

Overview of “Bodily Injury” Usage in the Montana Code

SUMMARY

This document provides an overview of where and how the term “bodily injury” is used throughout the Montana code. The term is defined in Title 45 as **“physical pain, illness, or an impairment of physical condition and includes mental illness or impairment.”** § 45-2-101(5), MCA. “Bodily injury” is then, in turn, used in the definitions of other common terms in criminal law, like “serious bodily injury,” “sexual contact,” “sexual intercourse,” and “weapon.”

The first table identifies where in Title 45, CRIMES, the term “bodily injury” is used. It also highlights in those same statutes the terms that use “bodily injury” in their definitions (“serious bodily injury,” “sexual contact,” “sexual intercourse,” and “weapon”).

The second table identifies statutes outside of Title 45 that cite directly to the “bodily injury” definition at § 45-2-101. The table also includes statutes that cite directly to § 45-2-101 for its definitions of “serious bodily injury,” “sexual contact,” “sexual intercourse,” and “weapon.”

The third table identifies where the term “bodily injury” is used more generally in statutes that reference crimes or criminal law but where there’s no specific citation to the Title 45 definition. References to “bodily injury” in laws about insurance, for example, are generally excluded.

Because “bodily injury” is a foundational term in criminal law, many individual crimes, like assault, include “bodily injury” as an element of the crime. Thus, the final section identifies statutes citing directly to specific crime definitions, where the crime includes as an element “bodily injury.” It does not include more general references, like to “assault,” that do not cite a specific statutory section.

“BODILY INJURY” IN TITLE 45, CRIMES

Statute, MCA	Excerpt with “Bodily Injury” Language
45-2-101(66)	<p>General Definitions.</p> <p>...</p> <p>(66) (a) “Serious bodily injury” means bodily injury that:</p> <p>(i) creates a substantial risk of death;</p> <p>(ii) causes serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or</p> <p>(iii) at the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ.</p> <p>(b) The term includes serious mental illness or impairment.</p>
45-2-101(67)	<p>General Definitions.</p> <p>...</p> <p>(67) “Sexual contact” means touching of the sexual or other intimate parts of the person of another, directly or through clothing, in order to knowingly or purposely:</p> <p>(a) cause bodily injury to or humiliate, harass, or degrade another</p>
45-2-101(68)	<p>General Definitions.</p> <p>...</p> <p>(68) (a) “Sexual intercourse” means penetration . . . to knowingly or purposely:</p> <p>(i) cause bodily injury or humiliate, harass, or degrade</p>
45-2-101(79)	<p>General Definitions.</p> <p>...</p> <p>(79) “Weapon” means an instrument, article, or substance that, regardless of its primary function, is readily capable of being used to produce death or serious bodily injury.</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
45-3-110	<p>No duty to summon help or flee.</p> <p>Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat</p>
45-5-201	<p>Assault.</p> <p>(1) A person commits the offense of assault if the person:</p> <ul style="list-style-type: none"> (a) purposely or knowingly causes bodily injury to another; (b) negligently causes bodily injury to another with a weapon; <p>...</p> <p>(d) purposely or knowingly causes reasonable apprehension of bodily injury in another</p>
45-5-202	<p>Aggravated assault.</p> <p>(1) A person commits the offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another or purposely or knowingly, with the use of physical force or contact, causes reasonable apprehension of serious bodily injury or death in another.</p>
45-5-205	<p>Negligent vehicular assault — penalty.</p> <p>(1) A person who negligently operates a vehicle . . . while under the influence of alcohol, a dangerous drug, any other drug . . . and who causes bodily injury to another commits the offense of negligent vehicular assault.</p> <p>...</p> <p>(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall [stating imprisonment terms and fine amounts].</p>
45-5-206	<p>Partner or family member assault — penalty.</p> <p>(1) A person commits the offense of partner or family member assault if the person:</p> <ul style="list-style-type: none"> (a) purposely or knowingly causes bodily injury to a partner or family member; (b) negligently causes bodily injury to a partner or family member with a weapon; or (c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

