INTRODUCED BY BILL NO. 70

INTRODUCED BY WITHOUT THE CONSENT OF THE SALE OF MORTGAGEE."

BILL NO. 70

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION SECTION TO REMOVE THE STATUTE FORBIDDING THE NORTGAGEE."

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

Section 1. Section 52-318, R.C.M. 1947, is repealed.

-End-

HB 70

10

LC 0615

Approved by Committee on Judiciary

INTRODUCED BY CONTROL BILL NO. 70

1 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION

1 S2-318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE

2 SALE OF MORTGAGED CHATTELS WITHOUT THE CONSENT OF THE

3 MORTGAGEE."

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

Section 1. Section 52-318, R.C.M. 1947, is repealed.

-End-

HB 70

1 INTRODUCED BY BILL NO. 70

1 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION

5 52-318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE

6 SALE OF MORTGAGED CHATTELS WITHOUT THE CONSENT OF THE

7 NORTGAGEE."

8

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

10 Section 1. Section 52-318, R.C.M. 1947, is repealed.

-End-

SENATE COMMITTEE OF THE WHOLE

AMENDMENTS TO HOUSE BILL NO. 70

That House Bill no. 70 be amended as follows:

1. Amend title, line 7.

Following: "MORTGAGEE"

Insert: ", AND AMENDING SECTION 94-6-313, R.C.M. 1947 RE-LATING TO PENALTIES FOR THE CRIME OF DEFRAUDING

CREDITORS"

2. Amend page 1, line 10.

Following: line 10

Insert: "Section 2. Section 94-6-313, R.C.M. 1947, is amended
to read as follows:

"94-6-313. Defrauding creditors. (1) A person commits the offense of defrauding secured creditors if he destroys, conceals, encumbers, transfers, removes from the state, or otherwise deals with property subject to a security interest with the purpose to hinder enforcement of that interest.

- (2) "Security interest" means an interest in personal property or fixtures as defined in section 87-1-201 (37) [87A-1-201 (37)] of the Uniform Commercial Code.
- (3)--A-person-convicted-of-the-offense-of-defrauding secured-creditors-shall-be-fined-not-to-exceed-five-hundred dollars-(\$500)-or-be-imprisoned-in-the-county-jail-for-a-term not-to-exceed-six-(6)-months-or-both-
- (3) A person convicted of the offense of defrauding creditors of property not exceeding one hundred fifty dollars (\$150) in value shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both. A person convicted of the offense of defrauding creditors of property exceeding one hundred fifty dollars (\$150) in value or "defrauding creditors of any commonly domesticated hoofed animal shall be imprisoned in the state prison for any term not to exceed ten (10) years." "

1	HOUSE BILL NO. 70
2	INTRODUCED BY JAMES MOORE, VINCENT, SCULLY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION
5	52-318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE
6	SALE OF MORTGAGED CHATTELS WITHOUT THE CONSENT OF THE
7	MORTGAGEE."
8	
ē	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 52-318, R.C.M. 1947, is repealed.
	-End-

#8 70

HB 0070/03

44th Legislature

HB 0070/03

1	HOUSE BILL NO. 70
2	INTRODUCED BY JAMES MOORE, VINCENT, SCULLY
3	
4	A FILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION
5	52+318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE
6	SALE OF MORTGAGED CHATTELS WITHOUT THE CONSENT OF THE
7	MORTGAGEE; AND AMENDING SECTION 94-6-313, R.C.M. 1947,
8	RELATING TO PENALTIES FOR THE CRIME OF DEFRAUDING
ò	CREDITORS."
LO	
11	BI: IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 52-318, R.C.M. 1947, is repealed.
L 3	SECTION 2. SECTION 94-6-313, R.C.M. 1947, IS AMENDED
L4	TO RLAD AS FOLLOWS:
1.5	*94-6-313. Defrauding creditors. (1) A person commits
16	the offense of defrauding secured creditors if he destroys,
L 7	conceals, encumbers, transfers, removes from the state, or
18	otherwise deals with property subject to a security interest
19	with the purpose to hinder enforcement of that interest.
20	(2) "Security interest" means an interest in personal
21	property or fixtures as defined in section 87-1-201 (37)
22	[87A-1-201 (37)] of the Uniform Commercial Code.
23	{3}A-person-convicted-of-theoffenseofdefrauding
24	securedcreditors-shall-be-fined-not-to-exceed-five-hundred

dollars-(6500)-or-be-imprisoned-in-the--county--jail--for--a

2	(3) A person convicted of the offense of defrauding
3	creditors of property not exceeding one hundred fifty
4	dollars (\$150) in value shall be fined not to exceed five
5	hundred dollars (\$500) or be imprisoned in the county jail
6	for any term not to exceed six (6) months, or both. A
7	person convicted of the offense of defrauding creditors of
8	property exceeding one hundred fifty dollars (\$150) in value
9	or defrauding creditors of any commonly domesticated hoofed
10	animal shall be imprisoned in the state prison for any term
11	not to exceed ten (10) years."
	-End-

term-mot-to-exceed-six-(6)-months;-or-both: