58th Legislature

1	HOUSE BILL NO. 81
2	INTRODUCED BY V. JACKSON
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4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON CONVICTED OF THE OFFENSE
5	OF THEFT OF A FIREARM SHALL BE FINED AN AMOUNT NOT TO EXCEED \$50,000 OR BE IMPRISONED
6	IN A STATE PRISON FOR A TERM NOT TO EXCEED 5 YEARS, OR BOTH; AND AMENDING SECTION
7	45-6-301, MCA."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 45-6-301, MCA, is amended to read:
12	"45-6-301. Theft. (1) A person commits the offense of theft when the person purposely or knowingly
13	obtains or exerts unauthorized control over property of the owner and:
14	(a) has the purpose of depriving the owner of the property;
15	(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the
16	owner of the property; or
17	(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment
18	probably will deprive the owner of the property.
19	(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or
20	deception control over property of the owner and:
21	(a) has the purpose of depriving the owner of the property;
22	(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the
23	owner of the property; or
24	(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment
25	probably will deprive the owner of the property.
26	(3) A person commits the offense of theft when the person purposely or knowingly obtains control over
27	stolen property knowing the property to have been stolen by another and:
28	(a) has the purpose of depriving the owner of the property;
29	(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the
30	owner of the property; or

- 1 -



## 58th Legislature

1 (c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment 2 probably will deprive the owner of the property. 3 (4) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 52 or 53 by a state or county 4 5 agency, regardless of the original source of assistance, by means of: 6 (a) a knowingly false statement, representation, or impersonation; or 7 (b) a fraudulent scheme or device. 8 (5) A person commits the offense of theft when the person purposely or knowingly obtains or exerts or 9 helps another obtain or exert unauthorized control over any part of any benefits provided under Title 39, chapter 10 71 or 72, by means of: 11 (a) a knowingly false statement, representation, or impersonation; or 12 (b) deception or other fraudulent action. 13 (6) A person commits the offense of theft when the person purposely or knowingly commits insurance 14 fraud as provided in 33-1-1202 or 33-1-1302. 15 (7) A person commits the offense of theft of property by embezzlement when, with the purpose to 16 deprive the owner of the property, the person: 17 (a) purposely or knowingly obtains or exerts unauthorized control over property of the person's employer 18 or over property entrusted to the person; or 19 (b) purposely or knowingly obtains by deception control over property of the person's employer or over 20 property entrusted to the person. 21 (8) (a) A Except as provided in subsection (8)(d), a person convicted of the offense of theft of property 22 not exceeding \$1,000 in value shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail 23 for a term not to exceed 6 months, or both. A person convicted of a second offense shall be fined \$1,000 or be 24 imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or 25 subsequent offense shall be fined \$1,000 and be imprisoned in the county jail for a term of not less than 30 days 26 or more than 6 months. 27 (b) Except as provided in subsection subsections (8)(c) and (8)(d), a person convicted of the offense 28 of theft of property exceeding \$1,000 in value or theft of any commonly domesticated hoofed animal shall be 29 fined an amount not to exceed \$50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or

30 both.

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1 (c) A person convicted of the offense of theft of property exceeding \$10,000 in value by embezzlement 2 shall be imprisoned in a state prison for a term of not less than 1 year or more than 10 years and may be fined 3 an amount not to exceed \$50,000. The court may, in its discretion, place the person on probation with the 4 requirement that restitution be made under terms set by the court. If the terms are not met, the required prison 5 term may be ordered. 6 (d) A person convicted of the offense of theft of a firearm, by which one or more projectiles are fired by 7 the force of an explosion, shall be fined an amount not to exceed \$50,000 or be imprisoned in a state prison for 8 a term not to exceed 5 years, or both. (9) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, 9

10 whether from the same person or several persons, may be aggregated in determining the value of the property."

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