Statute, MCA	Excerpt with “Bodily Injury” Language
45-5-207	<p>Criminal endangerment — penalty.</p> <p>(1) A person who knowingly engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of criminal endangerment.</p>
45-5-208	<p>Negligent endangerment — penalty.</p> <p>(1) A person who negligently engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of negligent endangerment.</p>
45-5-210	<p>Assault on peace officer or judicial officer.</p> <p>(1) A person commits the offense of assault on a peace officer or judicial officer if the person purposely or knowingly causes:</p> <ul style="list-style-type: none"> (a) bodily injury to a peace officer or judicial officer; (b) reasonable apprehension of serious bodily injury in a peace officer or judicial officer (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.
45-5-211	<p>Assault upon sports official.</p> <p>(1) A person commits the offense of assault upon a sports official if . . . the person:</p> <ul style="list-style-type: none"> (a) purposely or knowingly causes bodily injury to the sports official; (b) negligently causes bodily injury to the sports official with a weapon; ... (d) purposely or knowingly causes reasonable apprehension of bodily injury in the sports official.
45-5-212	<p>Assault on minor.</p> <p>(1) A person commits the offense of assault on a minor if the person commits an offense under 45-5-201, and at the time of the offense, the victim is under 14 years of age and the offender is 18 years of age or older.</p> <p>...</p> <p>(c) If at the time of the offense the victim is under 36 months of age, a person convicted of assault on a minor that resulted in serious bodily injury to the victim: [stating imprisonment terms and fine amounts]</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
45-5-213	<p>Assault with weapon.</p> <p>(1) A person commits the offense of assault with a weapon if the person purposely or knowingly causes:</p> <ul style="list-style-type: none"> (a) bodily injury to another with a weapon; or (b) reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon.
45-5-221	<p>Malicious intimidation or harassment relating to civil or human rights — penalty.</p> <p>(1) A person commits the offense of malicious intimidation or harassment when, because of another person’s race, creed, religion, color, national origin, or involvement in civil rights or human rights activities, the person purposely or knowingly, with the intent to terrify, intimidate, threaten, harass, annoy, or offend:</p> <ul style="list-style-type: none"> (a) causes bodily injury to another; (b) causes reasonable apprehension of bodily injury in another
45-5-303	<p>Aggravated kidnapping.</p> <p>(1) A person commits the offense of aggravated kidnapping if the person knowingly or purposely and without lawful authority restrains another person . . . with any of the following purposes:</p> <ul style="list-style-type: none"> . . . (c) to inflict bodily injury on or to terrorize the victim or another; . . . <p>(2) Except as provided in 46-18-219 and 46-18-222, a person convicted of the offense of aggravated kidnapping shall be punished . . . unless the person has voluntarily released the victim alive, in a safe place, and with no serious bodily injury</p>
45-5-401	<p>Robbery.</p> <p>(1) A person commits the offense of robbery if in the course of committing a theft, the person:</p> <ul style="list-style-type: none"> (a) inflicts bodily injury upon another; (b) threatens to inflict bodily injury upon any person or purposely or knowingly puts any person in fear of immediate bodily injury

