

1 SENATE BILL NO. 180

2 INTRODUCED BY J. SONJU

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

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

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

11 **"45-6-106. ~~Damage~~ Criminal mischief damage to rental property.** (1) A tenant commits the offense
12 of criminal mischief damage to rental property if the tenant purposely or knowingly destroys, defaces, damages,
13 impairs, or removes any part of the premises with a value of at least \$1,000 ~~over the amount of any damage~~
14 ~~deposit or, if no a damage deposit was not paid, a value of at least \$1,000~~ OR PERMITS ANY PERSON TO DO SO in
15 violation of 70-24-321(2) or 70-33-321(3).

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

18 (3) A person convicted of criminal mischief damage to rental property must be ordered to make restitution
19 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.

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

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

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

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