

HOUSE BILL NO. 36

INTRODUCED BY BARNETT  
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 7, 1993	PRINTING REPORT.  SECOND READING, DO PASS.
JANUARY 8, 1993	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 99; NOES, 0.  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.  FIRST READING.
JANUARY 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 20, 1993	SECOND READING, CONCURRED IN.
JANUARY 21, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.  RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 21, 1993	RECEIVED FROM SENATE.  SENT TO ENROLLING.  REPORTED CORRECTLY ENROLLED.
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## 1 HOUSE BILL NO. 36

2 INTRODUCED BY BARNETT

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING SEPARATE FELONY  
6 OFFENSES THE KNOWING FAILURE TO ESTABLISH A LIVESTOCK  
7 MARKETING CUSTODIAL ACCOUNT AND THE IMPROPER USE OF A  
8 LIVESTOCK MARKETING CUSTODIAL ACCOUNT; AND AMENDING SECTION  
9 81-8-216, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 81-8-216, MCA, is amended to read:

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

1 certificate.

2 (2) Of all fines assessed and collected under this  
3 section, except those assessed and collected in a justice's  
4 court, 50% ~~shall~~ must be paid into the state treasury and  
5 credited to the special revenue fund for the use of the  
6 department and 50% ~~shall~~ must be paid into the general  
7 revenue fund of the county in which the conviction occurred.

8 (3) A person who is, upon conviction, guilty of a  
9 felony if the person knowingly fails:

10 (a) to establish and-properly-use a custodial account  
11 resulting in a failure to account for or to remit money  
12 belonging to others under this chapter; or

13 (b) to properly use a custodial account resulting in a  
14 failure to account for or to remit money belonging to others  
15 under this chapter is, upon conviction, guilty of a felony."

-End-

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

HOUSE BILL NO. 36

INTRODUCED BY BARNETT

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING SEPARATE FELONY  
OFFENSES THE KNOWING FAILURE TO ESTABLISH A LIVESTOCK  
MARKETING CUSTODIAL ACCOUNT AND THE IMPROPER USE OF A  
LIVESTOCK MARKETING CUSTODIAL ACCOUNT; AND 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  
through 81-8-256, and 81-8-258 through 81-8-263 or rules  
adopted by the department under 81-8-231 is guilty of a  
misdemeanor and upon conviction shall be fined not less than  
\$100 or more than \$600, imprisoned in the county jail not  
less than 30 days or more than 6 months, or both. A person  
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both, and the department may cancel his the person's

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

(3) A person who is, upon conviction, guilty of a  
felony if the person knowingly fails:

(a) to establish and properly use a custodial account  
resulting in a failure to account for or to remit money  
belonging to others under this chapter; or

(b) to properly use a custodial account resulting in a  
failure to account for or to remit money belonging to others  
under this chapter is, upon conviction, guilty of a felony."

-End-



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9 81-8-216, MCA."

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

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

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8 (3) A person who is, upon conviction, guilty of a  
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