Statute, MCA	Excerpt with “Bodily Injury” Language
45-5-501	<p>Definitions.</p> <p>...</p> <p>(2) As used in 45-5-508, the term “force” means:</p> <p style="padding-left: 40px;">(a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender . . .</p>
45-5-502	<p>Sexual assault.</p> <p>(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.</p> <p>...</p> <p>(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished [stating imprisonment terms and fine amounts].</p>
45-5-503	<p>Sexual intercourse without consent.</p> <p>(1) A person who knowingly has sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of sexual intercourse without consent. . . .</p> <p>...</p> <p>(3) (a) If the victim is less than 16 years old and the offender is 4 or more years older than the victim or if the offender inflicts bodily injury on anyone in the course of committing sexual intercourse without consent, the offender shall be punished [stating imprisonment terms and fine amounts].</p> <p>...</p> <p style="padding-left: 40px;">(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury on a person in the course of committing each offense, the offender shall be: [stating imprisonment terms and fine amounts].</p> <p>...</p> <p>(5) If the victim is at least 14 years of age and the offender is 18 years of age or younger, the offender may be punished [stating imprisonment terms and fine amounts] if:</p> <p>...</p> <p style="padding-left: 40px;">(c) the court finds that the alleged conduct was consensual as indicated by words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact.</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
45-5-507	<p>Incest.</p> <p>(1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, a nephew or niece, or any stepson or stepdaughter. . . .</p> <p>...</p> <p>(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished [stating imprisonment terms and fine amounts].</p>
45-5-622	<p>Endangering welfare of children.</p> <p>...</p> <p>(6) (a) Except as provided in subsection (6)(b) or (6)(c), a person convicted of endangering the welfare of children shall be fined</p> <p>(b) . . . If a child suffers serious bodily injury, the offender shall be [stating imprisonment terms and fine amounts].</p> <p>...</p> <p>(7) On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: . . . and evidence of past bodily injury.</p>
45-5-628	<p>Criminal child endangerment.</p> <p>(1) A person commits the offense of criminal child endangerment if the person purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child under 14 years of age by:</p> <p>...</p> <p>(b) placing a child in the physical custody of another who the person knows has previously purposely or knowingly caused bodily injury to a child</p>
45-5-701	<p>Definitions</p> <p>...</p> <p>(11) "Sexual contact" has the meaning provided in 45-2-101.</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
45-6-102	<p>Negligent arson.</p> <p>(1) A person commits the offense of negligent arson if the person purposely or knowingly starts a fire or causes an explosion. . . and thereby negligently:</p> <p style="padding-left: 40px;">(a) places another person in danger of death or bodily injury . . .</p> <p>...</p> <p>(2) . . . If the offender places another person in danger of death or bodily injury, the offender shall be [stating imprisonment terms and fine amounts].</p>
45-6-103	<p>Arson.</p> <p>(1) A person commits the offense of arson when, by means of fire or explosives, the person knowingly or purposely:</p> <p>...</p> <p style="padding-left: 40px;">(c) places another person in danger of death or bodily injury, including a firefighter responding to or at the scene of a fire or explosion.</p>
45-6-105	<p>Criminal destruction of or tampering with communication device.</p> <p>(1) A person commits the offense of criminal destruction of or tampering with a communication device if the person purposely or knowingly destroys or tampers with a telephone or other communication device to obstruct, prevent, or interfere with:</p> <p>...</p> <p style="padding-left: 40px;">(b) the report to any law enforcement agency of any actual bodily injury or property damage</p>
45-6-204	<p>Burglary.</p> <p>...</p> <p>(2) A person commits the offense of aggravated burglary if the person knowingly enters or remains unlawfully in an occupied structure and:</p> <p>...</p> <p style="padding-left: 40px;">(ii) the person purposely, knowingly, or negligently inflicts or attempts to inflict bodily injury upon anyone.</p>
45-8-109	<p>Civil disorder — prohibited activities — penalties — exceptions.</p> <p>(1) A person is guilty of a crime if, with one or more other persons, the person purposely or knowingly assembles for the purpose of training in, instructing in the use of, or practicing with any technique or means capable of causing property damage, bodily injury, or death, with the purpose of employing the training, instruction, or practice in a civil disorder.</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
45-9-131	<p>Definitions.</p> <p>As used in 45-9-132 and this section, the following definitions apply:</p> <p>(1) “Booby trap” means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of a person making contact with the device</p>
45-9-132	<p>Operation of unlawful clandestine laboratory — penalties.</p> <p>. . .</p> <p>(3) A person convicted of operation of an unlawful clandestine laboratory shall be [stating imprisonment terms and fine amounts] if 46-1-401 is complied with and the operation of an unlawful clandestine laboratory or any phase of the operation:</p> <p style="padding-left: 40px;">(a) created a substantial risk of death of or serious bodily injury to another</p>

STATUTORY CITATIONS TO THE “BODILY INJURY” STATUTE, § 45-2-101

Statute, MCA	Excerpt with “Bodily Injury” Citation
41-3-609	<p>Criteria for termination.</p> <p>. . .</p> <p>(4) A treatment plan is not required under this part upon a finding by the court following hearing if:</p> <p>. . . .</p> <p style="padding-left: 40px;">(d) the death or serious bodily injury, as defined in 45-2-101, of a child caused by abuse or neglect by the parent has occurred.</p>
44-4-1701	<p>Definitions.</p> <p>As used in 2-15-2034, 2-15-2035, and this part, unless the context clearly indicates otherwise, the following definitions apply:</p> <p>. . .</p> <p>(6) “Sexual assault” means a criminal offense that involves sexual contact or sexual intercourse as those terms are defined in 45-2-101.</p>

