

Senate BILL NO. 256

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INTRODUCED BY *Harzouel*

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF FELONY ASSAULT; AMENDING SECTION 45-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Assault on peace officer or judicial officer. (1) A person commits the

offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:

- (a) bodily injury to a peace officer or judicial officer;
- (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of a weapon;
- (c) bodily injury to a peace officer or judicial officer with a weapon; or
- (d) serious bodily injury to a peace officer or judicial officer.

(2) (a) A person convicted of assault on a peace officer or judicial officer under subsection (1)(a), (1)(b), or (1)(c) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 40 years, or both.

(3) As used in this section, the following definitions apply:

(a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation judge, water court judges, and judges pro tempore.

(b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or unsworn, who is responsible for the care or custody of a prisoner.

(4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not

1 included as offenses of assault on a peace officer or judicial officer.

2

3 **Section 2.** Section 45-5-202, MCA, is amended to read:

4 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
5 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

6 (2) A person commits the offense of felony assault if ~~he~~ the person purposely or knowingly causes:

7 (a) bodily injury to another with a weapon; or

8 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

9 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
10 ~~prisoner.~~

11 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
12 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
13 in 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison for a term not
14 to exceed 10 years or be fined not more than \$50,000, or both.

15 **45-5-202. (Effective July 1, 1997) Aggravated assault -- felony assault.** (1) A person commits the
16 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

17 (2) A person commits the offense of felony assault if the person purposely or knowingly causes:

18 (a) bodily injury to another with a weapon; or

19 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

20 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
21 ~~prisoner.~~

22 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
23 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
24 in 46-18-219 and 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison
25 for a term not to exceed 10 years or be fined not more than \$50,000, or both."

26

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

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APPROVED BY COM
ON JUDICIARY

Senate BILL NO. 256

INTRODUCED BY _____

Haymond

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF FELONY ASSAULT; AMENDING SECTION 45-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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- (d) serious bodily injury to a peace officer or judicial officer.

(2) (a) A person convicted of assault on a peace officer or judicial officer under subsection (1)(a), (1)(b), or (1)(c) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 40 years, or both.

(3) As used in this section, the following definitions apply:

(a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation judge, water court judges, and judges pro tempore.

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1 included as offenses of assault on a peace officer or judicial officer.

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4 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
5 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

6 (2) A person commits the offense of felony assault if ~~he~~ the person purposely or knowingly causes:

7 (a) bodily injury to another with a weapon; or

8 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

9 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
10 ~~prisoner.~~

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12 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
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16 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

17 (2) A person commits the offense of felony assault if the person purposely or knowingly causes:

18 (a) bodily injury to another with a weapon; or

19 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

20 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
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23 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
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25 for a term not to exceed 10 years or be fined not more than \$50,000, or both."

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

30

1 **NEW SECTION.** **Section 4. Applicability.** [This act] applies to offenses committed on or after [the
2 effective date of this act].

3

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

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Senate BILL NO. 256

INTRODUCED BY Harzome

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF FELONY ASSAULT; AMENDING SECTION 45-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Assault on peace officer or judicial officer. (1) A person commits the offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:

- (a) bodily injury to a peace officer or judicial officer;
- (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of a weapon;
- (c) bodily injury to a peace officer or judicial officer with a weapon; or
- (d) serious bodily injury to a peace officer or judicial officer.

(2) (a) A person convicted of assault on a peace officer or judicial officer under subsection (1)(a), (1)(b), or (1)(c) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 40 years, or both.

(3) As used in this section, the following definitions apply:
(a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation judge, water court judges, and judges pro tempore.

(b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or unsworn, who is responsible for the care or custody of a prisoner.

(4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not

1 included as offenses of assault on a peace officer or judicial officer.

2

3 **Section 2.** Section 45-5-202, MCA, is amended to read:

4 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
5 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

6 (2) A person commits the offense of felony assault if ~~he~~ the person purposely or knowingly causes:

7 (a) bodily injury to another with a weapon; or

8 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

9 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
10 ~~prisoner.~~

11 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
12 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
13 in 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison for a term not
14 to exceed 10 years or be fined not more than \$50,000, or both.

