MTIBRS Training & Technical Assistance

Theft – 45-6-301

Montana's Theft Offense

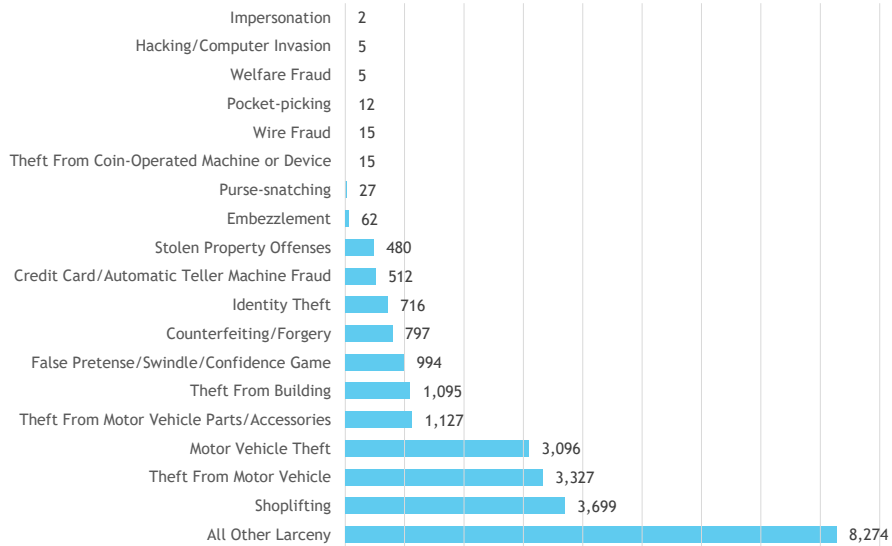| Statute	MCA or CFR Description
45-6-301[FEL]	Theft of Property Exceeding $5,000 or Common Scheme
45-6-301(1)[1]	Theft - Unauthorized Control Over Property - 1st Offense
45-6-301(1)[4][1st]	Theft - Unauthorized Control Over Property Exceeding $1500 - 1st Offense
45-6-301(1)[5]	Theft - Unauthorized Control Over Property Exceeding $5000 or Anhydrous Ammonia
45-6-301(1)[6]	Theft - Unauthorized Control Over Domesticated Hoofed Animal
45-6-301(1)[7]	Theft - Unauthorized Control Over Property Use of Emergency Exit Less than $1500 - 1st Offense
45-6-301(2)[1]	Theft - Obtain By Threat Or Deception Control Over Property - 1st Offense
45-6-301(2)[4][1st]	Theft - Obtain by Threat or Deception Control Over Property Exceeding $1500 but Less Than $5000 -1st
45-6-301(2)[5]	Theft - Obtain by Threat or Deception Control Over Property Exceeding $5000 or Anhydrous Ammonia
45-6-301(2)[6]	Theft - Obtain by Threat or Deception Control Over Domesticated Hoofed Animal
45-6-301(2)[7]	Theft - Obtain by Threat or Deception Control Over Property Use Emergency Exit Less than $1500 -1st
45-6-301(3)[1]	Theft - Obtain Control Over Property Stolen By Another - 1st Offense
45-6-301(3)[4][1st]	Theft - Obtain Control Over Property Stolen By Another Exceeding $1500 but Less Than $5000 - 1st
45-6-301(3)[5]	Theft - Obtain Control Over Property Stolen By Another Exceeding $5000 or Anhydrous Ammonia
45-6-301(3)[6]	Theft - Obtain Control Over Property Stolen By Another of a Domesticated Hoofed Animal
45-6-301(3)[7]	Theft - Obtain Control Over Property Stolen By Another Use of Emergency Exit Less than $1500 - 1st
45-6-301(4)[1]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance - 1st Offense
45-6-301(4)[4][1st]	Theft - Obtains or Exerts Unauthorized Control Over Public Assist Exceed $1500 Less Than $5000 -1st
45-6-301(4)[5]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance Exceeding $5000
45-6-301(4)[7]	Theft - Obtains/Exerts Unauthorized Control Over Public Assist Emergency Exit Less than $1500 - 1st
45-6-301(5)[1]	Theft - Obtains or Exerts Control Over Work Comp Benefits - 1st Offense
45-6-301(5)[4][1st]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding $1500 but Less Than $5000 - 1st
45-6-301(5)[5]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding $5000
45-6-301(5)[7]	Theft - Obtains or Exerts Control Over Work Comp Benefits Use of Emergency Exit Less than $1500 -1st
45-6-301(6)[1]	Theft - Embezzlement - 1st Offense
45-6-301(6)[4][1st]	Theft - Embezzlement Exceeding $1500 but Less Than $5000 - 1st Offense
45-6-301(6)[5]	Theft - Embezzlement Exceeding $5000
45-6-301(6)[6]	Theft - Embezzlement Exceeding $10000
45-6-301(7)[1]	Theft Of Property By Embezzlement - 1st Offense
45-6-301(7)[4]	Theft Of Property Exceeding $1,500 By Embezzlement
45-6-301(7)[5]	Theft Of Property Exceeding $10,000 By Embezzlement

