$1,000-\$5,000	97-21-59	5 years		\$10,000		The sentencing provision for forgery is offenses under MCA 97-21-33. Also see MCA 97-29-27 and MCA 97-29-29.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
EMBEZZLEMENT	\$1,000-\$5,000	97-23-19	5 years		\$5,000		Value must be over \$1,000.	FRAUDULENT CRIMES
	\$5,000 - \$25,000		10 years		\$25,000			
	>\$25,000		20 years		\$25,000			
EMBEZZLEMENT (3RD OFFENSE MISDEMEANOR)		97-23-19	3 years		\$2,000		Value between \$500-\$1,000	PROPERTY CRIMES
SHOPLIFTING (OVER \$1,000)	\$1,000-\$5,000	97-23-93	5 years		\$10,000		Value over \$1,000	PROPERTY CRIMES
	\$5,000 - \$25,000		10 years		\$10,000			
	>\$25,000		20 years		\$10,000			
SHOPLIFTING (THIRD OR SUBSEQUENT OFFENSE)		97-23-93	3 years		\$1,000		Value between \$500 - \$1,000	PROPERTY CRIMES
SHOPLIFTING (AIDING A MINOR, 3RD OFFENSE)		97-23-94	3 years		\$1,000		This is in addition to any other penalty.	PROPERTY CRIMES
EXPOSURE TO CERTAIN DISEASES		97-27-14	10 years	3 years	\$10,000		Knowledge is required by defendant for felony	CRIMES AGAINST THE PERSON
INCEST		97-29-5	10 years		\$10,000		See also MCA 97-29-27 and MCA 97-29-29	SEX CRIMES
VOYEURISM-PEEPING TOM		97-29-61	5 years		\$10,000		If child under 16 is the victim, maximum is 10 years. Also see MCA 97-29-63.	SEX CRIMES
VOYEURISM (photographing or filming)		97-29-63(1)	5 years		\$5,000			SEX CRIMES
VOYEURISM (photographing or filming victim under 16)		97-29-63(2)	10 years		\$5,000			SEX CRIMES
STALKING, AGGRAVATED		97-3-107(2)(b)(i)	5 years		\$3,000			CRIMES AGAINST THE PERSON
STALKING, AGGRAVATED (SEX OFFENDER)		97-3-107(2)(b)(ii)	6 years		\$4,000		This applies to a sex offender with a victim under 18 years of age.	CRIMES AGAINST THE PERSON

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
DRIVE BY SHOOTING		97-3-109	30 years		\$10,000			CRIMES AGAINST THE PERSON
CARJACKING, UNARMED		97-3-117(1)	15 years		\$5,000			CRIMES AGAINST THE PERSON
CARJACKING, ARMED		97-3-117(2)	30 years		\$10,000			CRIMES AGAINST THE PERSON
CARJACKING, SECOND OR SUBSEQUENT OFFENSE		97-3-117(3)	30/60 years		\$10,000/ \$20,000		This sections doubles the penalties for armed or unarmed carjacking	CRIMES AGAINST THE PERSON
MURDER, NON-CAPITAL	1st Degree	97-3-19(1)(a), (c) & (d)	Life	Life	\$10,000		The sentencing statute for 1st degree murder is MCA 97-3-21(1). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
MURDER, NON-CAPITAL	2nd Degree	97-3-19(1)(b)	Life by jury 40 years by court	20 years	\$10,000		The sentencing statute for murder is is MCA 97-3-21(2). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
MURDER, CAPITAL		97-3-19(2)	Death penalty	Life	\$10,000		The sentencing statute for capital murder is MCA 97-3-21(3). Reference should also be made to MCA 47-7-3.	CRIMES AGAINST THE PERSON
MANSLAUGHTER (CHILD VICTIM)		97-3-25(2)(b)	30 years		\$10,000		Defendant over 21 years of age and child under 18 years of age.	CRIMES AGAINST THE PERSON
MANSLAUGHTER		97-3-35	20 years	2 years	\$10,000	\$500	There is an alternative maximum of one year in the county jail. The sentencing statute for manslaughter is MCA 97-3-25.	CRIMES AGAINST THE PERSON
KIDNAPPING		97-3-53	Life, if by jury or 30 years	1 year	\$10,000			CRIMES AGAINST THE PERSON
STATUTORY RAPE		97-3-65	See sub-offenses				This statute encompasses many provisions. Please see the particular sub-offense.	SEX CRIMES
STATUTORY RAPE	All offenses- MCA 97-3-65(1) -defendant between 13-18	97-3-65	Court discretion		Court discretion		Penalty provision located at MC 97-3-65(3)(d)	SEX CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
STATUTORY RAPE	Statutory Rape (Defendant 17 or older and child a.between 14-16 b.36 months younger than defendant AND c.not the defendant's spouse)	97-3-65(1)(a)	If 18-21 yrs old - 5 years. If over 21 yrs old - 30 yrs. (40 years for a second or subsequent offense.)		\$5000 (18-21). \$10,000 (21+)		The penalties under this subsection differ depending on the age of the defendant. These sentencing provisions are found at MCA97-3-65(3)(a)-(b).	SEX CRIMES
STATUTORY RAPE	Statutory Rape (Victim a. under 14 yrs old b. 24 months younger than defendant c. not the defendants spouse) - defendant 18 or older	97-3-65(1)(b)	Life	20 Years	\$10,000		The penalties under this subsection differ depending on the age of the defendant. These sentencing provisions can be found at MCA 97-3-65(3)(c)-(d).	SEX CRIMES
RAPE, FORCIBLE OR THROUGH USE OF SUBSTANCE OR WEAKNESS OF MIND		97-3-65(4)(a)	Life by jury, anything less than life by court.		\$10,000		Life sentence can only be set by a jury.	SEX CRIMES
AGGRAVATED ASSAULT		97-3-7(2)	20 years		\$10,000		If the victim falls into certain categories set forth in the statute the maximum is 30 years and a \$5,000 fine. See MCA 97-3-7(2)(b).	CRIMES AGAINST THE PERSON
DOMESTIC VIOLENCE (third or subsequent offense of simple assault)		97-3-7(3)	10 years	5 years	\$10,000		The convictions must be within 5 years. The presence of a 16 year old is an aggravating factor.	CRIMES AGAINST THE PERSON
DOMESTIC VIOLENCE (third or subsequent offense of aggravated assault)		97-3-7(4)	20 years	10 years	\$10,000		Convictions must be within 5 years. The presence of a 16 year old is an aggravating factor.	CRIMES AGAINST THE PERSON
DOMESTIC VIOLENCE-aggravated assault		97-3-7(4)	20 years	2 years	\$10,000		The presence of a child under 16 is an aggravating factor.	CRIMES AGAINST THE PERSON
CARRYING A CONCEALED WEAPON		97-37-1	See sub-offenses				See sub-offenses	WEAPON CRIMES
CARRYING A CONCEALED WEAPON	3rd or subsequent conviction	97-37-1(1)(c)	5 years	1 year	\$10,000			WEAPON CRIMES
CARRYING A CONCEALED WEAPON	Convicted felon	97-37-1(1)(d)	10 years	1 year	\$10,000			WEAPON CRIMES
SHOOTING INTO A DWELLING		97-37-29	10 years		\$5,000			WEAPON CRIMES
ROBBERY, SIMPLE (STRONG ARM)		97-3-73	15 years		\$10,000		Penalty provision is found at MCA 97-3-75	CRIMES AGAINST THE PERSON

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
POSSESSION OF A STOLEN FIREARM		97-37-35	5 years (1st conviction); 15 years (2nd or subsequent conviction)		\$10,000		If the conviction involves 2 or more firearms the maximum is 15 years MCA 97-37-35(3)(c)	WEAPON CRIMES
FELON IN POSSESSION OF A FIREARM OR OTHER WEAPON		97-37-5	10 years	1 year	\$5,000			WEAPON CRIMES
ROBBERY, ARMED		97-3-79	Life	3 years	\$10,000		Life sentence can only be set by a jury. If set by the Judge, the maximum is any term not less than 3 years	CRIMES AGAINST THE PERSON
SEXUAL BATTERY		97-3-95	See sub-offenses				See sub-offenses	
SEXUAL BATTERY	All offenses-defendant between 13-18	97-3-95	Court discretion		Court discretion		The penalty provision is located at MCA 97-3-101(4).	SEX CRIMES
SEXUAL BATTERY	Without consent-1st offense	97-3-95(1)(a)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1). Last amended 1999.	SEX CRIMES
SEXUAL BATTERY	Without consent-2nd or subsequent offense	97-3-95(1)(a)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a mentally or physically impaired person-1st offense	97-3-95(1)(b)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a mentally or physically impaired person-2nd or subsequent offense	97-3-95(1)(b)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a child between 14-16 and defendant at least 36 months older than victim-defendant 18-21 years old	97-3-95(1)(c)	5 years		\$5,000		The penalty provision is located at MCA 97-3-101(2)(a).	SEX CRIMES
SEXUAL BATTERY	With a child between 14-16 years old and defendant at least 36 months older than victim-defendant 21 years or older-1st offense	97-3-95(1)(c)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(2)(b).	SEX CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
SEXUAL BATTERY	With a child between 14-16 years old and defendant is at least 36 months older than victim - defendant 21 years or older - 2nd or subsequent offense	97-3-95(1)(c)	40 years		\$10,000		The penalty provision is located in MCA 97-3-101(2)(b). Last amended 1999.	SEX CRIMES
SEXUAL BATTERY	With a child under 14 years of age if the defendant is 24 months older than the victim-defendant 18 years or older	97-3-95(1)(d)	Life	20 years	\$10,000		The penalty provision is located at MCA 97-3-101(3).	SEX CRIMES
SEXUAL BATTERY	With a child under 18 if defendant is in a position of trust-1st offense	97-3-95(2)	30 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