15 **45-5-202. (Effective July 1, 1997) Aggravated assault -- felony assault.** (1) A person commits the
16 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

17 (2) A person commits the offense of felony assault if the person purposely or knowingly causes:

18 (a) bodily injury to another with a weapon; or

19 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

20 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
21 ~~prisoner.~~

22 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
23 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
24 in 46-18-219 and 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison
25 for a term not to exceed 10 years or be fined not more than \$50,000, or both."

26

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

30

1 NEW SECTION. **Section 4. Applicability.** [This act] applies to offenses committed on or after [the
2 effective date of this act].

3

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

5

-END-

1 SENATE BILL NO. 256

2 INTRODUCED BY HARGROVE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER
5 OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL
6 OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF
7 FELONY ASSAULT; AMENDING SECTION 45-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE AND AN APPLICABILITY DATE."

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

11
12 **NEW SECTION.** **Section 1. Assault on peace officer or judicial officer.** (1) A person commits the
13 offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:

14 (a) bodily injury to a peace officer or judicial officer;

15 (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of
16 a weapon;

17 (c) bodily injury to a peace officer or judicial officer with a weapon; or

18 (d) serious bodily injury to a peace officer or judicial officer.

19 (2) ~~(a)~~ A person convicted of **AGGRAVATED** assault on a peace officer or judicial officer under
20 subsection ~~(1)(a), (1)(b), or (1)(c)~~ **(1)** shall be **IMPRISONED IN THE STATE PRISON FOR A TERM OF NOT**
21 **LESS THAN 2 YEARS OR MORE THAN 20 YEARS AND MAY BE** fined an amount not to exceed \$50,000
22 ~~or be imprisoned in the state prison for a term not to exceed 10 years, or both,~~ **EXCEPT AS PROVIDED IN**
23 **46-18-222. A PERSON CONVICTED OF FELONY ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER**
24 **SHALL BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS OR BE FINED**
25 **NOT MORE THAN \$50,000, OR BOTH.**

26 ~~(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial~~
27 ~~officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the~~
28 ~~state prison for a term of not less than 5 years or more than 40 years, or both.~~

29 (3) As used in this section, the following definitions apply:

30 (a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation

1 judge, water court judges, and judges pro tempore.

2 (b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or
3 unsworn, who is responsible for the care or custody of ~~a prisoner~~ AN ADULT OR YOUTH OFFENDER.

4 ~~(4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not~~
5 ~~included as offenses of assault on a peace officer or judicial officer.~~

6

7 **Section 2.** Section 45-5-202, MCA, is amended to read:

8 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
9 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

10 (2) A person commits the offense of felony assault if ~~he~~ the person purposely or knowingly causes:

11 (a) bodily injury to another with a weapon; or

12 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

13 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
14 ~~prisoner.~~

15 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
16 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
17 in 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison for a term not
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19 **45-5-202. (Effective July 1, 1997) Aggravated assault -- felony assault.** (1) A person commits the
20 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

21 (2) A person commits the offense of felony assault if the person purposely or knowingly causes:

22 (a) bodily injury to another with a weapon; or

23 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

24 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
25 ~~prisoner.~~

26 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
27 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
28 in 46-18-219 and 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison
29 for a term not to exceed 10 years or be fined not more than \$50,000, or both."

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1 SENATE BILL NO. 256

2 INTRODUCED BY HARGROVE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER
5 OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL
6 OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF
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15 (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of
16 a weapon;
17 (c) bodily injury to a peace officer or judicial officer with a weapon; or
18 (d) serious bodily injury to a peace officer or judicial officer.

19 (2) ~~(a)~~ A person convicted of AGGRAVATED assault on a peace officer or judicial officer under
20 subsection ~~(1)(a), (1)(b), or (1)(c)~~ (1) shall be IMPRISONED IN THE STATE PRISON FOR A TERM OF NOT
21 LESS THAN 2 YEARS OR MORE THAN 20 YEARS AND MAY BE fined an amount not to exceed \$50,000
22 ~~or be imprisoned in the state prison for a term not to exceed 10 years, or both, EXCEPT AS PROVIDED IN~~
23 46-18-222. A PERSON CONVICTED OF FELONY ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER
24 SHALL BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS OR BE FINED
25 NOT MORE THAN \$50,000, OR BOTH.