Statute, MCA	Excerpt with “Bodily Injury” Citation
50-71-120	<p>Stop-work orders.</p> <p>...</p> <p>(7) As used in this section, the term “serious bodily injury” has the same meaning as provided in 45-2-101.</p>
52-2-736	<p>52-2-736. Prohibition against administering medicine without authorization — provision for emergency — definitions — penalty.</p> <p>...</p> <p>(4) An employee, owner, or operator of a day-care facility who has administered medicine to a child in accordance with this section may not be prosecuted for causing bodily injury or severe bodily injury to a child.</p> <p>(5) For the purposes of this section:</p> <p style="padding-left: 40px;">(a) “bodily injury” has the meaning provided in 45-2-101;</p> <p>...</p> <p style="padding-left: 40px;">(j) “serious bodily injury” has the meaning provided in 45-2-101.</p> <p>(6) (a) A person convicted of purposely or knowingly administering medicine without authorization resulting in bodily injury to a child shall be [stating imprisonment terms and fine amounts].</p> <p style="padding-left: 40px;">(b) A person convicted of purposely or knowingly administering medicine without authorization resulting in serious bodily injury to a child or in the death of a child shall be [stating imprisonment terms and fine amounts].</p>
53-20-129	<p>Emergency admission and commitment.</p> <p>(1) Subject to the provisions of subsection (3), a person believed to be seriously developmentally disabled may be admitted to a residential facility or a temporary court-ordered community treatment plan may be imposed on an emergency basis without notice to the person or approval by the residential facility screening team when necessary to protect the person or others from death or serious bodily injury, as defined in 45-2-101.</p> <p>...</p> <p>(8) A court may order an emergency commitment or continue a temporary community treatment plan only when the residential facility screening team has recommended and the court has determined that the emergency commitment or continued imposition of a community treatment plan is necessary to protect the respondent or others from death or serious bodily injury, as defined in 45-2-101</p>

Statute, MCA	Excerpt with “Bodily Injury” Citation
53-20-140	<p>Amendment to commitment order or treatment plan — emergency amendment.</p> <p>...</p> <p>(6) If the court finds probable cause to believe that the respondent or others are in imminent risk of death or serious bodily injury, as defined in 45-2-101, the court may order a temporary amendment to a community treatment plan</p>
61-7-118	<p>Penalty for violation.</p> <p>...</p> <p>(3) A driver failing to comply with any provision of 61-7-103 or 61-7-105 in an accident resulting in serious bodily injury, as defined in 45-2-101, or death of any person or resulting in the driver striking the body of a deceased person shall [stating imprisonment terms and fine amounts].</p>
61-8-1016	<p>Implied consent — tests for alcohol or drugs — refusal to submit — administrative suspension of license.</p> <p>...</p> <p>(2) (a) The test or tests must be administered at the direction of a peace officer when:</p> <p>...</p> <p>(iii) the peace officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:</p> <p>...</p> <p>(C) and the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death</p>