When you look up this offense in the Bond Book there are almost 70 options to choose from when you factor 1st through 3rd offenses.

For MTIBRS, many of these subsections will allow for more than 1 NIBRS code. For instance subsection 1, theft exceeding $1500. This could be 1 of 9 MTIBRS/NIBRS breakdowns. C) Motor vehicle/vessel theft - D) Pickpocket - E) Purse snatch - F) Shoplift - G) Theft from buildings - H) Theft from coin-op machines - I) Theft of belongings from motor vehicles - J) Theft of motor vehicles - arts and accessories - K) Theft, all others

Depending on your RMS, this can mean over 160 choices for the theft offense alone. The bond book schedule has over 2500 lines of statutes when you factor when you factor in counts.

For XML – we are working with vendors to get this back down to the 70 options you currently see. Once the subsection and count is selected, if the subsection allows for multiple NIBRS codes, and second option will pop up asking which type of theft this is (see choices above):

NIBRS/MTIBRS breakout totals for 2021

Category	Total
Impersonation	2
Hacking/Computer Invasion	5
Welfare Fraud	5
Pocket-picking	12
Wire Fraud	15
Theft From Coin-Operated Machine or Device	15
Purse-snatching	27
Embezzlement	62
Stolen Property Offenses	480
Credit Card/Automatic Teller Machine Fraud	512
Identity Theft	716
Counterfeiting/Forgery	797
False Pretense/Swindle/Confidence Game	994
Theft From Building	1,095
Theft From Motor Vehicle Parts/Accessories	1,127
Motor Vehicle Theft	3,096
Theft From Motor Vehicle	3,327
Shoplifting	3,699
All Other Larceny	8,274

The breakout of theft offenses for the NIBRS categories gives us an idea of what types of theft offenses are being committed in Montana.

$102,829,529 Stolen Property Loss for 2021

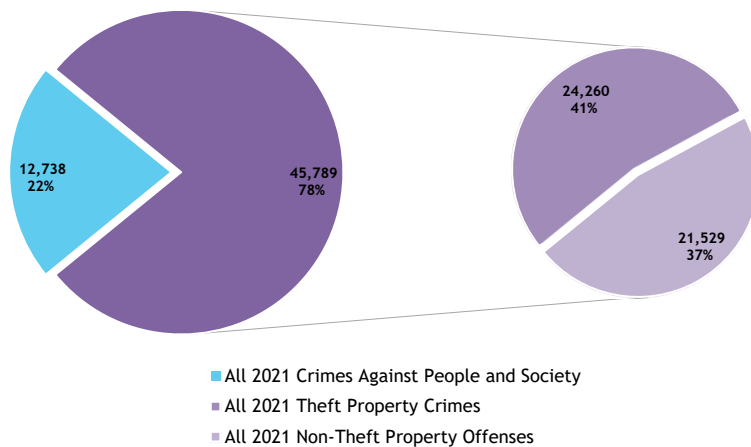| Incidents with ONLY One UCR Theft Offense (this allows us to see loss per type of theft)	Total 2021 Stolen Value	# Incidents	Per Incident Cost
26G - Unlawful use of a computer	$109,370	8	$13,671
270 - Embezzlement	$807,463	71	$11,373
240 - Motor Vehicle Theft	$17,900,228	2,359	$7,588
26C - Fraud - marijuana cardholder or provider	$14,000	2	$7,000
280 - Illegal handling of stolen property	$903,603	133	$6,794
26E - Wire fraud	$69,064	12	$5,755
26A - Fraud	$3,907,786	768	$5,088
200 - Arson	$56,540	21	$2,692
26F - Identity Theft	$1,780,258	670	$2,657
290 - Vandalism	$3,958,910	1,500	$2,639
23H - Theft All other	$14,603,837	6,645	$2,198
26B - Credit card fraud	$533,350	261	$2,043
26D - Welfare or Workers Comp fraud	$9,218	5	$1,844
250 - Counterfeiting	$535,421	292	$1,834
220 - Burglary	$2,080,192	1,221	$1,704
23D - Theft from buildings	$779,429	786	$992
23F - Theft of belongings from motor vehicles	$1,531,800	1,587	$965
23G - Theft of motor vehicles parts and accessories	$691,529	1,017	$680
210 - Extortion/Blackmail	$1,576	4	$394
23A - Pickpocket	$3,983	12	$332
23E - Theft from coin-operated machines	$4,777	17	$281
23C - Shoplifting	$582,616	3,380	$172
23B - Purse snatch	$952	8	$119

