

1 SENATE BILL NO. 95
2 INTRODUCED BY B. USHER
3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SENTENCING LAWS FOR THEFT, FAILURE TO
6 RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE
7 PRACTICES, AND FORGERY; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 45-2-101,
8 45-6-301, 45-6-309, 45-6-316, 45-6-317, AND 45-6-325, MCA; AND PROVIDING AN EFFECTIVE DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

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

13 **"45-2-101. General definitions.** Unless otherwise specified in the statute, all words must be taken in
14 the objective standard rather than in the subjective, and unless a different meaning plainly is required, the
15 following definitions apply in this title:

16 (1) "Acts" has its usual and ordinary meaning and includes any bodily movement, any form of
17 communication, and when relevant, a failure or omission to take action.

18 (2) "Administrative proceeding" means a proceeding the outcome of which is required to be based
19 on a record or documentation prescribed by law or in which a law or a regulation is particularized in its
20 application to an individual.

21 (3) "Another" means a person or persons other than the offender.

22 (4) (a) "Benefit" means gain or advantage or anything regarded by the beneficiary as gain or
23 advantage, including benefit to another person or entity in whose welfare the beneficiary is interested.

24 (b) Benefit does not include an advantage promised generally to a group or class of voters as a
25 consequence of public measures that a candidate engages to support or oppose.

26 (5) "Bodily injury" means physical pain, illness, or an impairment of physical condition and includes
27 mental illness or impairment.

28 (6) "Child" or "children" means any individual or individuals under 18 years of age, unless a

Amendment - 1st Reading-white - Requested by: Llew Jones - (H) Appropriations

1 amount not to exceed \$10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both."

2

3 **NEW SECTION. Section 7. Appropriation.** (1) (a) There is appropriated \$238,938 from the general
4 fund to the department of corrections for the biennium beginning July 1, 2023, to pay for the costs of
5 implementing [this act].

6 (b) There is appropriated \$107,849 from the general fund to the office of state public defender for
7 the biennium beginning July 1, 2023, to pay for the costs of implementing [this act].

8 (2) (a) There is appropriated \$931,266 from the general fund to the department of corrections for
9 the biennium beginning July 1, 2024, to pay for the costs of implementing [this act].

10 (b) There is appropriated \$107,849 from the general fund to the office of state public defender for
11 the biennium beginning July 1, 2024, to pay for the costs of implementing [this act].

12

13 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2023.

14

- END -