

HOUSE BILL NO. 187

INTRODUCED BY S. RICE, DOLEZAL
BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

IN THE HOUSE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 1, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1993	PRINTING REPORT.
FEBRUARY 3, 1993	SECOND READING, DO PASS.
FEBRUARY 4, 1993	ENGROSSING REPORT.
FEBRUARY 5, 1993	THIRD READING, PASSED. AYES, 94; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 187
2 INTRODUCED BY SKice Delgal
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
6 RELATING TO THEFT TO INCLUDE PURPOSELY OR KNOWINGLY
7 OBTAINING OR EXERTING UNAUTHORIZED CONTROL OVER ANY PART OF
8 ANY PUBLIC ASSISTANCE PROVIDED UNDER TITLE 52 OF THE MONTANA
9 CODE ANNOTATED; AMENDING SECTION 45-6-301, MCA; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

14 "45-6-301. **Theft.** (1) A person commits the offense of
15 theft when he the person purposely or knowingly obtains or
16 exerts unauthorized control over property of the owner and:

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

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

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

25 (2) A person commits the offense of theft when he the

1 person purposely or knowingly obtains by threat or deception
2 control over property of the owner and:

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

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

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

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

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

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

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

23 (4) A person commits the offense of theft when he the
24 person purposely or knowingly obtains or exerts unauthorized
25 control over any part of any public assistance provided

under Title 52 or 53 by a state or county agency, regardless of the original source of assistance, by means of:

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

(b) a fraudulent scheme or device.

(5) A person commits the offense of theft when he the person purposely or knowingly obtains or exerts unauthorized control over any part of any benefits provided under Title 39, chapter 71 or 72, by means of:

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

(b) deception or other fraudulent action.

(6) (a) 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 a second offense shall be fined \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined \$1,000 and be imprisoned in the county jail for a term of not less than 30 days or more than 6 months.

(b) A person convicted of the offense of theft of property exceeding \$300 in value or theft of any commonly domesticated hooved 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.

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

NEW SECTION. Section 2. Fraudulent obtaining of public assistance treated as theft. A person who, by means of a willfully false statement, representation, or impersonation or other fraudulent device, knowingly obtains public assistance provided under this title to which the person is not entitled is guilty of theft as provided in 45-6-301.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 52, chapter 1, part 1, and the provisions of Title 52, chapter 1, part 1, apply to [section 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 187

INTRODUCED BY S. RICE, DOLEZAL

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
RELATING TO THEFT TO INCLUDE PURPOSELY OR KNOWINGLY
OBTAINING OR EXERTING UNAUTHORIZED CONTROL OVER ANY PART OF
ANY PUBLIC ASSISTANCE PROVIDED UNDER TITLE 52 OF THE MONTANA
CODE ANNOTATED; AND AMENDING SECTION 45-6-301, MCA; ~~AND~~
~~PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

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

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

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

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

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

(2) A person commits the offense of theft when he the

person purposely or knowingly obtains by threat or deception
control over property of the owner and:

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property;

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such that the use, concealment, or abandonment probably will
deprive the owner of the property.

(3) A person commits the offense of theft when he the
person 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 a manner as to deprive the owner of the
property; or

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

(4) A person commits the offense of theft when he the
person purposely or knowingly obtains or exerts unauthorized
control over any part of any public assistance provided

1 under Title 52 or 53 by a state or county agency, regardless
2 of the original source of assistance, by means of:

3 (a) a knowingly false statement, representation, or
4 impersonation; or

5 (b) a fraudulent scheme or device.

6 (5) A person commits the offense of theft when he the
7 person purposely or knowingly obtains or exerts unauthorized
8 control over any part of any benefits provided under Title
9 39, chapter 71 or 72, by means of:

10 (a) a knowingly false statement, representation, or
11 impersonation; or

12 (b) deception or other fraudulent action.

13 (6) (a) A person convicted of the offense of theft of
14 property not exceeding \$300 in value shall be fined not to
15 exceed \$500 or be imprisoned in the county jail for any term
16 not to exceed 6 months, or both. A person convicted of a
17 second offense shall be fined \$500 or be imprisoned in the
18 county jail for a term not to exceed 6 months, or both. A
19 person convicted of a third or subsequent offense shall be
20 fined \$1,000 and be imprisoned in the county jail for a term
21 of not less than 30 days or more than 6 months.

22 (b) A person convicted of the offense of theft of
23 property exceeding \$300 in value or theft of any commonly
24 domesticated hooved animal shall be fined not to exceed
25 \$50,000 or be imprisoned in the state prison for any term

1 not to exceed 10 years, or both.

2 (7) Amounts involved in thefts committed pursuant to a
3 common scheme or the same transaction, whether from the same
4 person or several persons, may be aggregated in determining
5 the value of the property."

6 ~~NEW-SECTION--Section 2--Fraudulent-obtaining-of-public--~~
7 ~~assistance-treated-as-theft--A-person-who--by--means--of--a~~
8 ~~willfully--false-statement,representation,or-impersonation~~
9 ~~or--other--fraudulent-device,--knowingly--obtains--public~~
10 ~~assistance--provided-under-this-title-to-which-the-person-is~~
11 ~~not-entitled-is-guilty-of-theft-as-provided-in-45-6-301.~~

12 ~~NEW-SECTION--Section 3--Codification-----instruction--~~
13 ~~{Section-2}-is-intended-to-be-codified-as-an--integral--part~~
14 ~~of--Title-52,chapter-17-part-17-and-the-provisions-of-Title~~
15 ~~52,chapter-17-part-17-apply-to-{section-2}.~~

16 ~~NEW-SECTION--Section 4--Effective-date--{This-act}--is--~~
17 ~~effective-on-passage-and-approval.~~

-End-

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

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15 theft when he the person purposely or knowingly obtains or
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20 the property in such a manner as to deprive the owner of the
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under Title 52 or 53 by a state or county agency, regardless of the original source of assistance, by means of:

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

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(6) (a) 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 a second offense shall be fined \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined \$1,000 and be imprisoned in the county jail for a term of not less than 30 days or more than 6 months.

(b) 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

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