Because property is tied to the incident and not the offense, there is no way to determine which offenses result in the greatest loss of property when there are numerous theft offenses occurring for incidents. This table pulled all incidents involving a theft where there was only one offense reported. This gives a look at loss by specific offenses.

It is interesting to note numbers are highlighted in red
- The highest loss per offense/incident is for unlawful use of a computer – yet there were only 8 offenses in 2021.
- Theft all other leads the individual offenses incidents with 6,645 and almost $15 million in loss. Over $2000 in loss per incident and yet we really can't tell because of this category what the makeup is of these crimes.
- The highest loss is MVT – with an average loss of $7,588 per crime.

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Why are Theft Offenses Important?

Total Montana 2021 Crimes

- All 2021 Crimes Against People and Society
- All 2021 Theft Property Crimes
- All 2021 Non-Theft Property Offenses

Property offenses account for 78% of all 2021 offenses. Historically, property offenses have run between 65 to 75% of all offenses. Of those NIBRS property crimes, theft accounts for 41% of all 2021 offenses. Our statute makes it difficult to determine which property crime offenses are the most prevalent.

Non-theft Montana property crimes such as burglary, vandalism, robbery,

Theft & Value

▶ If dollar value is unknown, enter "$1." However, 09 = Credit/Debit Cards, 22 = Nonnegotiable Instruments, 48 = Documents–Personal or Business, 65 = Identity Documents, 66 = Identity–Intangible should have a value of zero.

▶ Dollar amount must be in whole dollars.

▶ When the victim obviously exaggerates value of stolen/destroyed/damaged property, LEAs should use common sense and good judgment to determine the value.

▶ Use the cost to the merchant (wholesale cost) of goods recovered, seized, stolen, etc., from retail establishments, warehouses, etc. In other words, use the dollar value representing the actual cash loss to the victim without any markup or profit added.

▶ LEAs may use any type of resource to determine the value of property including the Internet, Craigslist, eBay, Kelley Blue Book, etc.

▶ Only report thefts that occurred within your jurisdiction!

Common Theft Errors

▶ "390" Error: Must contain a data value that is logical for one or more of the Crime Against Property offenses entered in UCR Offense Code field. Illogical combinations include:

1. Property descriptions for structures are illogical with Burglary/Breaking & Entering or Motor Vehicle Theft.

2. Property descriptions for items that would not fit in a Purse or pocket (aircraft, vehicles, structures, a person's identity, watercraft, etc.) are illogical with Pocket picking or Purse-snatch.

▶ "359" Error: For Motor Vehicle Thefts, Number of Stolen Motor Vehicles or Number of Recovered Motor Vehicles, property description must be one of the following (*notice neither trailers nor boats are not listed!*):

▶ 03 = Automobiles, 05 = Buses, 24 = Other Motor Vehicles, 28 = Recreational Vehicles, 37 = Trucks

What's coming up?

September 14 and September 28 - Cancelled due to conflicting trainings. TAC 9/14, FBI NIBRS 9/27-29 (topics added to October 12)

- **Go to https://mbcc.mt.gov/Data/MTIBRS-Training to register for all 2022 sessions. Make sure to bookmark this page.**
- Future Just the Facts Training:
    - Victim/Offender Relationship, Hate Crimes, Cargo Theft, The New Occupation fields - October 12, 2022
    - Property Values, Stolen and Recovered - XML additions - October 26, 2022
    - Stolen and Recovered - XML additions - November 9, 2022
    - Drugs - new XML fields, measurements, drug types and more - November 23, 2022
    - Multi Jurisdiction Incidents - December 7, 2022
    - Warrants - December 21, 2022

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