

William

1 *Cole* Senate BILL NO. *247* *Pratt* *Estala*

2 INTRODUCED BY *Winters* *Beck* *CRINOS ROSE*

3 *Jenkins* *W.D. DeFazio* *W.H.* *Becker* *Grady* *Wilford*
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ABSOLUTE LIABILITY OFFENSE FOR DAMAGING
5 OR DESTROYING PROPERTY WHILE USING PROPERTY FOR RECREATIONAL PURPOSES; REQUIRING FULL
6 RESTITUTION TO THE PROPERTY OWNER; AND ALLOWING FOR A FINE TO BE IMPOSED."

7 *Garfield Stovall*

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

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10 NEW SECTION. Section 1. Damage or destruction of property during recreational use -- absolute
11 liability. (1) A person commits the offense of damaging or destroying property during recreational use if
12 during the course of the person's use of property for recreational purposes, as defined in 70-16-301, that
13 person damages or destroys any public or private property.

14 (2) A person convicted of damaging or destroying property during recreational use is liable to the
15 property owner for full restitution of the market value of the property that is damaged or destroyed. In
16 addition, the person convicted may be fined an amount up to \$500.

17 (3) The offense of damaging or destroying property during recreational use is an absolute liability
18 offense within the meaning of 45-2-104.

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20 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
21 integral part of Title 45, chapter 6, part 1, and the provisions of Title 45, chapter 6, part 1, apply to
22 [section 1].

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