

HOUSE BILL NO. 268

INTRODUCED BY J. O'HARA

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A BILL FOR AN ACT ENTITLED: "AN ACT SOLELY CREATING THE FELONY OFFENSE OF ASSAULT ON A HEALTH CARE WORKER OR EMERGENCY RESPONDER; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Assault on health care provider or emergency responder -- penalty

-- definitions. (1) A person commits the offense of assault on a health care provider or emergency responder if, while a health care provider or emergency responder is performing professional duties, the person:

- (a) purposely or knowingly causes bodily injury to the health care provider or emergency responder;
- (b) negligently causes bodily injury to the health care provider or emergency responder with a weapon;

or

- (c) purposely or knowingly causes the health care provider or emergency responder reasonable apprehension of bodily injury.

(2) A person convicted of assault on a health care provider or emergency responder shall be fined an amount not to exceed \$50,000 or be imprisoned for a term not to exceed 10 years, or both.

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

- (a) "Emergency responder" has the meaning provided in 45-5-214.
- (b) "Health care provider" has the meaning provided in 50-4-504.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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