67th Legislature SB 220.3

1	SENATE BILL NO. 220
2	INTRODUCED BY J. COHENOUR, M. BLASDEL, J. ELLSWORTH, C. FRIEDEL, W. SALES, R. TEMPEL, J.
3	WELBORN, F. FLEMING, F. GARNER, W. MCKAMEY, B. MERCER, B. USHER
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ASSAULT LAWS; PROVIDING THAT THE CRIME OF
6	ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER INCLUDES ASSAULT WITH WHAT APPEARS
7	TO BE A WEAPON; AND AMENDING SECTION 45-5-210, MCA."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	Section 1. Section 45-5-210, MCA, is amended to read:
12	"45-5-210. Assault on peace officer or judicial officer. (1) A person commits the offense of assault
13	on a peace officer or judicial officer if the person purposely or knowingly causes:
14	(a) bodily injury to a peace officer or judicial officer;
15	(b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of:
16	(I) a weapon; or
17	(II) what reasonably appears to be a weapon;
18	(c) bodily injury to a peace officer or judicial officer with a weapon or what reasonably appears to be a
19	weapon; or
20	(d) serious bodily injury to a peace officer or judicial officer.
21	(2) (a) A person convicted of assault on a peace officer or judicial officer:
22	(1) under subsection $(1)(a)$ , $(1)(b)(1)$ , or $(1)(c)$ shall be imprisoned in the state prison for a term of not
23	less than 2 years or more than 10 years and may be fined an amount not to exceed \$50,000; OR
24	(II) UNDER SUBSECTION (1)(B)(II) SHALL BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10
25	YEARS AND MAY BE FINED AN AMOUNT NOT TO EXCEED \$50,000.
26	(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial
27	officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state
28	prison for a term of not less than 5 years or more than 20 years, or both.



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

2 (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."

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