STATUTES REFERRING TO “BODILY INJURY” IN THE CONTEXT OF CRIMES OR CRIMINAL LAW

Statute, MCA	Excerpt with “Bodily Injury” Language
7-32-2227	<p>Inmate eligibility for participation. A person may be permitted to participate in a county jail work program if the person:</p> <p>...</p> <p>(2) is not serving a sentence for homicide, robbery, sexual intercourse without consent, arson, burglary, kidnapping, escape, assault, partner or family member assault, incest, or any other offense in which violence is an element of the crime or for an offense during the course of which bodily injury occurred</p>
20-7-1336	<p>School marshal duties and responsibilities.</p> <p>(1) A school marshal may act only as necessary to prevent or stop the commission of an offense that threatens serious bodily injury or death of persons on public school property</p>
25-40-118	<p>Limits of privilege.</p> <p>(1) There is no privilege under 25-40-116 for a collaborative law communication that is:</p> <p>...</p> <p>(b) a threat or statement of a plan to inflict bodily injury or commit a crime of violence</p>
33-1-206	<p>Casualty insurance.</p> <p>(1) Casualty insurance includes:</p> <p>...</p> <p>(d) (i) burglary and theft, which is insurance against loss or damage by burglary, theft, robbery, forgery, fraud, deceptive practices, vandalism, criminal mischief, confiscation, or wrongful conversion, disposal, or concealment or from any attempt at any of the foregoing, including supplemental coverage for medical, hospital, surgical, and funeral expense incurred by the named insured or any other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another</p>
33-18-216	<p>Unfair discrimination against victims of abuse prohibited.</p> <p>...</p> <p>(2) For purposes of this section, “abuse” means the occurrence between family members, current or former household members, or intimate partners of one or more of the following:</p> <p>(a) purposely, knowingly, or recklessly subjecting another person, including a minor child, to bodily injury, severe emotional distress, psychological trauma, sexual assault, or sexual intercourse without consent</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
40-15-201	<p>Temporary order of protection.</p> <p>(1) . . . The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102, has a relationship to the respondent if required by 40-15-102, and is in danger of harm if the court does not issue a temporary order of protection immediately.</p>
41-3-423	<p>Reasonable efforts required to prevent removal of child or to return — exemption — findings — permanency plan.</p> <p>. . .</p> <p>(2) . . . A court may make a finding that the department need not make reasonable efforts to provide preservation or reunification services if the court finds that the parent has:</p> <p>. . .</p> <p>(d) committed neglect of a child that resulted in serious bodily injury or death</p>
46-9-301	<p>46-9-301. Determining amount of bail.</p> <p>In all cases in which bail is determined to be necessary, bail must be reasonable in amount and the amount must be:</p> <p>. . .</p> <p>(3) sufficient to protect any person from bodily injury</p>
46-14-301	<p>Commitment upon finding of not guilty by reason of lack of mental state — hearing to determine release or discharge — limitation on confinement.</p> <p>. . .</p> <p>(2) The court shall evaluate the nature of the offense with which the defendant was charged. If the offense:</p> <p>(a) involved a substantial risk of serious bodily injury or death, actual bodily injury . . .</p> <p>(b) charged did not involve a substantial risk of serious bodily injury or death, actual bodily injury . . .</p> <p>(3) . . . The hearing is a civil proceeding, and the burden is upon the state to prove by clear and convincing evidence that the person may not be safely released because the person continues to suffer from a mental disease or disorder that causes the person to present a substantial risk of:</p> <p>(a) serious bodily injury or death to the person or others</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
46-14-302	<p>Discharge or release upon motion of director.</p> <p>(1) If the director of the department of public health and human services believes that a person committed to the director’s custody under 46-14-301 may be discharged or released on condition without danger to the person or others because the person no longer suffers from a mental disease or disorder that causes the person to present a substantial risk of serious bodily injury</p> <p>...</p> <p>(5) If the court is satisfied by the report filed under subsection (1) and the testimony of the reporting psychiatrist, licensed clinical psychologist, or advanced practice registered nurse that the committed person may be discharged or released on condition because the person no longer suffers from a mental disease or disorder that causes the person to present a substantial risk of serious bodily injury . . . the court shall order the person’s discharge.</p> <p>(6) (a) If the court is not satisfied, it shall promptly order a hearing to determine whether the person may safely be discharged or released on the grounds that the person no longer suffers from a mental disease or disorder that causes the person to present a substantial risk of:</p> <p style="padding-left: 40px;">(i) serious bodily injury or death to the person or others;</p> <p>...</p> <p style="padding-left: 40px;">(b) A hearing is considered a civil proceeding, and the burden is upon the state to prove by clear and convincing evidence that the person may not be safely discharged or released because the person continues to suffer from a mental disease or disorder that causes the person to present a substantial risk of:</p> <p style="padding-left: 40px;">(i) serious bodily injury or death to the person or others</p>