26 ~~(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial~~
27 ~~officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the~~
28 ~~state prison for a term of not less than 5 years or more than 40 years, or both.~~

29 (3) As used in this section, the following definitions apply:

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1 judge, water court judges, and judges pro tempore.

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3 unsworn, who is responsible for the care or custody of ~~a prisoner~~ AN ADULT OR YOUTH OFFENDER.

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8 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
9 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

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11 (a) bodily injury to another with a weapon; or

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20 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

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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. Applicability.** [This act] applies to offenses committed on or after [the
6 effective date of this act].

7

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

9

-END-



CONFERENCE COMMITTEE

on Senate Bill 256
Report No. 1, April 7, 1997

Page 1 of 2

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 256, met and considered the amendments on the Select Committee on Corrections report dated March 10, 1997.

We recommend that Senate Bill 256 (reference copy - salmon) be amended as follows:

1. Page 1, line 19.

Following: "~~(a)~~"

Insert: "(a)"

Strike: "AGGRAVATED"

2. Page 1, line 20.

Strike: "(1)"

Insert: "(1) (a), (1) (b), or (1) (c)"

3. Page 1, line 21.

Strike: "20"

Insert: "10"

Following: "\$50,000"

Insert: "."

4. Page 1, lines 22 through 25.

Following: "~~both~~"

Strike: the remainder of line 22 through line 25

5. Page 1.

Following: line 28

Insert: "(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1) (d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 20 years, or both."

ADOPT

REJECT

CCR #1
SB 256

731045CC.STS

6. Page 2.

Following: line 5

Insert: " (4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not included as offenses of assault on a peace officer or judicial officer."

And that this Conference Committee report be adopted.

For the Senate:

Don Hargrove
Senator Don Hargrove, Chair

Sharon Estrada
Senator Sharon Estrada

Steve Doherty
Senator Steve Doherty

[Signature]
Amd. Coord.

SR
Sec. of Senate

For the House:

Gerald Pease
Rep. Gerald Pease, Chair

Ellen Bergman
Rep. Ellen Bergman



CONFERENCE COMMITTEE

on Senate Bill 256

Report No. 1, April 7, 1997

Page 1 of 2

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 256, met and considered the amendments on the Select Committee on Corrections report dated March 10, 1997.

We recommend that Senate Bill 256 (reference copy - salmon) be amended as follows:

1. Page 1, line 19.

Following: "~~(a)~~"

Insert: "(a)"

Strike: "AGGRAVATED"

2. Page 1, line 20.

Strike: "(1)"

Insert: "(1)(a), (1)(b), or (1)(c)"

3. Page 1, line 21.

Strike: "20"

Insert: "10"

Following: "\$50,000"

Insert: "."

4. Page 1, lines 22 through 25.

Following: "~~both~~"

Strike: the remainder of line 22 through line 25

5. Page 1.

Following: line 28

Insert: " (b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 20 years, or both."

ADOPT

REJECT

CORRECTED

CCR #1
SB 256

731045CC.STS

6. Page 2.

Following: line 5

Insert: " (4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not included as offenses of assault on a peace officer or judicial officer."

And that this Conference Committee report be adopted.

For the Senate:

Don Hargrove
Senator Don Hargrove, Chair

Sharon Estrada
Senator Sharon Estrada

Steve Doherty
Senator Steve Doherty

For the House:

Bob Clark
Rep. Robert Clark, Chair

Gerald Pease
Rep. Gerald Pease

Ellen Bergman
Rep. Ellen Bergman

TS
Amd. Coord.

SP
Sec. of Senate

SENATE BILL NO. 256

INTRODUCED BY HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; PROVIDING PENALTIES FOR ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER; REMOVING ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER FROM THE OFFENSE OF FELONY ASSAULT; AMENDING SECTION 45-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Assault on peace officer or judicial officer.** (1) A person commits the offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:

(a) bodily injury to a peace officer or judicial officer;

(b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer by use of a weapon;

(c) bodily injury to a peace officer or judicial officer with a weapon; or

(d) serious bodily injury to a peace officer or judicial officer.

