

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ASSAULT LAWS; PROVIDING THAT ALL PERSONS
5 ARE POTENTIAL VICTIMS OF ASSAULT WITH A BODILY FLUID; AND AMENDING SECTION 45-5-214,
6 MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 45-5-214, MCA, is amended to read:

11 **"45-5-214. Assault with bodily fluid.** (1) A person commits the offense of assault with a bodily fluid if
12 the person purposely causes one of the person's bodily fluids to make physical contact with: another person.

13 ~~(a) a law enforcement officer, a staff person of a correctional or detention facility, or a health care~~
14 ~~provider, as defined in 50-4-504, including a health care provider performing emergency services, while the~~
15 ~~health care provider is acting in the course and scope of the health care provider's profession and occupation:~~

16 ~~(i) during or after an arrest for a criminal offense;~~

17 ~~(ii) while the person is incarcerated in or being transported to or from a state prison, a county, city, or~~
18 ~~regional jail or detention facility, or a health care facility; or~~

19 ~~(iii) if the person is a minor, while the youth is detained in or being transported to or from a county, city,~~
20 ~~or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention~~
21 ~~facility, short-term detention center, state youth correctional facility, health care facility, or shelter care facility; or~~

22 ~~(b) an emergency responder.~~

23 (2) A person over 18 years of age convicted of the offense of assault with a bodily fluid shall be fined
24 an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1
25 year, or both.

26 (3) The youth court has jurisdiction of any violation of this section by a minor.

27 (4) As used in this section, ~~the following definitions apply:~~

28 ~~(a) "Bodily "~~bodily fluid~~" means any bodily secretion, including but not limited to feces, urine, blood,~~

1 and saliva.

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

6 - END -