

The “minor in possession” law applies to persons under 21 years of age. There are different penalties for those under age 18 and those age 18 to 20. MIP citations can be given to underage individuals for **possessing** or **knowingly consuming** alcohol or other intoxicating substances. The law does not apply to employment situations where it is necessary to possess alcoholic beverages.

Penalties for MIP (MCA 45-5-624)	1st conviction	2nd conviction	3rd conviction
Fine (amount doesn't include court costs)	fine of \$100 – \$300	fine of \$200 – \$600	fine of \$300 – \$900
	Attempt to purchase alcohol or other intoxicating substance may result in a fine of up to \$150 and additional community service.		
Community service	20 hours	40 hours	60 hours
Jail	none	none	Over age 18: up to 6 months in the county jail
Youth Court referral	none	none	A person who doesn't complete his/her sentence for an MIP received when under age 18 and is now over 18 must be transferred to the Youth Court. Youth Court will determine if the person is to be considered as a “youth in need of intervention”.
Drivers license	confiscated by the court for 30 days	suspended for 6 months	confiscated for 6 months
	If the person doesn't complete a community-based substance abuse information course, the court shall order the driver's license to be suspended for an additional 3 months <sup>1</sup> .	If the person doesn't complete a community-based substance abuse information course, the court shall order the driver's license to be suspended for an additional 9 months <sup>1</sup> .	If the person doesn't complete a community-based substance abuse information course, the court shall order the driver's license to be suspended for an additional 12 months <sup>1</sup> .
	<sup>1</sup> The court shall retain jurisdiction for up to 1 year to order suspension of a license under this section.		
Driver record	0 points added <sup>2</sup>	0 points added <sup>2</sup>	0 points added <sup>2</sup>
	<sup>2</sup> MIP convictions are not reported to the Motor Vehicle Division of the Montana Department of Justice. However, if a judge decides to order the suspension of an offender's driver license, as part of the penalty for the MIP, then the judge sends that MIP conviction to MVD, with the notation that a license suspension is required. MVD takes the appropriate driver improvement action against the offender and records the action in the driver improvement section of the offender's driving record. Any person who drives while their license or privilege to drive is suspended (or revoked) in Montana or any other jurisdiction may be fined up to \$500, sentenced to a minimum of 2 days in jail and have an additional 1 year period of suspension or revocation added to their record.		
Information course	Youth and parents/guardians must pay for and complete a community based substance abuse information course <sup>3</sup> , if one is available.	Youth and parents/guardians must pay for and complete a community based substance abuse information course <sup>3</sup> , if one is available.	Youth and parents/guardians must pay for and complete a community based substance abuse information course <sup>3</sup> , if one is available.
	Over 18: must complete an alcohol information course	Over 18: must complete an alcohol information course	Over 18: must complete an alcohol information course
Substance abuse assessment		Must complete a chemical dependency assessment <sup>4</sup> .	Must complete a chemical dependency assessment <sup>4</sup> .
Substance abuse treatment		The Judge must order treatment based on the assessment findings. Youth must complete treatment.	The Judge must order treatment based on the assessment findings. Youth must complete treatment.
	<sup>3</sup> Substance abuse information course must be completed at one of the following: DPHHS-approved chemical dependency treatment program, hospital accredited to provide chemical dependency services, court-approved program, or program under contract to the Montana Department of Corrections.		
	<sup>4</sup> Assessment must be conducted by a licensed addiction counselor (LAC). LAC may be part of a DPHHS-approved chemical dependency treatment program, the court, or a provider under contract to the Montana Department of Corrections.		

The court must report MIP convictions to Department of Public Health & Human Services (DPHHS). DPHHS maintains a list of persons convicted of MIP and it is available to law enforcement officers and to any court.