

1 HOUSE BILL NO. 680

2 INTRODUCED BY K. SEEKINS-CROWE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CRIMINAL ACTS;
5 CREATING THE OFFENSE OF OPERATING AN UNAUTHORIZED UNMANNED AERIAL VEHICLE IN
6 PROXIMITY TO A CORRECTIONAL INSTITUTION; REVISING SENTENCING FOR ASSAULT WITH BODILY
7 FLUID; REVISING LAWS RELATED TO POSSESSING AND TRANSFERRING ILLEGAL ARTICLES;
8 REVISING LAWS RELATED TO PERSISTENT FELONY OFFENDERS; AND AMENDING SECTIONS 45-5-
9 214, 45-7-307, 46-1-202, AND 46-18-502, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. **Section 1. Operating an unauthorized unmanned aerial vehicle in proximity to**
14 **a correctional institution.** (1) A person commits the offense of operating an unauthorized unmanned aerial
15 vehicle in proximity to a correctional institution if the person purposely or knowingly operates or assists in the
16 operation of an unmanned aerial vehicle over or within a 2-mile 250-yard radius of a correctional institution
17 without the authorization of the correctional institution.

18 (2) A person convicted of the offense of operating an unauthorized unmanned aerial vehicle in
19 proximity to a correctional institution shall be imprisoned in a state prison for a term of not less than 1 year or
20 more than 5 years.

21
22 **Section 2.** Section 45-5-214, MCA, is amended to read:

23 **"45-5-214. Assault with bodily fluid.** (1) A person commits the offense of assault with a bodily fluid if
24 the person purposely causes one of the person's bodily fluids to make physical contact with:

25 (a) a law enforcement officer, a staff person of a correctional or detention facility, or a health care
26 provider, as defined in 50-4-504, including a health care provider performing emergency services, while the
27 health care provider is acting in the course and scope of the health care provider's profession and occupation:

28 (i) during or after an arrest for a criminal offense;

Amendment - 1st Reading-white - Requested by: Casey Knudsen - (H) Judiciary

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Drafter: Rachel Weiss, 406-444-5367

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1 (ii) while the person is incarcerated in or being transported to or from a state prison, a county, city,
2 or regional jail or detention facility, or a health care facility; or

3 (iii) if the person is a minor, while the youth is detained in or being transported to or from a county,
4 city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention
5 facility, short-term detention center, correctional facility as defined in 41-5-103, health care facility, or shelter
6 care facility; or

7 (b) an emergency responder.

8 (2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to
9 exceed \$1,000 or incarcerated in ~~a county jail or~~ a state prison for a term not to exceed ~~4 year~~ 3 years, or both.

10 (3) The youth court has jurisdiction of any violation of this section by a minor.

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

12 (a) "Bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and
13 saliva.

14 (b) "Emergency responder" means a licensed medical services provider, law enforcement officer,
15 firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency care provider,
16 emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith
17 renders emergency care or assistance at a crime scene or the scene of an emergency or accident."
18

19 **Section 3.** Section 45-7-307, MCA, is amended to read:

20 **"45-7-307. Transferring Possessing or transferring illegal articles -- unauthorized**

21 **communication.** (1) (a) A person commits the offense of possessing or transferring illegal articles if the person
22 knowingly or purposely possesses or transfers any illegal article or weapon to a person subject to official
23 detention or is transferred any illegal article or weapon by a person subject to official detention.

24 (b) For the purposes of this section, "illegal article" means a cell phone, tobacco, a weapon, a
25 dangerous drug as defined in 50-32-101, or other article prohibited by the correctional institution or the
26 department of corrections.

27 (b)(c) A person convicted of possessing or transferring illegal articles or a weapon shall be:

28 (i) imprisoned in a state prison for a term not to exceed 20 years, if the item transferred is a