

## 1 SENATE BILL NO. 273

2 INTRODUCED BY D. EMRICH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A VICTIM OF ASSAULT DETERMINES  
5 WHETHER CHARGES ARE FILED; AND AMENDING SECTION 45-5-201, MCA."

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

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

10 **"45-5-201. Assault.** (1) A person commits the offense of assault if the person:

- 11 (a) purposely or knowingly causes bodily injury to another;  
12 (b) negligently causes bodily injury to another with a weapon;  
13 (c) purposely or knowingly makes physical contact of an insulting or provoking nature with any  
14 individual;  
15 (d) purposely or knowingly causes reasonable apprehension of bodily injury in another; or  
16 (e) purposely or knowingly provides an individual with rohypnol, flunitrazolam, or gamma-  
17 hydroxybutyrate without the individual's consent.

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

20 (3) Except when the victim is developmentally disabled, physically disabled, or suffers from a  
21 mental illness causing them to be physically or mentally disabled, the victim of an assault has the sole  
22 responsibility of determining whether or not a charge alleging a violation of this section is filed."

23 - END -