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Date 3-18-05
HB 363

Amendments to House Bill No. 363
3rd Reading Copy

Requested by Senator Dan McGee

For the Senate Judiciary Committee

Prepared by Valencia Lane
March 16, 2005 (7:54am)

1. Title, line 5.
Following: "ASSAULT ON"
Insert: "AN EMERGENCY RESPONDER OR"
2. Page 1, line 14.
Following: "r"
Insert: ":"
3. Page 1, line 15.
Following: "(a)"
Insert: "(a)"
4. Page 1, line 19.
Following: "(i)"
Strike: "(A)"
Insert: "(i)"
5. Page 1, line 20.
Following: "(ii)"
Strike: "(B)"
Insert: "(ii)"
6. Page 1, line 22.
Following: "(iii)"
Strike: "(C)"
Insert: "(iii)"
7. Page 1, line 28.
Following: "occupation"
Insert: "; or
(b) an emergency responder"
8. Page 2, line 3.
Following: "section,"
Strike: "\"bodily"
Insert: "the following definitions apply:
(a) \"Bodily"
9. Page 2, line 5.
Following: line 4

(OVER)

Insert: "(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident."

- END -

HOUSE BILL NO. 363

INTRODUCED BY EATON, DICKENSON, HINER, BECKER, CAFERRO, GALVIN-HALCRO, GOLIE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE MENTAL STATE ELEMENT OF AND EXPANDING THE OFFENSE OF ASSAULT WITH A BODILY FLUID; INCLUDING AN ASSAULT ON A HEALTH CARE PROVIDER, INCLUDING A HEALTH CARE PROVIDER PERFORMING EMERGENCY SERVICES, WHILE THE HEALTH CARE PROVIDER IS ACTING IN THE COURSE AND SCOPE OF THE HEALTH CARE PROVIDER'S PROFESSION OR OCCUPATION; AND AMENDING SECTION 45-5-214, MCA."

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

Section 1. Section 45-5-214, MCA, is amended to read:

"45-5-214. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid

if the person purposely or knowingly causes one of the person's bodily fluids to make physical contact with: (a) a law enforcement officer, or a staff person of a correctional or detention facility, OR A HEALTH CARE PROVIDER, AS DEFINED IN 50-4-504, INCLUDING A HEALTH CARE PROVIDER PERFORMING EMERGENCY SERVICES, WHILE THE HEALTH CARE PROVIDER IS ACTING IN THE COURSE AND SCOPE OF THE HEALTH CARE PROVIDER'S PROFESSION AND OCCUPATION:

- (i) during or after an arrest for a criminal offense;
(ii) while the person is incarcerated in or being transported to or from a state prison, or a county, city, or regional jail or detention facility, OR A HEALTH CARE FACILITY; or
(iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, HEALTHCARE FACILITY, or shelter care facility;
or
(b) a health care provider, as defined in 50-4-504, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider's profession or occupation, or (b) an emergency responder

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.



1 (3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed
2 in district court, in which case the district court has jurisdiction.

3 (4) As used in this section, "bodily fluid" means any bodily secretion, including but not limited to feces,
4 urine, blood, and saliva."

5 (b)

- END -

(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident."