

4
Date 3-18-05
HB 307

Amendments to House Bill No. 307
3rd Reading Copy

Requested by Senator Jim Shockley

For the Senate Judiciary Committee

Prepared by Valencia Lane
March 18, 2005 (7:58am)

1. Title, line 8.

Following: "LAUNDERING;"

Strike: "AND"

2. Title, line 9.

Following: "FORFEITURE"

Insert: "AND SALE"

Following: "OFFENSE"

Insert: "; AND PROVIDING FOR SALE PROCEEDS TO BE DEPOSITED IN THE STATE GENERAL FUND"

3. Page 2, line 2.

Following: line 1

Strike: "(3) The"

Insert: "(3) (a) Upon conviction, the"

4. Page 2, line 4.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

5. Page 2, line 11.

Following: line 10

Insert: "(b) The sheriff of the county where forfeited property is located shall sell the property at auction. The proceeds of the sale must be deposited in the state general fund."

6. Page 2, line 15 through page 5, line 14.

Strike: section 2 through section 6 in their entirety

7. Page 5, line 16.

Strike: "[Sections 1 through 6] are"

Insert: "[Section 1] is"

8. Page 5, line 7 through line 8.

Strike: "[Sections 1 through 6]"

Insert: "[Section 1]"

- END -

1 HOUSE BILL NO. 307

2 INTRODUCED BY PARKER, WANZENRIED, BECKER, BERGREN, BUZZAS, DOWELL, DRISCOLL,
 3 EATON, ELLINGSON, EVERETT, GALLIK, GALLUS, GILLAN, HARRIS, FUREY, HANSEN, JACKSON,
 4 JOPEK, LANGE, LASLOVICH, CLARK, FRANKLIN, LINDEEN, MAEDJE, MALCOLM, MANGAN,
 5 MATTHEWS, MCGEE, MILBURN, NOONAN, ROUSH, SCHMIDT, SONJU, STOKER, WHEAT, WILSON,
 6 WINDHAM, WINDY BOY

7
 8 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF MONEY LAUNDERING; ~~AND~~
 9 PROVIDING FOR THE FORFEITURE OF PROPERTY USED IN THE COMMISSION OF THE OFFENSE,"
 10 *AND SALE*
 11 *PROVIDING FOR SALE PROCEEDS TO BE DEPOSITED IN THE STATE GENERAL FUND.*

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

13 NEW SECTION. Section 1. Money laundering. (1) A person commits the offense of money laundering
 14 if the person knowingly:

15 (a) receives or acquires the proceeds of, or engages in transactions involving proceeds of, any activity
 16 that is unlawful under the laws of any state or the United States;

17 (b) gives, sells, transfers, trades, invests, conceals, transports, or otherwise makes available anything
 18 of value that the person knows is intended to be used for the purpose of committing or furthering the commission
 19 of any activity that is unlawful under the laws of any state or the United States;

20 (c) directs, plans, organizes, initiates, finances, manages, supervises, or facilitates the transportation
 21 or transfer of proceeds ~~known to be~~ THAT THE PERSON KNOWS ARE derived from any activity that is unlawful under
 22 the laws of any state or the United States; or

23 (d) conducts a financial transaction involving proceeds THAT THE PERSON KNOWS ARE derived from any
 24 activity that is unlawful under the laws of any state or the United States when the transaction is designed in
 25 whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds or to
 26 avoid a transaction reporting requirement under federal law.

27 (2) A person convicted of money laundering shall be ~~imprisoned in the state prison for a period of not~~
 28 ~~more than 10 years~~ FINED AN AMOUNT NOT TO EXCEED \$1,000 OR BE IMPRISONED IN THE COUNTY JAIL FOR A TERM NOT
 29 TO EXCEED 6 MONTHS, OR BOTH. IF THE MONEY LAUNDERING IS PART OF A COMMON SCHEME OR IF THE VALUE OF THE
 30 PROCEEDS OR ITEM OF VALUE EXCEEDS \$1,000, THE PERSON SHALL BE FINED NOT TO EXCEED \$50,000 OR BE

1 IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 20 YEARS, OR BOTH.

(a) UPON CONVICTION,

2 (3) The court shall order the following property possessed by a person convicted of money laundering
3 to be forfeited:

4 i (a) money, INCLUDING DIGITAL CURRENCY, AND raw materials, products, equipment of any kind, and any
5 other personal property involved in the money laundering;

6 ii (b) personal property constituting or derived from proceeds obtained directly or indirectly from the
7 money laundering; and

8 iii (c) real property, including any right, title, and interest in any lot or tract of land and any appurtenances
9 or improvements, that is directly used or intended to be used in any manner to commit or facilitate the
10 commission of, or that is derived from or maintained by the proceeds resulting from, the money laundering.

11 (b) (4) FOR PURPOSES OF THIS SECTION, "DIGITAL CURRENCY" MEANS MONEY REPRESENTED BY DIGITAL
12 INFORMATION THAT IS STORED, SPENT, AND TRANSFERRED ELECTRONICALLY BY A PERSON AS PART OF A FINANCIAL
13 TRANSACTION.

STRIKE Section 2-6

14
15 (b) The sheriff of the county where forfeited property [section 1] may
is located shall sell the property at auction. The proceeds liction over the
of the sale must be deposited in the state general fund." arrest.

18
19 NEW SECTION. Section 3. Forfeiture petition and answer. (1) A law enforcement agency that seizes
20 property under [section 2] shall, within 45 days of the seizure, file a petition for the sale of the property with the
21 clerk of the district court of the county in which the seizure occurred. The clerk shall issue a summons, which
22 the law enforcement agency shall serve upon the person from whom the property was seized and any claimants
23 of the property, by one of the following methods:

24 (a) upon a person whose name and address are known, by personal service of a copy of the petition
25 and summons as provided in the Montana Rules of Civil Procedure; or

26 (b) upon a person whose address is unknown but who is believed to have an interest in the property,
27 by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure
28 occurred or, if there is no newspaper of general circulation in the county, by publication in one issue of a
29 newspaper of general circulation in an adjoining county and by mailing a copy of the petition and summons to
30 the most recent known address of the person.