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Date 3-3-05
HB 190

DEPARTMENT OF JUSTICE
HB 190: Clarifying a Victim's Right To Attend Court Proceedings

Background

In Montana, victims of criminal offenses have the right to attend all court hearings relating to the offense. One of the most prevalent types of victims in the criminal justice system is the victim of domestic violence.

Section 45-5-206, MCA, provides that a person commits the offense of partner or family member assault if the person:

- purposely or knowingly causes bodily injury to a partner or family member,
- negligently causes bodily injury to a partner or family member, or
- purposely or knowingly causes reasonable apprehension of bodily injury to a partner or family member.

In an apparent oversight, the section of law that provides victims the right to attend proceedings does not include victims who had "reasonable apprehension of bodily injury." The definition of victim includes only those victims who suffer property loss or bodily injury.

Proposed Change

HB 190 amends the definition of victims who have the right to attend court proceeding to cover all crime victims, including those who had reasonable apprehension of bodily injury under Montana's domestic violence statutes.

2005 Legislature
March 3, 2005