

HOUSE BILL NO. 400

1/23 Introduced
1/23 Referred to Judiciary
2/12 Hearing
2/23 Adverse Committee Report
2/25 Objection to Adverse Committee Report
2/26 Rereferred to Judiciary
3/30 Fiscal Note Requested
Died in Committee

1 HOUSE BILL NO. 400
 2 INTRODUCTION BY Brody
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
 5 RELATING TO EVIDENCE AND PUNITIVE DAMAGES; PROHIBITING
 6 CONSIDERATION OF A DEFENDANT'S FINANCIAL AFFAIRS, NET WORTH,
 7 PROFITS, OR WEALTH ON THE ISSUE OF PUNITIVE DAMAGES;
 8 AMENDING SECTION 27-1-221, MCA; AND PROVIDING AN
 9 APPLICABILITY DATE."

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

12 Section 1. Section 27-1-221, MCA, is amended to read:
 13 "27-1-221. When exemplary damages allowed. (1) In any
 14 action for a breach of an obligation not arising from
 15 contract where the defendant has been guilty of oppression,
 16 fraud, or malice, actual or presumed, the jury, in addition
 17 to the actual damages, may give damages for the sake of
 18 example and by way of punishing the defendant.

19 (2) The jury may not consider a defendant's financial
 20 worth when determining the amount of exemplary or punitive
 21 damages to be awarded. Evidence on the issue of exemplary
 22 or punitive damages is limited as provided in [section 2]."

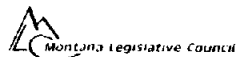
23 NEW SECTION. Section 2. Punitive damages -- evidence
 24 of defendant's financial worth. A plaintiff may not present
 25 evidence of a defendant's financial affairs, net worth,

1 profits, or wealth on the issue of exemplary or punitive
 2 damages.

3 NEW SECTION. Section 3. Codification instruction.
 4 Section 2 is intended to be codified as an integral part of
 5 Title 26, chapter 1, and the provisions of Title 26, chapter
 6 1, apply to section 2.

7 NEW SECTION. Section 4. Applicability. This act
 8 applies to proceedings filed after October 1, 1985.

-End-



-2- INTRODUCED BILL
 HB 400

COMMITTEE
ON JUDICIARY
RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

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