

SENATE BILL NO. 273

INTRODUCED BY D. EMRICH

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

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

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

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

- (a) purposely or knowingly causes bodily injury to another;
  - (b) negligently causes bodily injury to another with a weapon;
  - (c) purposely or knowingly makes physical contact of an insulting or provoking nature with any individual;
  - (d) purposely or knowingly causes reasonable apprehension of bodily injury in another; or
  - (e) purposely or knowingly provides an individual with rohypnol, flunitrazolam, or gamma-hydroxybutyrate without the individual's consent.
- (2) A person convicted of assault shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

~~(3) Except when the victim is developmentally disabled, physically disabled, or suffers from a mental illness causing them to be physically or mentally disabled, the victim of an assault has the sole responsibility of determining whether or not a charge alleging a violation of this section is filed. A prosecuting attorney may not file a charge of assault under this section if the sole alleged victim of the assault requests that the charge not be filed, except if~~

~~(a) the prosecuting attorney has reasonable suspicion the victim is being intimidated to make the request;~~

~~(b) the victim is a minor; or~~

~~(c) the prosecuting attorney believes the victim lacks the mental capacity to make the request."~~

**Amendment - 1st Reading-white - Requested by: Daniel Emrich - (S) Judiciary**

- 2025

69th Legislature 2025

Drafter: Maddie Krezowski,

SB0273.001.001

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- END -

AMENDED