

House Bill 476

In The House

January 24, 1981

Introduced and referred
to Committee on Judiciary.

February 5, 1981

Committee recommend bill
do not pass.

1 HOUSE BILL NO. 476
 2 INTRODUCED BY Walters-----
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE MANDATORY
 5 RESTITUTION OF AN AMOUNT EQUAL TO THREE TIMES THE VALUE OF
 6 THE PROPERTY STOLEN FROM THOSE PERSONS CONVICTED OF THEFT;
 7 AMENDING SECTIONS 45-6-301, 45-6-302, AND 45-6-305, 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; or
 25 (b) a fraudulent scheme or device.

1 (5) A person convicted of the offense of theft of
 2 property not exceeding \$150 in value shall be fined not to
 3 exceed \$500 or be imprisoned in the county jail for any term
 4 not to exceed 6 months, or both, and shall be required to
 5 make restitution as provided in [section 4]. A person
 6 convicted of the offense of theft of property exceeding \$150
 7 in value or theft of any commonly domesticated hoofed animal
 8 shall be imprisoned in the state prison for any term not to
 9 exceed 10 years and shall be required to make restitution as
 10 provided in [section 4].

11 (6) Amounts involved in thefts committed pursuant to a
 12 common scheme or the same transaction, whether from the same
 13 person or several persons, may be aggregated in determining
 14 the value of the property."

15 Section 2. Section 45-6-302, MCA, is amended to read:

16 "45-6-302. Theft of lost or mislaid property. (1) A
 17 person who obtains control over lost or mislaid property
 18 commits the offense of theft when he:

19 (a) knows or learns the identity of the owner or
 20 knows, is aware of, or learns of a reasonable method of
 21 identifying the owner;

22 (b) fails to take reasonable measures to restore the
 23 property to the owner; and

24 (c) has the purpose of depriving the owner permanently
 25 of the use or benefit of the property.

1 (2) A person convicted of theft of lost or mislaid
 2 property shall be fined not to exceed \$500 or be imprisoned
 3 in the county jail for a period not to exceed 6 months, and
 4 shall be required to make restitution as provided in
 5 [section 4]."

6 Section 3. Section 45-6-305, MCA, is amended to read:

7 "45-6-305. Theft of labor or services or use of
 8 property. (1) A person commits the offense of theft when he
 9 obtains the temporary use of property, labor, or services of
 10 another which are available only for hire, by means of
 11 threat or deception or knowing that such use is without the
 12 consent of the person providing the property, labor, or
 13 services.

14 (2) A person convicted of theft of labor or services
 15 or use of property shall be fined not to exceed \$500 or be
 16 imprisoned in the county jail for a term not to exceed 6
 17 months, or both, and shall be required to make restitution
 18 as provided in [section 4]."

19 NEW SECTION. Section 4. Mandatory restitution for
 20 theft. Any person convicted of theft under 45-6-301,
 21 45-6-302, or 45-6-305 shall make restitution in an amount
 22 equal to three times the value of the property, labor, or
 23 services obtained or controlled.

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