

CHAPTER NO. 374.

HOUSE BILL NO. 549

INTRODUCED BY SCULLY

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE HOUSE

February 3, 1979	Introduced and referred to Committee on Judiciary.
February 12, 1979	Committee recommend bill do pass. Report adopted.
February 13, 1979	Second reading, do pass.
February 14, 1979	Considered correctly engrossed.
February 15, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Judiciary.
March 7, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1979	Second reading, concurred in.
March 13, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in as amended.
March 16, 1979	Second reading, amendments adopted.
March 17, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 549
 2 INTRODUCED BY Sully
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4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE
 6 DEFINITION OF THEFT TO INCLUDE FRAUDULENTLY OBTAINED PUBLIC
 7 ASSISTANCE; AMENDING SECTION 45-6-301, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 45-6-301, MCA, is amended to read:

11 "45-6-301. Theft. (1) A person commits the offense of
 12 theft when he purposely or knowingly obtains or exerts
 13 unauthorized control over property of the owner and:

14 (a) has the purpose of depriving the owner of the
 15 property;

16 (b) purposely or knowingly uses, conceals, or abandons
 17 the property in such manner as to deprive the owner of the
 18 property; or

19 (c) uses, conceals, or abandons the property knowing
 20 such use, concealment, or abandonment probably will deprive
 21 the owner of the property.

22 (2) A person commits the offense of theft when he
 23 purposely or knowingly obtains by threat or deception
 24 control over property of the owner and:

25 (a) has the purpose of depriving the owner of the

1 property;

2 (b) purposely or knowingly uses, conceals, or abandons
 3 the property in such manner as to deprive the owner of the
 4 property; or

5 (c) uses, conceals, or abandons the property knowing
 6 such use, concealment, or abandonment probably will deprive
 7 the owner of the property.

8 (3) A person commits the offense of theft when he
 9 purposely or knowingly obtains control over stolen property
 10 knowing the property to have been stolen by another and:

11 (a) has the purpose of depriving the owner of the
 12 property;

13 (b) purposely or knowingly uses, conceals, or abandons
 14 the property in such manner as to deprive the owner of the
 15 property; or

16 (c) uses, conceals, or abandons the property knowing
 17 such use, concealment, or abandonment probably will deprive
 18 the owner of the property.

19 ~~(4) A person commits the offense of theft when he~~
 20 ~~purposely or knowingly obtains or exerts unauthorized~~
 21 ~~control over any part of any public assistance, as defined~~
 22 ~~in 53-3-101, by means of:~~

23 ~~(a) a knowingly false statement, representation, or~~
 24 ~~impersonation;~~

25 ~~(b) a fraudulent scheme or device; or~~

1 ~~(c) a knowing failure to reveal sources of income.~~
2 ~~(4)(5)~~ A person convicted of the offense of theft of
3 property not exceeding \$150 in value shall be fined not to
4 exceed \$500 or be imprisoned in the county jail for any term
5 not to exceed 6 months, or both. A person convicted of the
6 offense of theft of property exceeding \$150 in value or
7 theft of any commonly domesticated hoofed animal shall be
8 imprisoned in the state prison for any term not to exceed 10
9 years.
10 ~~(5)(6)~~ Amounts involved in thefts committed pursuant
11 to a common scheme or the same transaction, whether from the
12 same person or several persons, may be aggregated in
13 determining the value of the property."

-End-

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(2) A person commits the offense of theft when he purposely or knowingly obtains by threat or deception control over property of the owner and:

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(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when he purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or

(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

~~(4) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance, as defined in 53-3-101, by means of:~~

~~(a) a knowingly false statement, representation, or impersonation;~~

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-End-

March 7, 1979

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 549 be amended as follows:

1. Page 2, line 24.

Following: "i"

Insert: "or"

2. Page 2, line 25 and line 1 on page 3.

Following: "device" on line 25

Strike: remainder of line 25 through "income" on line 1