

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 FOR CONTINGENT VOIDNESS; AND AMENDING SECTIONS
8 45-2-101, 45-6-301, 45-6-309, 45-6-316, 45-6-317, AND 45-6-325, MCA."
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/2nd House-blue - Requested by: Llew Jones - (H) Appropriations

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

SB0095.002.004

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. Contingent voidness. If both [this act] and House Bill No. 817 are passed and approved and if House Bill No. 817 does not provide for an appropriation of at least \$3,942,000 from the general fund in each fiscal year of the biennium beginning July 1, 2023, to the department of corrections to contract with Core Civic to obtain 120 beds at its Arizona facility, then [this act] is void.

7

- END -

AMENDED