SENATE BILL NG. 31

INTRODUCED BY GAGE

IN THE SENATE

	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.

	ON BODICIANI.
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.

SENT TO ENROLLING.
REPORTED CORRECTLY ENROLLED.

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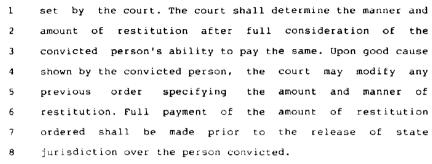
1	SENATE BILL NO. 31
2	INTRODUCED BY GAGE
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4	A BILL FOR AN ACT ENTITLED: "AN ACT MODELED ON THEFT LAW IN
5	SECTION 45-6-301(7), MCA, AND ALLOWING THE AMOUNTS INVOLVED
6	IN A SERIES OF RELATED CRIMINAL MISCHIEFS TO BE ADDED
7	TOGETHER SO AS TO IMPOSE A HIGHER PENALTY; AND AMENDING
8	SECTION 45-6-101, MCA."
9	

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

Section 1. Section 45-6-101, MCA, is amended to read:

*45-6-101. Criminal mischief. (1) A person commits the
 offense of criminal mischief if he knowingly or purposely:

- (a) injures, damages, or destroys any property of another or public property without consent;
- (b) without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use;
- (c) damages or destroys property with the purpose to defraud an insurer; or
 - (d) fails to close a gate previously unopened which he has opened, leading in or out of any enclosed premises. This does not apply to gates located in cities or towns.
 - (2) A person convicted of criminal mischief shall be ordered to make restitution in an amount and manner to be



- (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.
- 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-

LC 0423/01

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APPROVED BY COMMITTEE ON JUDICIARY

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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
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Montana Legislative Council

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