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SB BILL NO. 161

INTRODUCED BY Bartlett, Clark, J. P. P. C. P.

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ADMINISTRATIVE WARRANT ISSUED TO A PAWNBROKER OR DEALER TO SURRENDER STOLEN PROPERTY SHALL BE ISSUED BY THE ADMINISTRATIVE HEAD OF THE INVESTIGATING AGENCY; AND AMENDING SECTION 46-5-212, 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. (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 upon issuance of an administrative warrant by a peace officer. Following the expiration of the 30-day period, the pawnbroker or dealer shall surrender the property to the peace officer upon demand. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. During the 30-day period, the pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court or in municipal court.

(2) As used in this section, "administrative warrant" means a warrant:

(a) issued by the ~~chief law enforcement officer~~ administrative head, or the administrative head's designee, of the investigating agency of the jurisdiction;

(b) that describes the property to be held; and

(c) that states that the pawnbroker or dealer shall hold the property for 30 days from the date of receipt."

-END-

APPROVED BY COM
ON JUDICIARY

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SB BILL NO. 161

INTRODUCED BY Bartlett, Clark, J. P. [Signature]

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ADMINISTRATIVE WARRANT ISSUED TO A PAWNBROKER OR DEALER TO SURRENDER STOLEN PROPERTY SHALL BE ISSUED BY THE ADMINISTRATIVE HEAD OF THE INVESTIGATING AGENCY; AND AMENDING SECTION 46-5-212, 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. (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 upon issuance of an administrative warrant by a peace officer. Following the expiration of the 30-day period, the pawnbroker or dealer shall surrender the property to the peace officer upon demand. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. During the 30-day period, the pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court or in municipal court.

(2) As used in this section, "administrative warrant" means a warrant:

- (a) issued by the ~~chief law enforcement officer~~ administrative head, or the administrative head's designee, of the investigating agency of the jurisdiction;
- (b) that describes the property to be held; and
- (c) that states that the pawnbroker or dealer shall hold the property for 30 days from the date of receipt."

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SB BILL NO. 161

INTRODUCED BY Battelle, Clark, Jelenc, Cyp

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ADMINISTRATIVE WARRANT ISSUED TO A PAWNBROKER OR DEALER TO SURRENDER STOLEN PROPERTY SHALL BE ISSUED BY THE ADMINISTRATIVE HEAD OF THE INVESTIGATING AGENCY; AND AMENDING SECTION 46-5-212, 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. (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 upon issuance of an administrative warrant by a peace officer. Following the expiration of the 30-day period, the pawnbroker or dealer shall surrender the property to the peace officer upon demand. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. During the 30-day period, the pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court or in municipal court.

(2) As used in this section, "administrative warrant" means a warrant:

- (a) issued by the ~~chief law enforcement officer~~ administrative head, or the administrative head's designee, of the investigating agency of the jurisdiction;
- (b) that describes the property to be held; and
- (c) that states that the pawnbroker or dealer shall hold the property for 30 days from the date of receipt."

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SB BILL NO. 161

INTRODUCED BY Bretttt, Clark, J. P. [Signature]

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ADMINISTRATIVE WARRANT ISSUED TO A PAWNBROKER OR DEALER TO SURRENDER STOLEN PROPERTY SHALL BE ISSUED BY THE ADMINISTRATIVE HEAD OF THE INVESTIGATING AGENCY; AND AMENDING SECTION 46-5-212, 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. (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 upon issuance of an administrative warrant by a peace officer. Following the expiration of the 30-day period, the pawnbroker or dealer shall surrender the property to the peace officer upon demand. The peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer. During the 30-day period, the pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court or in municipal court.

(2) As used in this section, "administrative warrant" means a warrant:

- (a) issued by the ~~chief law enforcement officer~~ administrative head, or the administrative head's designee, of the investigating agency of the jurisdiction;
- (b) that describes the property to be held; and
- (c) that states that the pawnbroker or dealer shall hold the property for 30 days from the date of receipt."

-END-

1 SENATE BILL NO. 161

2 INTRODUCED BY BARTLETT, CLARK, TROPILA, CRIPPEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ADMINISTRATIVE WARRANT ISSUED
5 TO A PAWNBROKER OR DEALER TO SURRENDER STOLEN PROPERTY SHALL BE ISSUED BY THE
6 ADMINISTRATIVE HEAD OF THE INVESTIGATING AGENCY; AND AMENDING SECTION 46-5-212, MCA."

7

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

9

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

11 "46-5-212. Pawnbroker to surrender stolen property -- warrant. (1) When a peace officer informs
12 a pawnbroker or dealer who buys and sells secondhand merchandise that property pawned to or purchased
13 by the pawnbroker or dealer is stolen property, as defined in 45-2-101, the pawnbroker or dealer who buys
14 and sells secondhand merchandise shall hold the property for 30 days upon issuance of an administrative
15 warrant by a peace officer. Following the expiration of the 30-day period, the pawnbroker or dealer shall
16 surrender the property to the peace officer upon demand. The peace officer shall give the pawnbroker or
17 dealer a receipt for any property surrendered by the pawnbroker or dealer. During the 30-day period, the
18 pawnbroker or dealer may appeal the validity of the administrative warrant in justice's court or in municipal
19 court.

20 (2) As used in this section, "administrative warrant" means a warrant:

21 (a) issued by the ~~chief law enforcement officer~~ administrative head, or the administrative head's
22 designee, of the investigating agency of the jurisdiction;

23 (b) that describes the property to be held; and

24 (c) that states that the pawnbroker or dealer shall hold the property for 30 days from the date of
25 receipt."

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-END-