

HOUSE BILL NO. 379  
INTRODUCED BY HEMSTAD, SMITH  
BY REQUEST OF THE STATE AUDITOR

IN THE HOUSE

January 20, 1981	Introduced and referred to Committee on Judiciary.
January 30, 1981	Committee recommend bill do pass. Report adopted.
January 31, 1981	Bill printed and placed on members' desks.
February 2, 1981	Second reading, do pass.
February 3, 1981	Considered correctly engrossed.
February 4, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 5, 1981	Introduced and referred to Committee on Judiciary.
March 5, 1981	Committee recommend bill be concurred in. Report adopted.
March 7, 1981	Second reading, concurred in.
	On motion taken from Bills and Journal and rereferred to Committee Judiciary. Motion adopted.
March 16, 1981	Committee recommend bill be concurred in as amended. Report adopted.

March 18, 1981

Second reading, concurred in  
as amended.

March 20, 1981

Third reading, concurred in  
as amended. Ayes, 47;  
Noes, 1.

IN THE HOUSE

March 21, 1981

Returned from Senate with  
amendments.

April 7, 1981

Second reading, amendments  
concurred in.

On motion rules suspended  
and bill placed on third  
reading this day.

Third reading, amendments  
concurred in. Ayes, 94;  
Noes, 1. Sent to enrolling.

Reported correctly enrolled.

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM  
6 SENTENCE FOR CRIMINAL VIOLATIONS OF THE MONTANA SECURITIES  
7 ACT AND EXTENDING THE TIME FOR CRIMINAL PROSECUTIONS  
8 THEREUNDER; AMENDING SECTION 30-10-306, MCA."

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

1 be extended allowing commencement of a prosecution within 1  
2 year after the date the commissioner or other prosecuting  
3 officer becomes aware of the violation.

11 (3) Nothing in parts 1 through 3 of this chapter  
12 limits the power of the state to punish any person for any  
13 conduct which constitutes a crime."

-End-

Approved by Committee  
on Judiciary

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6 SENTENCE FOR CRIMINAL VIOLATIONS OF THE MONTANA SECURITIES  
7 ACT AND EXTENDING THE TIME FOR CRIMINAL PROSECUTIONS  
8 THEREUNDER; AMENDING SECTION 30-10-306, MCA."

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

11                   Section 1. Section 30-10-306, RCA, is amended to read:

12                   \*30-10-306. Criminal liabilities. (1) Any person who

13                   willfully violates any provision of parts 1 through 3 of

14                   this chapter except 30-10-302, who willfully violates any

15                   rule or order under parts 1 through 3 of this chapter, or

16                   who willfully violates 30-10-302 knowing the statement made

17                   to be false or misleading in any material respect shall upon

18                   conviction be fined not more than \$5,000 or imprisoned not

19                   more than 3 to 10 years, or both; however, in the event the

20                   person so convicted has been previously convicted of a

21                   felony in any way involving securities, imprisonment

22                   hereunder for not less than 1 year shall be mandatory. No

23                   indictment or information may be returned under parts 1

24                   through 3 of this chapter more than 5 years after the

25                   alleged violation; however, the time limitation period may

1 be extended allowing commencement of a prosecution within 1  
2 year after the date the commissioner or other prosecuting  
3 officer becomes aware of the violation.

11 (3) Nothing in parts 1 through 3 of this chapter  
12 limits the power of the state to punish any person for any  
13 conduct which constitutes a crime."

-End-

-2- SECOND READING  
HB 379

HOUSE BILL NO. 379

INTRODUCED BY ~~Spindler~~ - Smith

BY REQUEST OF THE STATE AUDITOR

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23                   indictment or information may be returned under parts 1

24                   through 3 of this chapter more than 5 8 years after the

25                   alleged violation; however, the time limitation period may

1 be extended allowing commencement of a prosecution within  
2 HOWEVER, THE TIME LIMITATION PERIOD MAY BE EXTENDED ALLOWING  
3 COMMENCEMENT OF A PROSECUTION WITHIN OR 1 year after the  
4 date the commissioner or other prosecuting officer becomes  
5 aware of the violation, BUT IN NO CASE MAY THE PROSECUTION  
6 BE COMMENCED MORE THAN 10 YEARS AFTER THE ALLEGED VIOLATION.

14 (3) Nothing in parts 1 through 3 of this chapter  
15 limits the power of the state to punish any person for any  
16 conduct which constitutes a crime."

-End-

March 16, 1981

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 379 be amended as follows:

1. Page 1, line 25 through line 1 on page 2.

Following: ";" on page 1, line 25

Strike: line 25 through "within" on line 1, page 2.

Insert: "or"

2. Page 2, line 3.

Following: "violation"

Insert: ", but in no case may the prosecution be commenced more than  
10 years after the alleged violation"

March 18, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 379, third reading copy,  
as follows:

THAT THE AMENDMENTS OF THE SENATE STANDING COMMITTEE  
ON JUDICIARY SHOWN BELOW, BE STRICKEN:

1. Page 1, line 25 through page 2, line 1.  
Following: ";" on page 1, line 25.  
Strike: line 25 through "within" on page 2, line 1.  
Insert: "or"
  
2. Page 2, line 3.  
Following: "violation"  
Insert: ", but in no case may the prosecution be  
commenced more than 10 years after the alleged  
violation"

AND, FURTHER, THAT THE FOLLOWING AMENDMENT BE MADE TO  
THE BILL:

1. Page 1, line 24.  
Following: "than"  
Strike: "5"  
Insert: "8"