

SENATE BILL NO. 31

INTRODUCED BY GAGE

IN THE SENATE

JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
JANUARY 5, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 6, 1989	PRINTING REPORT.
JANUARY 7, 1989	SECOND READING, DO PASS.
JANUARY 9, 1989	ENGROSSING REPORT.
JANUARY 10, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 93; NOES, 0.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MODELED ON THEFT LAW IN
5 SECTION 45-6-301(7), MCA, AND ALLOWING THE AMOUNTS INVOLVED
6 IN A SERIES OF RELATED CRIMINAL MISCHIEFS TO BE ADDED
7 TOGETHER SO AS TO IMPOSE A HIGHER PENALTY; AND AMENDING
8 SECTION 45-6-101, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 45-6-101, MCA, is amended to read:
12 "45-6-101. Criminal mischief. (1) A person commits the
13 offense of criminal mischief if he knowingly or purposely:
14 (a) injures, damages, or destroys any property of
15 another or public property without consent;
16 (b) without consent tampers with property of another
17 or public property so as to endanger or interfere with
18 persons or property or its use;
19 (c) damages or destroys property with the purpose to
20 defraud an insurer; or
21 (d) fails to close a gate previously unopened which he
22 has opened, leading in or out of any enclosed premises. This
23 does not apply to gates located in cities or towns.
24 (2) A person convicted of criminal mischief shall be
25 ordered to make restitution in an amount and manner to be

1 set by the court. The court shall determine the manner and
2 amount of restitution after full consideration of the
3 convicted person's ability to pay the same. Upon good cause
4 shown by the convicted person, the court may modify any
5 previous order specifying the amount and manner of
6 restitution. Full payment of the amount of restitution
7 ordered shall be made prior to the release of state
8 jurisdiction over the person convicted.
9 (3) A person convicted of the offense of criminal
10 mischief shall be fined not to exceed \$500 or be imprisoned
11 in the county jail for any term not to exceed 6 months, or
12 both. If the offender commits the offense of criminal
13 mischief and causes pecuniary loss in excess of \$300,
14 injures or kills a commonly domesticated hoofed animal, or
15 causes a substantial interruption or impairment of public
16 communication, transportation, supply of water, gas, or
17 power, or other public services, he shall be fined an amount
18 not to exceed \$50,000 or be imprisoned in the state prison
19 for any term not to exceed 10 years, or both.
20 (4) Amounts involved in criminal mischiefs committed
21 pursuant to a common scheme or the same transaction, whether
22 against the public or the same person or several persons,
23 may be aggregated in determining pecuniary loss."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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(3) A person convicted of the offense of criminal mischief shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the offender commits the offense of criminal mischief and causes pecuniary loss in excess of \$300, injures or kills a commonly domesticated hoofed animal, or causes a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public services, he shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

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