

SENATE BILL NO. 180

INTRODUCED BY J. SONJU

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A BILL FOR AN ACT ENTITLED: "AN ACT SUBSTITUTING THE TERM "CRIMINAL MISCHIEF DAMAGE TO RENTAL PROPERTY" FOR "DAMAGE TO RENTAL PROPERTY" AS AN OFFENSE; AMENDING SECTION 45-6-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 45-6-106, MCA, is amended to read:

"45-6-106. ~~Damage~~ Criminal mischief damage to rental property. (1) A tenant commits the offense of criminal mischief damage to rental property if the tenant purposely or knowingly destroys, defaces, damages, impairs, or removes any part of the premises with a value of at least \$1,000 over the amount of any damage deposit or, if ~~ne a~~ a damage deposit was not paid, a value of at least \$1,000 in violation of 70-24-321(2) or 70-33-321(3).

(2) A person convicted of the offense of criminal mischief damage to rental property shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) A person convicted of criminal mischief damage to rental property must be ordered to make restitution in an amount and manner to be set by the court pursuant to 46-18-201(5) and 46-18-241 through 46-18-249.

(4) A prosecution under this section is independent of and does not constitute a waiver of any of the rights, duties, obligations, and remedies otherwise provided for under Title 70, chapter 24 or 33.

(5) A person convicted of criminal mischief damage to rental property under this section is not subject to the provisions of 45-6-101."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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