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SENATE BILL NO. 95

INTRODUCED BY B. USHER

BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SENTENCING LAWS FOR THEFT, FAILURE TO RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE PRACTICES, AND FORGERY; PROVIDING APPROPRIATIONS; PROVIDING FOR CONTINGENT VOIDNESS; AND AMENDING SECTIONS 45-2-101, 45-6-301, 45-6-309, 45-6-316, 45-6-317, AND 45-6-325, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 45-2-101, MCA, is amended to read:

**"45-2-101. General definitions.** Unless otherwise specified in the statute, all words must be taken in the objective standard rather than in the subjective, and unless a different meaning plainly is required, the following definitions apply in this title:

- (1) "Acts" has its usual and ordinary meaning and includes any bodily movement, any form of communication, and when relevant, a failure or omission to take action.
- (2) "Administrative proceeding" means a proceeding the outcome of which is required to be based on a record or documentation prescribed by law or in which a law or a regulation is particularized in its application to an individual.
- (3) "Another" means a person or persons other than the offender.
- (4) (a) "Benefit" means gain or advantage or anything regarded by the beneficiary as gain or advantage, including benefit to another person or entity in whose welfare the beneficiary is interested.  
(b) Benefit does not include an advantage promised generally to a group or class of voters as a consequence of public measures that a candidate engages to support or oppose.
- (5) "Bodily injury" means physical pain, illness, or an impairment of physical condition and includes mental illness or impairment.

**Amendment - 1st Reading-white - Requested by: Conference Committee on SB 95**

68th Legislature 2023

Drafter: Julianne Burkhardt, 406-444-4025

SB0095.003.002

1 ~~obtained or attempted to be obtained exceeds \$5,000 in value or is part of a common scheme shall be fined an~~  
2 ~~amount not to exceed \$10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both."~~

3  
4 NEW SECTION. SECTION 7. APPROPRIATIONS. (1) THERE IS APPROPRIATED \$107,849 FROM THE GENERAL  
5 FUND TO THE OFFICE OF STATE PUBLIC DEFENDER FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, TO PAY FOR THE  
6 COSTS OF IMPLEMENTING [THIS ACT].

7 (2) THERE IS APPROPRIATED \$107,849 FROM THE GENERAL FUND TO THE OFFICE OF STATE PUBLIC  
8 DEFENDER FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, TO PAY FOR THE COSTS OF IMPLEMENTING [THIS ACT].

9  
10 ~~NEW SECTION. SECTION 8. CONTINGENT VOIDNESS. IF BOTH [THIS ACT] AND HOUSE BILL NO. 817 ARE~~  
11 ~~PASSED AND APPROVED AND IF HOUSE BILL NO. 817 DOES NOT PROVIDE FOR AN APPROPRIATION OF AT LEAST~~  
12 ~~\$3,942,000 FROM THE GENERAL FUND IN EACH FISCAL YEAR OF THE BIENNIUM BEGINNING JULY 1, 2023, TO THE~~  
13 ~~DEPARTMENT OF CORRECTIONS TO CONTRACT WITH CORE CIVIC TO OBTAIN 120 BEDS AT ITS ARIZONA FACILITY, THEN~~  
14 ~~[THIS ACT] IS VOID.~~

15  
16 NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2023.

17 - END -