

SENATE BILL NO. 101

INTRODUCED BY B. BEARD, M. VINTON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SQUATTING; CREATING THE OFFENSE OF UNLAWFUL SQUATTING; CREATING THE OFFENSE OF FRAUDULENT SALE OR LEASE OF PROPERTY; PROVIDING A PROCESS FOR REMOVAL OF THE PERSON FROM THE PROPERTY; ~~ALLOWING A FEE FOR SERVICE FOR LAW ENFORCEMENT; ALLOWING A CIVIL CAUSE OF ACTION FOR WRONGFUL REMOVAL;~~ PROVIDING INDEMNITY FOR GOOD FAITH CONDUCT OF LAW ENFORCEMENT; AND AMENDING SECTION 70-24-113, MCA."

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

NEW SECTION. **Section 1. Unlawful squatting.** (1) A person commits the offense of unlawful squatting when the person knowingly, without the consent of the owner, rightful occupant, or an authorized representative of the owner:

(a) enters the premises of another; and

(b) resides on the premises for any period of time.

(2) A person convicted of unlawful squatting is guilty of a misdemeanor. In addition to the penalties provided in 46-18-212, the person must be ordered to make restitution in an amount equal to the fair market value rent for the duration of the party's occupancy of the premises.

(3) A person who knowingly presents a false document purporting to convey authorization to enter and remain on the premises commits the offense of forgery and is subject to the penalties provided in 45-6-325.

(4) A person who commits the offense of unlawful squatting and intentionally damages the property commits the offense of criminal mischief and is subject to the penalties provided in 45-6-101.

(5) LAW ENFORCEMENT MAY IMMEDIATELY REMOVE A PERSON WHO COMMITS THE OFFENSE OF UNLAWFUL SQUATTING FROM THE PREMISES. THE PROVISIONS OF 2-9-305 APPLY TO INDEMNIFY LAW ENFORCEMENT OFFICERS FOR ACTIONS ARISING UNDER THIS SUBSECTION.

1           **NEW SECTION. Section 2. Fraudulent sale or lease of property.** (1) A person who knowingly lists  
2 or advertises residential or commercial property for sale or rent without legal title or authority commits the  
3 offense of fraudulent sale or lease of property.

4           (2) A person convicted of the offense of fraudulent sale or lease of property shall be fined at least  
5 \$1,000 or be imprisoned in the county jail for a term of not less than 6 months, or both.

6  
7           **Section 3.** Section 70-24-113, MCA, is amended to read:

8           **"70-24-113. Removal of unauthorized person or trespasser -- indemnification for providing**  
9 **false information to law enforcement.** (1) An unauthorized person or trespasser has no legal right to occupy,  
10 enter, or trespass on a premises. A person who cannot produce authorization allowing the person to occupy a  
11 premises is an unauthorized person or trespasser for the purpose of this section and may be removed from the  
12 premises immediately by law enforcement.

13           (2) For the purposes of this section, authorization includes:

14           (a) a written rental agreement entitling the person to occupy the premises;

15           (b) written or verbal authorization from the landlord; or

16           (c) written or verbal authorization from a tenant if the person is a guest of the tenant.

17           (3) For the purposes of this section, verbal authorization is valid only if it is verified by the individual  
18 or entity entitled to give it under subsection (2)(b) or (2)(c).

19           (4) A property owner or authorized agent may request law enforcement to remove an unauthorized  
20 person or trespasser pursuant to this section.

21           (5) A law enforcement agency is entitled to a fee for service pursuant to a request under  
22 subsection (4). The property owner may request law enforcement to stand by to keep the peace while changing  
23 locks and removing personal property belonging to the unlawful occupant.

24           (6) A property owner or authorized agent who knowingly provides false information in a request  
25 under subsection (4) shall indemnify the law enforcement agency and its agents for any damages awarded  
26 against the law enforcement agency or its agents for their good faith conduct based on the request.

27           (7) A civil cause of action for wrongful removal is allowed, with remedies including a restoration of  
28 possession, actual costs, damages, and attorney fees."

1

2           NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified

3 as an integral part of Title 45, chapter 6, part 2, and the provisions of Title 45, chapter 6, part 2, apply to

4 [sections 1 and 2].

5

- END -