



AN ACT REVISING ASSAULT LAWS; PROVIDING THAT THE CRIME OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER INCLUDES ASSAULT WITH WHAT APPEARS TO BE A WEAPON; AND AMENDING SECTION 45-5-210, MCA.

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

Section 1. Section 45-5-210, MCA, is amended to read:

"45-5-210. Assault on peace officer or judicial officer. (1) A person commits the offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:

- (a) bodily injury to a peace officer or judicial officer;
- (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of:
 - (i) a weapon; or
 - (ii) what reasonably appears to be a weapon;
- (c) bodily injury to a peace officer or judicial officer with a weapon; or
- (d) serious bodily injury to a peace officer or judicial officer.

(2) (a) A person convicted of assault on a peace officer or judicial officer:

- (i) under subsection (1)(a), (1)(b)(i), or (1)(c) shall be imprisoned in the state prison for a term of not less than 2 years or more than 10 years and may be fined an amount not to exceed \$50,000; or

(ii) under subsection (1)(b)(ii) shall be imprisoned in the state prison for a term not to exceed 10 years and may be fined an amount not to exceed \$50,000.

(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 20 years, or both.

(3) As used in this section, the following definitions apply:

(a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation judge, water court judges, and judges pro tempore.

(b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or unsworn, who is responsible for the care or custody of an adult or youth offender.

(4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not included as offenses of assault on a peace officer or judicial officer."

- END -

I hereby certify that the within bill,
SB 220, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 220

INTRODUCED BY J. COHENOUR, M. BLASDEL, J. ELLSWORTH, C. FRIEDEL, W. SALES, R. TEMPEL, J.
WELBORN, F. FLEMING, F. GARNER, W. MCKAMEY, B. MERCER, B. USHER

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