

HOUSE BILL 416

Introduced by D. Brown

1/28	Introduced
1/28	Referred to Judiciary
1/29	First Reading
2/04	Hearing
2/04	Tabled in Committee

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HOUSE BILL NO. 416
Dave Brown

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE BURDEN ON THE DEFENDANT OF DISPROVING UNLAWFUL POSSESSION OF STOLEN PROPERTY; IMPLEMENTING THE DECISION OF THE MONTANA SUPREME COURT IN STATE V. KRAMP, 200 MONT. 383, 651 P.2D 614, 39 ST. REP. 1819 (1982); AND AMENDING SECTION 45-6-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-304, MCA, is amended to read:

"45-6-304. Effect of possession of stolen property. Possession of stolen property shall does not constitute proof of the commission of the offense of theft. ~~Such--fact shall--place--a-burden-on-the-possessor-to-remove-the-effect of-such-fact-as-a-circumstance-to--be--considered--with--all other--evidence--pointing-to-his-guilt.~~ Possession of stolen property may allow an inference that the defendant is guilty of theft only if the inference is warranted by the evidence as a whole. The possession of the property by the defendant does not shift the state's burden of proving beyond a reasonable doubt every essential element of the offense. The defendant's possession of property belonging to another may be satisfactorily explained in the evidence independent of any testimony of the defendant."

-End-



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