SB 33 INTRODUCED BY LYNCH RESTITUTION AND SERVICE TO STORE OR COMMUNITY BY SHOPLIFTERS

	INTRODUCED REFERRED TO JUDICIARY		
1/13	HEARING		
1/19	ADVERSE COMMITTEE REPORT ADOPTED	42	8
1/19	RECONSIDERED ACTION IN ADOPTING		
	ADVERSE COMMITTEE REPORT	38	12
1/19	REREFERRED TO JUDICIARY		
1/26	TAREED IN COMMITTEE		

1	SENATE BILL NO. 33
2	INTRODUCED BY LYNCH
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT MANDATING RESTITUTION
5	AND SERVICE TO AN ESTABLISHMENT OR THE COMMUNITY BY A PERSON
6	CONVICTED OF SHOPLIFTING; AND AMENDING SECTION 45-6-301,
7	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 provided

under Title 53 by a state or county agency, regardless of

(a) a knowingly false statement, representation, or

the original source of assistance, by means of:

22 23

24

25

impersonation; or

1 (b) a fraudulent scheme or device.

- (5) A person convicted of the offense of theft of property not exceeding \$300 in value shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of the offense of theft of property exceeding \$300 in value or theft of any commonly domesticated hoofed animal shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.
- (6) (a) If the theft constitutes shoplifting, as defined in 46-6-501, the court shall, if a convicted person is able to pay it, order restitution, using the procedure provided for in 46-18-242 through 46-18-247. The restitution must be paid before the payment of any fine or imposed costs.
- (b) The court shall also order a convicted person to perform a service for and chosen by the victimized establishment equal in value to twice the price of the stolen merchandise. The convicted person's labor must be valued at the state minimum wage established in 39-3-404. If the owner or manager of the establishment declines the service, then the court shall order community service to be performed for a government unit or nonprofit charitable organization.
- 25 (6)(7) Amounts involved in thefts committed pursuant

- to a common scheme or the same transaction, whether from the
- 2 same person or several persons, may be aggregated in
- 3 determining the value of the property."

-End-