

HOUSE BILL NO. 42

INTRODUCED BY K. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN INCREASE IN THE AMOUNT OF RECOVERABLE DAMAGES AND ATTORNEY FEES UNDER LAWS RELATING TO THE DESTRUCTION OF PROPERTY BY MINORS; AND AMENDING SECTIONS 40-6-237 AND 40-6-238, MCA."

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

**Section 1.** Section 40-6-237, MCA, is amended to read:

**"40-6-237. Destruction of property by minor -- liability of parents.** ~~Any~~ A municipal corporation, county, city, town, school district, or department of the state of Montana, ~~any~~ a person, or ~~any~~ a religious organization whether incorporated or unincorporated is entitled to recover damages in a civil action in an amount not to exceed ~~\$2,500~~ \$6,900 in a court of competent jurisdiction from the parents of ~~any~~ a person under ~~the age~~ of 18 years of age, living with the parents, who ~~shall~~ maliciously or willfully ~~destroy~~ destroys property, real, personal, or mixed, belonging to ~~such~~ the municipal corporation, county, city, town, school district, department of the state of Montana, person, or religious organization."

**Section 2.** Section 40-6-238, MCA, is amended to read:

**"40-6-238. Limitation on amount of recovery.** The recovery ~~shall be~~ of damages under 40-6-237 is limited to the actual damages in an amount not to exceed ~~\$2,500~~ \$6,900 in addition to taxable court costs and ~~a reasonable attorney's fee~~ attorney fees to be set by the court not to exceed ~~\$400~~ \$1,800. The right to recover attorney fees as provided by this section is limited to a person bringing an action under 40-6-237."

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