

**Definition:** A person to person offense that causes or attempts to cause physical injury.

**Montana Code Link:** [https://leg.mt.gov/bills/mca/title\\_0450/chapters\\_index.html](https://leg.mt.gov/bills/mca/title_0450/chapters_index.html)

Statute	Description	Notes
45-5-102	Deliberate Homicide	yes
45-5-103	Mitigated Deliberate Homicide	yes (previously labeled as "CC")
45-5-106	Vehicular Homicide While Under the Influence	yes
45-5-201	Assault	yes
45-5-202	Aggravated Assault	yes
45-5-204 (1) (a)	Mistreating Prisoners	yes to (1) (a); (1) (b) and subsequent are not.
45-5-206	Partner or Family Member Assault - Penalty	yes
45-5-210	Assault on Peace Officer or Judicial Officer	yes (to all subsections, including those for reasonable apprehension)
45-5-211	Assault Upon Sports Official	yes (to all subsections, including those for reasonable apprehension)
45-5-212	Assault on Minor	yes
45-5-213	Assault with Weapon	yes (to all subsections, including those for reasonable apprehension)
45-5-214	Assault with Bodily Fluid	yes
45-5-215	Strangulation of Partner or Family Member	yes
45-5-220	Stalking - Exemption - Penalty	yes
45-5-221 (1) (a)	Malicious Intimidation or harassment Relating to Civil or Human Rights - Penalty	yes to (1) (a) only. All other subsections are not violent. (LJAF excluded 'reasonable apprehension' here because this is not an assault like the above charges.)
45-5-301	Unlawful Restraint	yes
45-5-302	Kidnapping	yes
45-5-303	Aggravated Kidnapping	yes
45-5-401 (1) (a)	Robbery	yes to (1) (a). (1) (b) and (1) (c) are not.
45-5-502	Sexual Assault	yes
45-5-503	Sexual Intercourse Without Consent	yes
45-5-507	Incest	yes
45-5-601 (3)	Prostitution	yes to (3) (LJAF agreed to add this)
45-5-602 (3)	Promoting Prostitution	yes to (3) only
45-5-603	Aggravated Promotion of Prostitution	yes
45-5-625	Sexual Abuse of Children	yes
45-5-627	Ritual Abuse of Minor - Exceptions - Penalty	yes
45-5-702	Trafficking of persons	yes - (LJAF agreed to add this)
45-5-703	Involuntary servitude	yes
45-5-704	Sexual Servitude	yes
45-5-705	Patronizing victim of sexual servitude	yes
45-6-103	Arson	yes
45-6-204 (2) (b) (ii)	Burglary	yes to (2) (b) (ii) only; no to all other subsections and no for other states that just list Burglary in general.
45-6-601 (3)	Promotion of Prostitution of a child 12 years of age or younger by a client 18 years of age or older	yes to (3) only.
45-7-301	Resisting Arrest	yes
45-8-103	Riot	yes
45-8-303	Possession or Use of Machine Gun in Connection with a Crime	yes
45-8-304	Possession or Use of Machine Gun for offensive purposes	yes
45-8-333	Reckless or Malicious Use of Explosives	yes
45-8-403 (2)	Use of Threats to Coerce Gang Membership - Use of Violence to Coerce Gang Membership	yes, only Subsection (2) is violent
52-3-825 (2) (a)	Elder Abuse or Abuse of a Person with a Developmental Disability	yes to (2) (a). No to other subsections.