

SENATE BILL NO. 215

INTRODUCED BY RYAN, S. BROWN, KOLSTAD, TOWE, VAN VAKLENBURG

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Judiciary.
February 5, 1979	Committee recommend bill do pass as amended. Report adopted.
February 6, 1979	Printed and placed on members' desks.
February 7, 1979	Second reading, do pass.
February 8, 1979	Considered correctly engrossed.
February 9, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in as amended.
March 12, 1979	Second reading, pass consideration.
March 13, 1979	Second reading, amendments adopted.
March 14, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 *Senate* BILL NO. *215*
 2 INTRODUCED BY *Ryan J. Brown, Robert Dean Van Valkenburg*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PUNISH THE
 5 COMMISSION OF AN ASSAULT UPON A YOUTH LESS THAN 12 YEARS OLD
 6 BY AN ADULT BY IMPRISONMENT IN THE STATE PRISON FOR A TERM
 7 NOT TO EXCEED 5 YEARS; AMENDING SECTION 45-5-201, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 45-5-201, MCA, is amended to read:

11 "45-5-201. Assault. (1) A person commits the offense
 12 of assault if he:

13 (a) purposely or knowingly causes bodily injury to
 14 another;

15 (b) negligently causes bodily injury to another with a
 16 weapon;

17 (c) purposely or knowingly makes physical contact of
 18 an insulting or provoking nature with any individual; or

19 (d) purposely or knowingly causes reasonable
 20 apprehension of bodily injury in another. The purpose to
 21 cause reasonable apprehension or the knowledge that
 22 reasonable apprehension would be caused shall be presumed in
 23 any case in which a person knowingly points a firearm at or
 24 in the direction of another, whether or not the offender
 25 believes the firearm to be loaded.

1 (2) A person convicted of assault shall be fined not
 2 to exceed \$500 or be imprisoned in the county jail for any
 3 term not to exceed 6 months, or both.

4 ~~(3) If the victim is less than 12 years old and the
 5 offender is 16 or more years old, the offender, upon
 6 conviction, shall be imprisoned in the state prison for a
 7 term not to exceed 5 years."~~

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 215

INTRODUCED BY RYAN, S. BROWN, KOLSTAD, TOME, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT TO PUNISH THE
COMMISSION OF AN ASSAULT UPON A YOUTH LESS THAN 12 YEARS OLD
BY AN ADULT UNDER CERTAIN CIRCUMSTANCES BY IMPRISONMENT IN
THE STATE PRISON FOR A TERM NOT TO EXCEED 5 YEARS; AMENDING
SECTION 45-5-201, MCA."

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

Section 1. Section 45-5-201, MCA, is amended to read:

"45-5-201. Assault. (1) A person commits the offense
of assault if he:

(a) purposely or knowingly causes bodily injury to
another;

(b) negligently causes bodily injury to another with a
weapon;

(c) purposely or knowingly makes physical contact of
an insulting or provoking nature with any individual; or

(d) purposely or knowingly causes reasonable
apprehension of bodily injury in another. The purpose to
cause reasonable apprehension or the knowledge that
reasonable apprehension would be caused shall be presumed in
any case in which a person knowingly points a firearm at or
in the direction of another, whether or not the offender

believes the firearm to be loaded.

(2) A person convicted of assault shall be fined not
to exceed \$500 or be imprisoned in the county jail for any
term not to exceed 6 months, or both.

~~(3) If the victim is less than 12 years old and the
offender is 18 or more years old, the offender, upon
conviction UNDER SUBSECTION (1)(A), shall be imprisoned in
the state prison for a term not to exceed 5 years."~~

-End-

SENATE BILL NO. 215

INTRODUCED BY RYAN, S. BROWN, KOLSTAD, TOME, VAN VALKENBURG

A BILL FOR AN ACT ENTITLED: "AN ACT TO PUNISH THE COMMISSION OF AN ASSAULT UPON A YOUTH LESS THAN 12 YEARS OLD BY AN ADULT UNDER CERTAIN CIRCUMSTANCES BY IMPRISONMENT IN THE STATE PRISON FOR A TERM NOT TO EXCEED 5 YEARS; AMENDING SECTION 45-5-201, MCA."

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

Section 1. Section 45-5-201, MCA, is amended to read:

"45-5-201. Assault. (1) A person commits the offense of assault if he:

(a) purposely or knowingly causes bodily injury to another;

(b) negligently causes bodily injury to another with a weapon;

(c) purposely or knowingly makes physical contact of an insulting or provoking nature with any individual; or

(d) purposely or knowingly causes reasonable apprehension of bodily injury in another. The purpose to cause reasonable apprehension or the knowledge that reasonable apprehension would be caused shall be presumed in any case in which a person knowingly points a firearm at or in the direction of another, whether or not the offender

believes the firearm to be loaded.

(2) A person convicted of assault shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

~~(3) If the victim is less than 12 years old and the offender is 18 or more years old, the offender, upon conviction UNDER SUBSECTION (1)(A), shall be imprisoned in the state prison for a term not to exceed 5 years."~~

-End-

1 SENATE BILL NO. 215
 2 INTRODUCED BY RYAN, S. BROWN, KOLSTAD, TOME, VAN VALKENBURG
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PUNISH THE
 5 COMMISSION OF AN ASSAULT UPON A YOUTH LESS THAN ~~12~~ 14 YEARS
 6 OLD BY AN ADULT UNDER CERTAIN CIRCUMSTANCES BY IMPRISONMENT
 7 IN THE STATE PRISON FOR A TERM NOT TO EXCEED 5 YEARS;
 8 AMENDING SECTION 45-5-201, MCA."

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
 13 of assault if he:

14 (a) purposely or knowingly causes bodily injury to
 15 another;

16 (b) negligently causes bodily injury to another with a
 17 weapon;

18 (c) purposely or knowingly makes physical contact of
 19 an 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 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 at or
 25 in the direction of another, whether or not the offender

1 believes the firearm to be loaded.
 2 (2) A ~~EXCEPT AS PROVIDED IN SUBSECTION (3),~~ A person
 3 convicted of assault shall be fined not to exceed \$500 or be
 4 imprisoned in the county jail for any term not to exceed 6
 5 months, or both.
 6 ~~(3) If the victim is less than 12 14 years old and the~~
 7 ~~offender is 18 or more years old, the offender, upon~~
 8 ~~conviction UNDER SUBSECTION (1)(A), shall be imprisoned in~~
 9 ~~the state prison for a term not to exceed 5 years."~~

-End-