

House BILL NO. 217

INTRODUCED BY

John Johnson *Heidi ORR* *John Wiseman Beck*
Kadas *John* *Harvey*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL OFFENSE OF ASSAULT UPON A SCHOOL EMPLOYEE; REPEALING SECTION 20-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Assault upon school employee. (1) A person commits the offense of assault upon a school employee if, while a school employee is acting in an official capacity, the person:

- (a) purposely or knowingly causes bodily injury to the school employee;
- (b) negligently causes bodily injury to the school employee with a weapon;
- (c) purposely or knowingly makes physical contact of an insulting or provoking nature with the school employee; or
- (d) purposely or knowingly causes reasonable apprehension of bodily injury in the school employee.

(2) A person convicted of assault upon a school employee is guilty of a misdemeanor and shall, upon conviction, be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

NEW SECTION. Section 2. Repealer. Section 20-4-303, MCA, is repealed.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to [section 1].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0217, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating the criminal offense of assault upon a school employee.

FISCAL IMPACT:

Although no statistics exist on the number of cases this bill may create, the volume is perceived as low, with no fiscal impact on state government, and minimal impact on county government.

Dave Lewis 1-21-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

John Johnson
JOHN JOHNSON, PRIMARY SPONSOR DATE
Fiscal Note for HB0217, as introduced

HB 217

1 HOUSE BILL NO. 217

2 INTRODUCED BY J. JOHNSON, HERTEL, ORR, ZOOK, WISEMAN, PECK, KADAS, BARNHART,
3 WENNEMAR, HURDLE, HARRINGTON

4
5 A BILL FOR AN ACT ENTITLED: "~~AN ACT CREATING THE CRIMINAL OFFENSE OF ASSAULT UPON A~~
6 ~~SCHOOL EMPLOYEE; ELIMINATING THE OFFENSE OF ABUSE OF TEACHERS; AND REPEALING SECTION~~
7 ~~20-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

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11 ~~NEW SECTION. Section 1. Assault upon school employee. (1) A person commits the offense of~~
12 ~~assault upon a school employee if, while a school employee is acting in an official capacity, the person:~~

13 ~~(a) purposely or knowingly causes bodily injury to the school employee;~~

14 ~~(b) negligently causes bodily injury to the school employee with a weapon;~~

15 ~~(c) purposely or knowingly makes physical contact of an insulting or provoking nature with the~~
16 ~~school employee; or~~

17 ~~(d) purposely or knowingly causes reasonable apprehension of bodily injury in the school employee.~~

18 ~~(2) A person convicted of assault upon a school employee is guilty of a misdemeanor and shall,~~
19 ~~upon conviction, be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term~~
20 ~~not to exceed 6 months, or both.~~

21
22 ~~NEW SECTION. Section 1. Repealer. Section 20-4-303, MCA, is repealed.~~

23
24 ~~NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an~~
25 ~~integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to~~
26 ~~{section 1}.~~

27
28 ~~NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.~~

29 -END-

HOUSE BILL NO. 217

INTRODUCED BY J. JOHNSON, HERTEL, ORR, ZOOK, WISEMAN, PECK, KADAS, BARNHART,
WENNEMAR, HURDLE, HARRINGTON

A BILL FOR AN ACT ENTITLED: "~~AN ACT CREATING THE CRIMINAL OFFENSE OF ASSAULT UPON A SCHOOL EMPLOYEE; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ENSURE THAT SCHOOL EMPLOYEES ARE NOTIFIED THAT THEY ARE PROTECTED UNDER THE LAW FROM ASSAULT; ELIMINATING THE OFFENSE OF ABUSE OF TEACHERS; AMENDING 20-3-105, MCA; AND REPEALING SECTION 20-4-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

~~**NEW SECTION. Section 1. Assault upon school employee.** (1) A person commits the offense of assault upon a school employee if, while a school employee is acting in an official capacity, the person:~~

- ~~(a) purposely or knowingly causes bodily injury to the school employee;~~
- ~~(b) negligently causes bodily injury to the school employee with a weapon;~~
- ~~(c) purposely or knowingly makes physical contact of an insulting or provoking nature with the school employee; or~~
- ~~(d) purposely or knowingly causes reasonable apprehension of bodily injury in the school employee.~~

~~(2) A person convicted of assault upon a school employee is guilty of a misdemeanor and shall, upon conviction, be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.~~

SECTION 1. SECTION 20-3-105, MCA, IS AMENDED TO READ:

"20-3-105. Administrative powers and duties. In administering the affairs of his the office, the superintendent of public instruction shall ~~have the power and it shall be his duty to:~~

(1) keep a record of his the official acts of the office and all documents applicable to the administration of the office, preserve all official reports submitted to him the superintendent for the period required by law, and surrender ~~them~~ the records, documents, and reports to his the successor superintendent at the expiration of his the term for which the current superintendent was elected;

1 (2) preserve all books, educational media, instructional equipment, and any other articles of
 2 educational interest and value ~~which~~ that come into ~~his~~ the possession of the office and surrender ~~them~~
 3 the books, media, equipment, and articles to ~~his~~ the successor superintendent at the expiration of ~~his~~ the
 4 term for which the current superintendent was elected;

5 (3) cause the printing and distribution of all reports and forms necessary for the proper conduct
 6 of business by a district or school in the manner prescribed by the provisions of this title;

7 (4) provide and keep an official seal of the superintendent of public instruction by which ~~his~~ the
 8 official acts ~~shall~~ of the office must be authenticated;

9 (5) if ~~he deems~~ considered necessary, cause the printing of a complete and updated volume of the
 10 school laws of the state, including 45-5-201 regarding assault, which ~~shall~~ must be offered and sold at cost
 11 of the printing and shipping to any school official or other person;

12 (6) whenever a replacement volume is not printed under the provisions of subsection (5), cause
 13 the printing of a cumulative supplement to the most recent volume of school laws immediately after the
 14 conclusion of any session of the legislature at which new school laws or amendments to the school laws
 15 were adopted. ~~It shall~~ The supplement must be offered and sold at cost of the printing and shipping to any
 16 school official or other person.

17 (7) if ~~deemed~~ considered necessary, publish a biennial report of the superintendent of public
 18 instruction;

19 (8) counsel with and advise county superintendents on matters involving the welfare of the schools
 20 and, when requested, give a county superintendent a written answer to any question concerning school
 21 law;

22 (9) call an annual meeting of the county superintendents when ~~he deems it~~ considered to be
 23 advisable;

24 (10) ~~as far as he shall find it~~ when considered to be practicable, address public assemblies on
 25 subjects pertaining to education in Montana; and

26 (11) faithfully work in all practical and possible ways for the welfare of the public schools of the
 27 state."

28
 29 NEW SECTION. Section 2. Repealer. Section 20-4-303, MCA, is repealed.

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1 ~~NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an~~
2 ~~integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to~~
3 ~~[section 1].~~

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5 ~~NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.~~

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-END-