

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.

1 *House* BILL NO. 555  
 2 INTRODUCED BY *[Signature]*  
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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  
 14 assault if he:

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 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 shall be presumed in~~  
 25 ~~any case in which a person knowingly points a firearm at or~~

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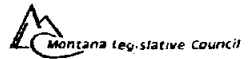
3 (2) Except as provided in subsection (3), a person  
 4 convicted of assault shall be fined not to exceed \$500 or be  
 5 imprisoned in the county jail for any term not to exceed 6  
 6 months, or both.

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- INTRODUCED BILL  
 HB 555

APPROVED BY COMMITTEE  
ON JUDICIARY

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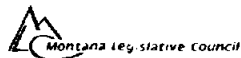
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SECOND READING  
HB 555

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