

SENATE BILL NO. 246INTRODUCED BY Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ISSUANCE OF AN ADMINISTRATIVE WARRANT DIRECTING A PAWNBROKER TO HOLD PROPERTY FOR 30 DAYS; PROVIDING FOR A CHALLENGE TO AN ADMINISTRATIVE WARRANT; AUTHORIZING RESTITUTION TO A PAWNBROKER; AND AMENDING SECTIONS 46-5-212 AND 46-18-241, MCA."

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

**Section 1.** Section 46-5-212, MCA, is amended to read:

**"46-5-212. Pawnbroker to surrender stolen property -- warrant.** When a peace officer informs a pawnbroker or dealer who buys and sells secondhand merchandise that property pawned to or purchased by the pawnbroker or dealer is stolen property, as defined in 45-2-101, the pawnbroker or dealer who buys and sells secondhand merchandise shall hold the property for 30 days ~~unless demanded~~ upon issuance of an administrative warrant by a peace officer, ~~and, upon demand,~~ The pawnbroker or dealer shall surrender the property to the peace officer if the peace officer demands the property pursuant to the administrative warrant. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. The pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court."

**Section 2.** Section 46-18-241, MCA, is amended to read:

**"46-18-241. Condition of restitution.** (1) As provided in 46-18-201, a sentencing court may require an offender to make restitution to any victim of the offense, including a pawnbroker.

(2) The court may require the offender to pay the cost of supervising the payment of restitution as provided in 46-18-245 by paying an amount equal to 10% of the amount of restitution ordered, but not less than \$5 or more than \$250. Payment must be made to the court, which shall disburse the money to the entity employing the person ordered to supervise restitution under 46-18-245."

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

**Section 1.** Section 46-5-212, MCA, is amended to read:

**"46-5-212. Pawnbroker to surrender stolen property -- warrant.** (1) When a peace officer informs a pawnbroker or dealer who buys and sells secondhand merchandise that property pawned to or purchased by the pawnbroker or dealer is stolen property, as defined in 45-2-101, the pawnbroker or dealer who buys and sells secondhand merchandise shall hold the property for 30 days ~~unless demanded~~ upon issuance of an administrative warrant by a peace officer, and, upon demand, ~~The~~ FOLLOWING EXPIRATION OF THE 30-DAY PERIOD, THE pawnbroker or dealer shall surrender the property to the peace officer UPON DEMAND if the peace officer demands the property pursuant to the administrative warrant. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. ~~The~~ DURING THE 30-DAY PERIOD, THE pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court OR MUNICIPAL COURT.

(2) AS USED IN THIS SECTION, "ADMINISTRATIVE WARRANT" MEANS A WARRANT:

(A) ISSUED BY THE CHIEF LAW ENFORCEMENT OFFICER OF THE JURISDICTION;

(B) THAT DESCRIBES THE PROPERTY TO BE HELD; AND

(C) THAT STATES THAT THE PAWNBROKER SHALL HOLD THE PROPERTY FOR 30 DAYS FROM THE DATE OF RECEIPT."

**Section 2.** Section 46-18-241, MCA, is amended to read:

**"46-18-241. Condition of restitution.** (1) As provided in 46-18-201, a sentencing court may require

1 an offender to make restitution to any victim of the offense, ~~including a pawnbroker~~ A PERSON SUFFERING  
2 AN ECONOMIC LOSS AS A RESULT OF THE CRIME.

3 (2) The court may require the offender to pay the cost of supervising the payment of restitution  
4 as provided in 46-18-245 by paying an amount equal to 10% of the amount of restitution ordered, but not  
5 less than \$5 or more than \$250. Payment must be made to the court, which shall disburse the money to  
6 the entity employing the person ordered to supervise restitution under 46-18-245."

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 8 46-5-212 AND 46-18-241, MCA."

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

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 12 **Section 1.** Section 46-5-212, MCA, is amended to read:

13 **"46-5-212. Pawnbroker to surrender stolen property -- warrant.** (1) When a peace officer informs  
 14 a pawnbroker or dealer who buys and sells secondhand merchandise that property pawned to or purchased  
 15 by the pawnbroker or dealer is stolen property, as defined in 45-2-101, the pawnbroker or dealer who buys  
 16 and sells secondhand merchandise shall hold the property for 30 days ~~unless demanded~~ upon issuance of  
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 18 30-DAY PERIOD, THE pawnbroker or dealer shall surrender the property to the peace officer UPON  
 19 DEMAND if the peace officer demands the property pursuant to the administrative warrant. The peace  
 20 officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or  
 21 dealer. The DURING THE 30-DAY PERIOD, THE pawnbroker or dealer may appeal the validity of the  
 22 administrative warrant in justice's court OR MUNICIPAL COURT.

23 (2) AS USED IN THIS SECTION, "ADMINISTRATIVE WARRANT" MEANS A WARRANT:

24 (A) ISSUED BY THE CHIEF LAW ENFORCEMENT OFFICER OF THE JURISDICTION;

25 (B) THAT DESCRIBES THE PROPERTY TO BE HELD; AND

26 (C) THAT STATES THAT THE PAWNBROKER SHALL HOLD THE PROPERTY FOR 30 DAYS FROM  
 27 THE DATE OF RECEIPT."

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 29 **Section 2.** Section 46-18-241, MCA, is amended to read:

30 **"46-18-241. Condition of restitution.** (1) As provided in 46-18-201, a sentencing court may require

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