

1 HOUSE BILL NO. 171

2 INTRODUCED BY D. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE FELONY OFFENSE OF INTENTIONAL
5 TRESPASS TO RAILROAD PROPERTY; ESTABLISHING PENALTIES FOR THE OFFENSE; AND AMENDING
6 SECTIONS 69-14-1201 AND 69-14-1205, MCA."

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

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10 **Section 1.** Section 69-14-1201, MCA, is amended to read:

11 **"69-14-1201. Short title.** This part may be cited as the "Railroad Vandalism and Trespass Prevention
12 Act".

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14 **Section 2.** Section 69-14-1205, MCA, is amended to read:

15 **"69-14-1205. Intentional vandalism or trespass to railroad property.** (1) A person commits the
16 offense of intentional vandalism to railroad property if the person knowingly or purposely vandalizes railroad
17 property.

18 (2) A person convicted of intentional vandalism to railroad property must be ordered to make restitution
19 to the railroad carrier in the amount of the cost to repair any railroad property damaged, the cost of any train or
20 shipment delay, and the cost of any accident or damage resulting from the vandalism.

21 (3) (a) A person convicted of the offense of intentional vandalism to railroad property in which the
22 damage to railroad property does not exceed \$1,000 and in which there is no bodily injury to another person as
23 a result of the offender's actions shall be fined an amount not to exceed \$1,000 or be incarcerated in the county
24 jail for a term not to exceed 6 months, or both.

25 (b) A person convicted of the offense of intentional vandalism to railroad property in which the damage
26 to railroad property exceeds \$1,000 or in which there is bodily injury to another person as a result of the offender's
27 actions shall be fined an amount not to exceed \$10,000 or be incarcerated for a term not to exceed 10 years, or
28 both.

29 (c) A person convicted of the offense of intentional vandalism to railroad property that results in serious
30 bodily injury to another person as a result of the offender's actions shall be fined an amount not to exceed

1 \$20,000 or be incarcerated in a state prison for a term not to exceed 20 years, or both.

2 (d) A person convicted of the offense of intentional vandalism to railroad property that results in the death
3 of another person as a result of the offender's actions shall be fined an amount not to exceed \$50,000 or be
4 incarcerated in a state prison for a term not to exceed 40 years, or both.

5 (4) (a) A person commits the offense of intentional trespass to railroad property if the person knowingly
6 or purposely enters or remains unlawfully in or on railroad property when a train, a locomotive, an engine, a
7 railroad car, work equipment, or rolling stock is approaching. Intentional trespass includes knowingly or purposely
8 attempting to stop or hinder an approaching train, locomotive, engine, railroad car, work equipment, or rolling
9 stock.

10 (b) A person convicted of intentional trespass to railroad property is guilty of a felony offense and shall
11 be fined an amount not less than \$1,000 and not to exceed \$10,000 or be incarcerated in a state prison for a term
12 not less than 1 year, or both."

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