HOUSE BILL NO. 555

INTRODUCED BY HOFFMAN BY REQUEST OF THE DEPARTMENT OF JUSTICE

		IN THE HOUSE
FEBRUARY	1, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY	2, 1991	FIRST READING.
FEBRUARY	19, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY	20, 1991	PRINTING REPORT.
FEBRUARY	21, 1991	POSTED ON CONSENT CALENDAR.
FEBRUARY	22, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
FEBRUARY	23, 1991	THIRD READING, PASSED. AYES, 96; NOES, 2.
		TRANSMITTED TO SENATE.
		IN THE SENATE
FEBRUARY	25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
		FIRST READING.
MARCH 7,	1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11,	1991	SECOND READING, CONCURRED IN.
MARCH 12,	1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
		RETURNED TO HOUSE.
		IN THE HOUSE
MARCH 13,	1991	RECEIVED FROM SENATE.
		SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1123/01

House BILL NO. 555 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE UNLAWFUL 5 6 PRESUMPTIONS AND BURDEN-SHIFTING LANGUAGE FROM CRIMINAL 7 OFFENSE STATUTES: AMENDING SECTION 45-5-201, MCA; REPEALING 8 SECTION 45-6-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 9 DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 45-5-201, MCA, is amended to read: "45-5-201. Assault. (1) A person commits the offense of 13 14 assault if he: (a) purposely or knowingly causes bodily injury to 15 16 another; 17 (b) negligently causes bodily injury to another with a 18 weapon; (c) purposely or knowingly makes physical contact of an 19 insulting or provoking nature with any individual; or 20 (d) purposely or knowingly causes reasonable 21 apprehension of bodily injury in another. The--purpose--to 22 23 cause---reasonable---apprehension---or--the--knowledge--that reasonable-apprehension-would-be-caused-shall-be-presumed-in 24 25 any-case-in-which-a-person-knowingly-points-a-firearm-ut--or



1 in--the--direction--of--another;-whether-or-not-the-offender

2 believes-the-firearm-to-be-loaded-

3 (2) Except as provided in subsection (3), a person 4 convicted of assault shall be fined not to exceed \$500 or be 5 imprisoned in the county jail for any term not to exceed 6 6 months, or both.

7 (3) If the victim is less than 14 years old and the 8 offender is 18 or more years old, the offender, upon 9 conviction under subsection (1)(a), shall be fined not to 10 exceed \$50,000 or be imprisoned in the state prison for a 11 term not to exceed 5 years, or both."

12 NEW SECTION. Section 2. Repealer. Section 45-6+304.

13 MCA, is repealed.

14 NEW SECTION. Section 3. Effective date. [This act] is

15 effective on passage and approval.

-End-



LC 1123/01

52nd Legislature

APPROVED BY COMMITTEE ON JUDICIARY

House BILL NO. 555 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF JUSTICE 3 4 "AN ACT TO REMOVE UNLAWFUL A BILL FOR AN ACT ENTITLED: 5 PRESUMPTIONS AND BURDEN-SHIFTING LANGUAGE FROM CRIMINAL 6 OFFENSE STATUTES; AMENDING SECTION 45-5-201, MCA; REPEALING 7 SECTION 45-6-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 8 DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 45-5-201, MCA, is amended to read: 12 "45-5-201. Assault. (1) A person commits the offense of 13 assault if he: 14 (a) purposely or knowingly causes bodily injury to 15 16 another; (b) negligently causes bodily injury to another with a 17 18 weapon; (c) purposely or knowingly makes physical contact of an 19 insulting or provoking nature with any individual; or 20 (d) purposely knowingly causes reasonable 21 or apprehension of bodily injury in another. The--purpose--to 22 cause---reasonable---apprehension---or--the--knowledge--that 23 reasonable-apprehension-would-be-caused-shall-be-presumed-in 24 any-case-in-which-a-person-knowingly-points-a-firearm-ut--or 25

Iontana Legislative Council

1 in-the--direction--of--another;-whether-or-not-the-offender

2 believes-the-firearm-to-be-loaded-

3 (2) Except as provided in subsection (3), a person 4 convicted of assault shall be fined not to exceed \$500 or be 5 imprisoned in the county jail for any term not to exceed 6 6 months, or both.

