

SENATE BILL NO. 220

INTRODUCED BY J. COHENOUR, M. BLASDEL, J. ELLSWORTH, C. FRIEDEL, W. SALES, R. TEMPEL, J.
WELBORN, F. FLEMING, F. GARNER, W. MCKAMEY, B. MERCER, B. USHER

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

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

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

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

(a) bodily injury to a peace officer or judicial officer;

(b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of:

(i) a weapon; or

(ii) what reasonably appears to be a weapon;

(c) bodily injury to a peace officer or judicial officer with a weapon ~~or what reasonably appears to be a~~
~~weapon;~~ or

(d) serious bodily injury to a peace officer or judicial officer.

(2) (a) A person convicted of assault on a peace officer or judicial officer:

(i) under subsection (1)(a), (1)(b)(i), or (1)(c) shall be imprisoned in the state prison for a term of not
less than 2 years or more than 10 years and may be fined an amount not to exceed \$50,000; ~~OR~~

(ii) UNDER SUBSECTION (1)(B)(II) SHALL BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10
YEARS AND MAY BE FINED AN AMOUNT NOT TO EXCEED \$50,000.

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

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
3 judge, water court judges, and judges pro tempore.

4 (b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or unsworn,
5 who is responsible for the care or custody of an adult or youth offender.

6 (4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not
7 included as offenses of assault on a peace officer or judicial officer."

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