SEXUAL BATTERY	With a child under 18 if defendant is in a position of trust-2nd or subsequent offense	97-3-95(2)	40 years		\$10,000		The penalty provision is located at MCA 97-3-101(1).	SEX CRIMES
THEFT OR FRAUD ENTERPRISE, ORGANIZED		97-43-3.1	20 years		\$25,000			RACKETEERING AND CORRUPTION
IDENTITY THEFT		97-45-19	15 years	2 years	\$10,000		Option of misdemeanor if value is below \$250 (6 months) in court's discretion.	FRAUDULENT CRIMES
COMPUTER CRIMES	\$1,000-\$5,000 \$5,000 - \$25,000 >\$25,000	97-45-3 through 97-45-9	5 years 10 years 20 years		\$10,000 \$10,000 \$10,000		These sections involve crimes with and against computers, computer equipment and intellectual property.	COMPUTER CRIMES
COMPUTER CRIMES (3RD OFFENSE MISDEMEANOR)		97-45-3 through 97-45-9	3 years		\$1,000 (\$2,000 for MCA 97-45-3)		Value between \$500-\$1,000	COMPUTER CRIMES

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
FONDLING (first offense)		97-5-23	15 years	2 years	\$5,000	\$1,000	Defendant must be over 18. Victim must be under 16 or mentally ill as per MCA 97-3-97. The victim can be between 16-18 if the defendant is in a position of trust per MCA97-5-23(2). A second or subsequent offense carries a 20 year maximum with a requirement that the defendant serve at least one-half of the sentence.	SEX CRIMES
CHILD DESERTION (failure to pay child support)		97-5-3	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD DESERTION (failure to pay child support)	First offense	97-5-3	5 years		\$500	\$100		CRIMES AGAINST CHILDREN
CHILD DESERTION (failure to pay child support)	Second or subsequent offense	97-5-3	5 years	2 years	\$10,000	\$1,000		CRIMES AGAINST CHILDREN
CHILD EXPLOITATION		97-5-33	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD EXPLOITATION	First offense	97-5-33	40 years	5 years	\$500,000	\$50,000	Penalty provision is found at MCA 97-5-35.	CRIMES AGAINST CHILDREN
CHILD EXPLOITATION	Second or subsequent offense	97-5-33	Life	20 years	\$1,000,000	\$100,000	Penalty provision is found at MCA 97-5-35.	CRIMES AGAINST CHILDREN
CHILD ABUSE		97-5-39	See sub-offenses				See sub-offenses	CRIMES AGAINST CHILDREN
CHILD NEGLECT (SUBSTANTIAL HARM)		97-5-39(1)(d)	5 years		\$5,000			CRIMES AGAINST CHILDREN
CHILD NEGLECT (PERMITTING SEXUAL ABUSE)		97-5-39(1)(e)	10 years		\$10,000			CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-Second offense	97-5-39(2)(a) - (c)	Life	Life	\$10,000		Life sentence is mandatory. Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-First offense	97-5-39(2)(a) or (c)	Life	5 years	\$10,000		Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN
CHILD ABUSE	Burn, torture, strike, etc-First offense	97-5-39(2)(b)	10 years	2 years	\$10,000		Penalty at MCA 97-5-39(2)(d)	CRIMES AGAINST CHILDREN

Offense	Sub-Offense	Code Section	Max. Sentence	Mandatory Min.	Max Fine	Min. Fine	Notes	Category
CHILD ENDANGERMENT (no substantial harm)		97-5-39(2)(b)(i)	10 years		\$10,000		This applies to a parent, guardian, etc. allowing a child to be present during drug manufacture or sale.	CRIMES AGAINST CHILDREN
CHILD ENDANGERMENT (substantial harm)		97-5-39(2)(b)(ii)	20 years		\$20,000		This applies to a parent, guardian, etc. allowing a child to be present during drug manufacture or sale.	CRIMES AGAINST CHILDREN
PERJURY		97-9-59	See sub-offenses				See sub-offenses	OBSTRUCTION OF JUSTICE
PERJURY	Felonies at trial	97-9-59	Court discretion	10 years	\$10,000		The penalty statute is MCA 97-9-61.	OBSTRUCTION OF JUSTICE
PERJURY	Other judicial trial or inquiries or in any other case	97-9-59	10 years		\$10,000		The penalty statute is MCA 97-9-61.	OBSTRUCTION OF JUSTICE
PERJURY, SUBORNATION OF		97-9-63	10 years		\$10,000			OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER		97-9-72	See sub-offenses				See sub-offenses	OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	In a reckless manner	97-9-72(2)	5 years		\$5,000			OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	Causing serious bodily injury	97-9-72(3)	20 years	3 years	\$10,000			OBSTRUCTION OF JUSTICE
FELONY FLEEING FROM A LAW ENFORCEMENT OFFICER	Causing death	97-9-72(4)	40 years	5 years	\$10,000			OBSTRUCTION OF JUSTICE