7 (3) If the victim is less than 14 years old and the 8 offender is 18 or more years old, the offender, upon 9 conviction under subsection (1)(a), shall be fined not to 10 exceed \$50,000 or be imprisoned in the state prison for a 11 term not to exceed 5 years, or both."

12 NEW SECTION. Section 2. Repealer. Section 45-6-304,

13 MCA, is repealed.

14 NEW SECTION. Section 3. Effective date. [This act] is

15 effective on passage and approval.

-End-

-2-

SECOND READING

HR SSS

LC 1123/01

LC 1123/01

52nd Legislature

LC 1123/01

House BILL NO. 555 1 2 INTRODUCED BY BY RECORPST OF THE DEPARTMENT OF JUSTICE 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE UNLAWFUL 6 PRESUMPTIONS AND BURDEN-SHIFTING LANGUAGE FROM CRIMINAL OFFENSE STATUTES: AMENDING SECTION 45-5-201, MCA; REPEALING 7 SECTION 45-6-304, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE 8 9 DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 45-5-201, MCA, is amended to read: 12 13 "45-5-201. Assault. (1) A person commits the offense of 14 assault if he: (a) purposely or knowingly causes bodily injury to 15 16 another: (b) negligently causes bodily injury to another with a 17 18 weapon; 19 (c) purposely or knowingly makes physical contact of an 20 insulting or provoking nature with any individual; or 21 (d) purposely or knowingly causes reasonable 22 apprehension of bodily injury in another. The--purpose--to 23 cause---reasonable---apprehension---or--the--knowledge--that 24 reasonable-apprehension-would-be-caused-:hall-be-presumed-in any-case-in-which-a-person-knowingly-points-a-firearm-ut--or 25

in--the--direction--of--anothery-whether-or-not-the-offender 1 2 believes-the-firearm-to-be-loaded-

(2) Except as provided in subsection (3), a person 3 4 convicted of assault shall be fined not to exceed \$500 or be 5 imprisoned in the county jail for any term not to exceed 6 6 months, or both.

7 (3) If the victim is less than 14 years old and the offender is 18 or more years old, the offender, upon 8 9 conviction under subsection (1)(a), shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a 10 11 term not to exceed 5 years, or both."

12 NEW SECTION. Section 2. Repealer. Section 45-6-304.

13 MCA, is repealed.

14 NEW SECTION. Section 3. Effective date. [This act] is

15 effective on passage and approval.

-End-

-2-

THIRD READING

HR SSS

25

HB 0555/02

1 HOUSE BILL NO. 555 2 INTRODUCED BY HOFFMAN 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE UNLAWFUL 6 PRESUMPTIONS AND BURDEN-SHIFTING LANGUAGE FROM CRIMINAL 7 OFFENSE STATUTES; AMENDING SECTION 45-5-201, MCA; REPEALING 8 SECTION 45-6-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE 9 DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 45-5-201, MCA, is amended to read: 13 "45-5-201. Assault. (1) A person commits the offense of assault if he: 14 15 (a) purposely or knowingly causes bodily injury to 16 another: 17 (b) negligently causes bodily injury to another with a 18 weapon; 19 (c) purposely or knowingly makes physical contact of an 20 insulting or provoking nature with any individual; or 21 (d) purposely knowingly or causes reasonable 22 apprehension of bodily injury in another. The--purpose--to 23 cause---reasonable---apprehension---or--the--knowledge--that 24 reasonable-apprehension-would-be-caused-shall-be-presumed-in

any-case-in-which-a-person-knowingly-points-a-firearm-at--or

Montana Legislative Council

in--the--direction--of--another;-whether-or-not-the-offender 1 2 believes-the-firearm-to-be-loaded-3 (2) Except as provided in subsection (3), a person 4 convicted of assault shall be fined not to exceed \$500 or be 5 imprisoned in the county jail for any term not to exceed 6 6 months, or both. 7 (3) If the victim is less than 14 years old and the в offender is 18 or more years old, the offender, upon 9 conviction under subsection (1)(a), shall be fined not to 10 exceed \$50,000 or be imprisoned in the state prison for a 11 term not to exceed 5 years, or both." NEW SECTION. Section 2. Repealer. Section 45-6-304, 12 13 MCA, is repealed. 14 NEW SECTION. Section 3. Effective date. [This act] is

15 effective on passage and approval.

-End-

-2- HB 555 REFERENCE BILL