

SENATE BILL NO. 19

INTRODUCED BY B. USHER

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SENTENCING LAWS FOR THEFT, FAILURE TO RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE PRACTICES, FORGERY, AND THEFT OF IDENTITY; REVISING THE DEFINITION OF "COMMON SCHEME"; RAISING THE PENALTY THRESHOLDS FOR OFFENSES INVOLVING THEFT, FAILURE TO RETURN RENTED OR LEASED PERSONAL PROPERTY, ISSUING A BAD CHECK, DECEPTIVE PRACTICES, FORGERY, AND THEFT OF IDENTITY; AMENDING SECTIONS 45-2-101, 45-6-301, 45-6-309, 45-6-316, 45-6-317, 45-6-325, 45-6-332, AND 45-6-345, 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

~~gained or attempted to be gained shall be fined an amount not to exceed \$10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.~~

(3) As used in this section, "personal identifying information" includes but is not limited to the name, date of birth, address, telephone number, driver's license number, social security number or other federal government identification number, tribal identification card number, place of employment, employee identification number, mother's maiden name, financial institution account number, credit card number, or similar identifying information relating to a person.

(4) If restitution is ordered, the court may include, as part of its determination of an amount owed, payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as a result of the actions of the defendant."

Section 8. Section 45-6-345, MCA, is amended to read:

"45-6-345. Determination of number of convictions. For the purpose of determining the number of convictions under 45-6-301, ~~45-6-309, 45-6-316, 45-6-317, 45-6-325, or 45-6-332~~, a conviction means:

- (1) a conviction, as defined in 45-2-101, under the same statute;
- (2) a conviction for a violation of a similar statute in another state; or
- (3) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or another state for a violation of a similar statute, which forfeiture has not been vacated."

COORDINATION SECTION. **Section 9. Coordination instruction.** If both House Bill No. 532 and [this act] are passed and approved and if both contain a section that amends 45-6-332, then the sections amending 45-6-332 must be replaced with:

"45-6-332. Theft of identity. (1) A person commits the offense of theft of identity if the person purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person.

(2) (a) (i) A person convicted of the offense of theft of identity if no economic benefit was gained or was attempted to be gained or if an economic benefit of less than \$1,500 was gained or was attempted to be gained shall be fined an amount not to exceed ~~\$500~~ \$1,500, imprisoned in the county jail for a term not to exceed 6 months, or both. ~~If the victim is a minor, the offender shall be fined an amount not to exceed \$3,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second offense shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined an amount not to exceed \$500 and be imprisoned in the county jail for a term of not less than 5 days or more than 1 year.~~

(ii) If the victim is a minor, incapacitated person, or vulnerable adult, the offender shall be fined in an amount not to exceed \$3,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(b) (i) A person convicted of the offense of theft of identity if an economic benefit ~~that exceeds of~~ \$1,500 ~~and does not exceed \$5,000 or more~~ was gained or was attempted to be gained shall be fined an amount not to exceed ~~\$5,000~~ \$10,000, or be imprisoned in the state prison for a term not to exceed 10 years, or both. ~~If the victim is a minor, the offender shall be fined an amount not to exceed \$20,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both. A person convicted of a second offense shall be fined an amount not to exceed \$1,500 or be imprisoned in the state prison for a term not to exceed 5 years, or both. A person convicted of a third or subsequent offense shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined an amount not to exceed \$5,000.~~

(ii) If the victim is a minor, incapacitated person, or vulnerable adult, the offender shall be fined an amount not to exceed \$20,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both.

~~(c) A person convicted of theft of identity if an economic benefit exceeding \$5,000 in value was gained or attempted to be gained shall be fined an amount not to exceed \$10,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.~~

(3) As used in this section, "personal identifying information" includes but is not limited to the name, date of birth, address, telephone number, driver's license number, social security number or other federal government identification number, tribal identification card number, place of employment, employee identification number, mother's maiden name, financial institution account number, credit card number, or similar identifying information relating to a person.

(4) If restitution is ordered, the court may include, as part of its determination of an amount owed, payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as a result of the actions of the defendant."

NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2025.

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