

HOUSE BILL NO. 438

Introduced: 01/21/83

Referred to Committee on Judiciary: 01/21/83

Hearing: 2/3/83

Report: 02/04/83, Do Pass

2nd Reading: 02/07/83, Do Not Pass

Segregated 2/7/83

Rereferred to Committee on Judiciary: 02/07/83

Report: 02/15/83, Do Pass, As Amended

2nd Reading: 02/17/83, Do Pass

3rd Reading: 02/21/83, Do Pass

Transmitted to Senate: 2/21/83

Referred to Committee on Judiciary: 3/1/83

Hearing: 3/18/83

Died in Senate Committee

1 House BILL NO. 438
2 INTRODUCED BY Hand
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
5 CRIMINAL OFFENSES OF NEGLIGENT ASSAULT, NEGLIGENT VEHICULAR
6 ASSAULT, AND NEGLIGENT ENDANGERMENT; DELETING FROM THE
7 ASSAULT LAW A PRESUMPTION AS TO ASSAILANT'S PURPOSE;
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) 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 14 years old and the
7 offender is 18 or more years old, the offender, upon
8 conviction under subsection (1)(a), shall be fined not to
9 exceed \$50,000 or be imprisoned in the state prison for a
10 term not to exceed 5 years, or both."
11 NEW SECTION. Section 2. Negligent assault -- penalty.
12 (1) A person commits the offense of negligent assault if he
13 negligently causes serious bodily injury to another.
14 (2) A person convicted of negligent assault must be
15 imprisoned in the state prison for a term not to exceed 5
16 years or be fined an amount not to exceed \$50,000, or both.
17 NEW SECTION. Section 3. Negligent vehicular assault
18 -- penalty. (1) If a person operates a motor vehicle in a
19 negligent manner and his conduct is the proximate cause of
20 serious bodily injury to another, he commits the offense of
21 negligent vehicular assault.
22 (2) In a criminal prosecution for a violation of
23 subsection (1), the amount of alcohol in the defendant's
24 blood at the time alleged, as shown by chemical analysis of
25 the defendant's blood, urine, breath, or other bodily

1 substance, gives rise to the presumptions specified in
2 61-8-401.

3 (3) A person convicted of the offense of negligent
4 vehicular assault must be imprisoned in the state prison for
5 a term not to exceed 5 years or be fined an amount not to
6 exceed \$50,000, or both.

7 NEW SECTION. Section 4. Negligent endangerment —
8 penalty. (1) A person who negligently engages in conduct
9 that creates a substantial risk of serious bodily injury to
10 another person commits the offense of negligent
11 endangerment.

12 (2) A person convicted of negligent endangerment must
13 be fined not to exceed \$500 or be imprisoned in the county
14 jail for a term not to exceed 6 months, or both.

15 NEW SECTION. Section 5. Codification instruction.
16 Sections 2 through 4 are intended to be codified as an
17 integral part of Title 45, chapter 5, and the provisions of
18 Title 45 apply to sections 2 through 4.

-End-

Approved by Committee
on Judiciary

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-End-

Rereferred to Judiciary Comm.
recommend do pass as amended

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(2) Except as provided in subsection (3), a person
convicted of assault shall be fined not to exceed \$500 or be
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offender is 18 or more years old, the offender, upon
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(1) A person commits the offense of negligent assault if he
negligently causes serious bodily injury to another.

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(2) In a criminal prosecution for a violation of
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SECOND READING

-2-

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SECOND PRINTING
with amendments dated 2/15

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