

HOUSE BILL NO. 360
INTRODUCED BY B. MCCHESENEY

A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING THE BRANDON PATCH BASEBALL PLAYER PROTECTION ACT; PROHIBITING THE USE OF A NONWOOD BAT IN A COMPETITIVE NATIONAL YOUTH BASEBALL LEAGUE GAME IN WHICH ANY MATURE PLAYER IS A PARTICIPANT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Brandon Patch, a citizen of the State of Montana, subject to the state's laws and deserving of its care and protection and a proud member of the Miles City American Legion Baseball team, the Mavericks, was killed by a batted ball from a nonwood bat in a baseball game in 2003; and

WHEREAS, the 2005 Montana Legislature adopted House Joint Resolution No. 19, resolving that the State of Montana's American Legion be strongly urged to adopt a rule for all American Legion games within the State of Montana allowing only wood bats to be used and to petition the National American Legion to adopt a rule for all American Legion games allowing only wood bats to be used and further resolving that the National American Legion be strongly urged to adopt a rule for all American Legion games allowing only wood bats to be used; and

WHEREAS, nonwood bats continue to be used in competitive national youth baseball league games in Montana.

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as "The Brandon Patch Baseball Player Protection Act".

NEW SECTION. **Section 2. Intent -- findings -- purpose -- policy.** (1) The legislature, mindful of its duty to enact laws for the protection of the health and welfare of the citizens of this state and others who are living, working, playing, and visiting here, particularly youth, has enacted The Brandon Patch Baseball Player Protection Act. It is the legislature's intent that [sections 1 through 4] will prevent any further injuries, including deaths, to baseball players involved in baseball league games in this state resulting from being struck by balls hit with nonwood bats.

(2) The legislature finds that the use of nonwood bats by players 15 years of age or older has resulted in rising injury rates from batted balls for a variety of reasons, including the greater speed at which a ball can be propelled from a nonwood bat and the greater likelihood that a batter can make solid contact using a nonwood bat.

(3) The legislature further finds that the cost of injuries caused by nonwood bats, both in terms of their emotional toll on the injured player and the player's friends, relatives, and teammates and in terms of the monetary cost to treat the injuries, outweighs any savings that may be derived from using nonwood bats.

(4) It is the purpose of [sections 1 through 4] to prohibit the use of nonwood bats by any mature player in a game held under the auspices of a baseball league within Montana.

(5) [Sections 1 through 4] are an exercise of the general police power of the state of Montana to provide for the health and welfare of all people within its boundaries.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], unless the context provides otherwise, the following definitions apply:

(1) "Baseball league" means any national youth baseball league, including but not limited to American legion leagues and Babe Ruth leagues.

(2) "Competitive baseball game" means any organized baseball game between two separate teams as part of a baseball league in which a certified umpire officiates.

(3) "Mature player" means a person 15 years of age or older or a person eligible for participation as determined by the baseball league in which the person participates.

(4) "Nonwood bat" means any bat, designed primarily for baseball, including but not limited to bats made of metal, aluminum, magnesium, scandium, titanium, carbon fiber, or an alloy or composite of those materials.

NEW SECTION. Section 4. Use of nonwood bat in competitive baseball game prohibited. The use of a nonwood bat is prohibited in a competitive baseball game in which any mature player is a participant within the boundaries of the state of Montana.

NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 23, and the provisions of Title 23 apply to [sections 1 through 4].

NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

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