

HOUSE BILL NO. 499

INTRODUCED BY GIACOMETTO, DEVLIN

IN THE HOUSE

JANUARY 30, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 31, 1989	FIRST READING.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 95; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *499*  
2 INTRODUCED BY *Dineen*  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A FELONY  
5 PENALTY FOR THE MISUSE AND ABUSE OF A CUSTODIAL ACCOUNT; AND  
6 AMENDING SECTION 81-8-216, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 81-8-216, MCA, is amended to read:

10 "81-8-216. Penalties. (1) A person who violates any  
11 provision of 81-8-214, 81-8-215, 81-8-251 through 81-8-256,  
12 and 81-8-258 through 81-8-263 or rules adopted by the  
13 department under 81-8-231 is guilty of a misdemeanor and  
14 upon conviction shall be fined not less than \$100 or more  
15 than \$600, imprisoned in the county jail not less than 30  
16 days or more than 6 months, or both. A person convicted of  
17 a subsequent violation of 81-8-214, 81-8-215, 81-8-251  
18 through 81-8-256, and 81-8-258 through 81-8-263 or rules  
19 adopted to implement those sections shall be fined not less  
20 than \$200 or more than \$1,000, imprisoned in the county jail  
21 for not less than 3 months or more than 6 months, or both,  
22 and the department may cancel his certificate.

23 (2) Of all fines assessed and collected under this  
24 section, except those assessed and collected in a justice's  
25 court, 50% shall be paid into the state treasury and

1 credited to the special revenue fund for the use of the  
2 department and 50% shall be paid into the general revenue  
3 fund of the county in which the conviction occurred.

4 (3) A person who fails to establish and properly use a  
5 custodial account resulting in a failure to account for or  
6 to remit money belonging to others under this chapter is,  
7 upon conviction, guilty of a felony."

8 **NEW SECTION. Section 2.** Extension of authority. Any  
9 existing authority to make rules on the subject of the  
10 provisions of [this act] is extended to the provisions of  
11 [this act].

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 499

INTRODUCED BY GIACOMETTO, DEVLIN

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AMENDING SECTION 81-8-216, MCA."

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

**Section 1.** Section 81-8-216, MCA, is amended to read:

"81-8-216. Penalties. (1) A person who KNOWINGLY  
violates any provision of 81-8-214, 81-8-215, 81-8-251  
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