



Approved by Committee  
on Judiciary

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*House* BILL NO. *70*  
~~House~~ *Vincent Scully*

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION  
52-318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE  
SALE OF MORTGAGED CHATTELS WITHOUT THE CONSENT OF THE  
MORTGAGEE."

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

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 Section 52-318, R.C.M. 1947, is repealed.

-End-

1 House BILL NO. 70  
2 INTRODUCED BY W. C. C. [unclear] Vincent Scully

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 Section 52-318, R.C.M. 1947, is repealed.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

HB 70

February 17, 1975

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  
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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  
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-

HB 70

HOUSE BILL NO. 70

INTRODUCED BY JAMES MOORE, VINCENT, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING SECTION 52-318, R.C.M. 1947, TO REMOVE THE STATUTE FORBIDDING THE SALE OF MORTGAGED CHATELS WITHOUT THE CONSENT OF THE MORTGAGEE; AND AMENDING SECTION 94-6-313, R.C.M. 1947, RELATING TO PENALTIES FOR THE CRIME OF DEFRAUDING CREDITORS."

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

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 Section 52-318, R.C.M. 1947, is repealed.

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.

-End-