

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

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

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

9
10 **Section 1.** Section 45-5-210, MCA, is amended to read:

11 **"45-5-210. Assault on peace officer or judicial officer.** (1) A person commits the offense of assault
12 on a peace officer or judicial officer if the person purposely or knowingly causes:

- 13 (a) bodily injury to a peace officer or judicial officer;
- 14 (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of a
15 weapon or what reasonably appears to be a weapon;
- 16 (c) bodily injury to a peace officer or judicial officer with a weapon or what reasonably appears to be a
17 weapon; or
- 18 (d) serious bodily injury to a peace officer or judicial officer.

19 (2) (a) A person convicted of assault on a peace officer or judicial officer under subsection (1)(a),
20 (1)(b), or (1)(c) shall be imprisoned in the state prison for a term of not less than 2 years or more than 10 years
21 and may be fined an amount not to exceed \$50,000.

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

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

- 26 (a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation
27 judge, water court judges, and judges pro tempore.
- 28 (b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or unsworn,

1 who is responsible for the care or custody of an adult or youth offender.

2 (4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not

3 included as offenses of assault on a peace officer or judicial officer."

4 - END -