(2) ~~(a)(A)~~ A person convicted of AGGRAVATED assault on a peace officer or judicial officer under subsection ~~(1)(a), (1)(b), or (1)(c)~~ (1)(A), (1)(B), OR (1)(C) shall be IMPRISONED IN THE STATE PRISON FOR A TERM OF NOT LESS THAN 2 YEARS OR MORE THAN 20 10 YEARS AND MAY BE fined an amount not to exceed \$50,000, ~~or be imprisoned in the state prison for a term not to exceed 10 years, or both,~~ EXCEPT AS PROVIDED IN 46-18-222. A PERSON CONVICTED OF FELONY ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER SHALL BE IMPRISONED IN THE STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS OR BE FINED NOT MORE THAN \$50,000, OR BOTH.

~~(b) Except as provided in 46-18-222, a person convicted of assault on a peace officer or judicial officer under subsection (1)(d) shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term of not less than 5 years or more than 40 years, or both.~~

(B) EXCEPT AS PROVIDED IN 46-18-222, A PERSON CONVICTED OF ASSAULT ON A PEACE OFFICER OR JUDICIAL OFFICER UNDER SUBSECTION (1)(D) SHALL BE FINED AN AMOUNT NOT TO

1 EXCEED \$50,000 OR BE IMPRISONED IN THE STATE PRISON FOR A TERM OF NOT LESS THAN 5 YEARS
 2 OR MORE THAN 20 YEARS, OR BOTH.

3 (3) As used in this section, the following definitions apply:

4 (a) "Judicial officer" has the meaning provided in 1-1-202 and includes the workers' compensation
 5 judge, water court judges, and judges pro tempore.

6 (b) "Peace officer" has the meaning provided in 45-2-101 and includes a person, sworn or
 7 unsworn, who is responsible for the care or custody of ~~a prisoner~~ AN ADULT OR YOUTH OFFENDER.

8 ~~(4) Criminal endangerment, negligent endangerment, and assault, as defined in 45-5-201, are not~~
 9 ~~included as offenses of assault on a peace officer or judicial officer.~~

10 (4) CRIMINAL ENDANGERMENT, NEGLIGENT ENDANGERMENT, AND ASSAULT, AS DEFINED IN
 11 45-5-201, ARE NOT INCLUDED AS OFFENSES OF ASSAULT ON A PEACE OFFICER OR JUDICIAL
 12 OFFICER.

13

14 **Section 2.** Section 45-5-202, MCA, is amended to read:

15 **"45-5-202. (Temporary) Aggravated assault -- felony assault.** (1) A person commits the offense
 16 of aggravated assault if ~~he~~ the person purposely or knowingly causes serious bodily injury to another.

17 (2) A person commits the offense of felony assault if ~~he~~ the person purposely or knowingly causes:

18 (a) bodily injury to another with a weapon; or

19 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

20 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
 21 ~~prisoner.~~

22 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
 23 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
 24 in 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison for a term not
 25 to exceed 10 years or be fined not more than \$50,000, or both.

26 **45-5-202. (Effective July 1, 1997) Aggravated assault -- felony assault.** (1) A person commits the
 27 offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another.

28 (2) A person commits the offense of felony assault if the person purposely or knowingly causes:

29 (a) bodily injury to another with a weapon; or

30 (b) reasonable apprehension of serious bodily injury in another by use of a weapon; ~~or,~~

1 ~~(c) bodily injury to a peace officer or a person who is responsible for the care or custody of a~~
2 ~~prisoner.~~

3 (3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of
4 not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided
5 in 46-18-219 and 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison
6 for a term not to exceed 10 years or be fined not more than \$50,000, or both.”

7
8 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to
10 [section 1].

11
12 **NEW SECTION. Section 4. Applicability.** [This act] applies to offenses committed on or after [the
13 effective date of this act].

14
15 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

16 -END-