

SENATE BILL NO. 350

INTRODUCED BY G. PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF CRIMINAL DESTRUCTION OF OR TAMPERING WITH A COMMUNICATION DEVICE; AND PROVIDING PENALTIES."

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

NEW SECTION. Section 1. Criminal destruction of or tampering with communication device. (1)

A person commits the offense of criminal destruction of or tampering with a communication device if ~~before, during, or after the commission of a criminal offense,~~ the person purposely or knowingly destroys or tampers with a telephone or other communication device ~~that is capable of contacting law enforcement or medical assistance~~ TO OBSTRUCT, PREVENT, OR INTERFERE WITH:

(A) THE REPORT TO ANY LAW ENFORCEMENT AGENCY OF ANY ACTUAL CRIMINAL OFFENSE;

(B) THE REPORT TO ANY LAW ENFORCEMENT AGENCY OF ANY ACTUAL BODILY INJURY OR PROPERTY DAMAGE;

OR

(C) A REQUEST MADE TO ANY GOVERNMENTAL AGENCY OR TO ANY HOSPITAL, DOCTOR, OR OTHER MEDICAL PROVIDER FOR NECESSARY AMBULANCE OR EMERGENCY MEDICAL ASSISTANCE.

(2) A person destroys or tampers with a communication device by making the communication device unusable or inoperable, by interrupting its use, or by making it inaccessible.

(3) ~~(a)~~ A person convicted of the offense of criminal destruction of or tampering with a communication device ~~before, during, or after the commission of a misdemeanor~~ shall be fined an amount not to exceed \$1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both.

~~(b) A person convicted of the offense of criminal destruction of or tampering with a communication device before, during, or after the commission of a felony shall be fined an amount not to exceed \$50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.~~

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

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