46-14-304	<p>Conditional release — revocation.</p> <p>...</p> <p>(3) On motion of a county attorney or the department of public health and human services, the court may order revocation of a person’s conditional release if the court determines after hearing evidence that:</p> <p>...</p> <p style="padding-left: 40px;">(b) based on the violations of the conditions and the person’s past mental health history, there is a substantial likelihood that the person continues to suffer from a mental disease or disorder that causes the person to present a substantial risk of:</p> <p style="padding-left: 40px;">(i) serious bodily injury or death to the person or others</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
46-18-104	<p>Definitions.</p> <p>...</p> <p>(2) (a) “Crime of violence” means:</p> <p>...</p> <p>(ii) a crime in which the offender causes serious bodily injury or death to a person other than the offender</p>
46-18-222	<p>Exceptions to mandatory minimum sentences, restrictions on deferred imposition and suspended execution of sentence, and restrictions on parole eligibility.</p> <p>Mandatory minimum sentences prescribed by the laws of this state, mandatory life sentences prescribed by 46-18-219, the restrictions on deferred imposition and suspended execution of sentence . . . do not apply if:</p> <p>...</p> <p>(5) except for offenses committed under 45-5-706 and 45-5-711, in a case in which the threat of bodily injury or actual infliction of bodily injury is an actual element of the crime, no serious bodily injury was inflicted on the victim unless a weapon was used in the commission of the offense</p>
46-18-224	<p>Additional sentence for offense committed while carrying a handgun loaded with armor-piercing ammunition.</p> <p>(1) If the provisions of 46-1-401 have been complied with, a person who has been found guilty of an offense in which bodily injury occurred [stating imprisonment terms and fine amounts]</p>
46-18-243	<p>Definitions.</p> <p>...</p> <p>(2) (a) “Victim” means:</p> <p>(i) a person who suffers loss of property, bodily injury, or death as a result of</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
46-18-303	<p>Aggravating circumstances.</p> <p>Aggravating circumstances are any of the following:</p> <p>...</p> <p>(4) The offense was sexual intercourse without consent, the offender has a previous conviction of sexual intercourse without consent in this state or of an offense under the laws of another state or of the United States that if committed in this state would be the offense of sexual intercourse without consent, and the offender inflicted serious bodily injury upon a person in the course of committing each offense.</p>
46-24-104	<p>Consultation with victim of certain offenses.</p> <p>As soon as possible prior to disposition of the case, the prosecuting attorney in a criminal case shall consult with the victim of a felony offense or a misdemeanor offense involving actual, threatened, or potential bodily injury to the victim or, in the case of a minor child victim or homicide victim, with the family of the victim in order to obtain the views of the victim or the victim’s family regarding the disposition of the case</p>
46-24-106	<p>46-24-106. Crime victims — family members — right to attend proceedings — exceptions — right to receive documents — rights during interview.</p> <p>...</p> <p>(5) As used in this section, “victim” means:</p> <p style="padding-left: 40px;">(a) a person who suffers loss of property, bodily injury, or reasonable apprehension of bodily injury</p>
46-24-203	<p>Prompt notification to victims and witnesses of certain offenses.</p> <p>...</p> <p>(2) A person entitled to notification under subsection (1) must be a victim or witness of a felony offense or a misdemeanor offense involving actual, threatened, or potential bodily injury to the victim, a relative of a victim or witness who is a minor, or a relative of a homicide victim.</p>
49-2-602	<p>Intimidation or interference in right to be free from housing discrimination — penalties.</p> <p>...</p> <p>(2) A person who violates a provision of subsection (1):</p> <p>...</p> <p style="padding-left: 40px;">(b) if bodily injury results, shall be [stating imprisonment terms and fine amounts]. . . .</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
53-9-103	<p>Definitions</p> <p>...</p> <p>(3) “Criminally injurious conduct” means conduct that:</p> <p>...</p> <p>(b) results in bodily injury or death or involves domestic violence in a home where minor children were present; and</p> <p>(c) . . . however, criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the bodily injury or death occurred during the commission of an offense defined in Title 45</p> <p>...</p> <p>(6) “Victim” means:</p> <p>(a) a person who suffers bodily injury or death as a result of</p>
53-21-102	<p>Definitions.</p> <p>...</p> <p>(8) “Emergency situation” means:</p> <p>...</p> <p>(b) a situation in which any person who appears to be suffering from a mental disorder and appears to require commitment is substantially unable to provide for the person’s own basic needs of food, clothing, shelter, health, or safety and:</p> <p>(i) the situation presents a danger of death or bodily injury to the person’s self or another</p>
61-8-707	<p>Fleeing from or eluding peace officer — penalty.</p> <p>...</p> <p>(3) A person convicted of an offense of fleeing from or eluding a peace officer during which the person causes serious bodily injury to or the death of any other person is guilty of a felony and shall be [stating imprisonment terms and fine amounts].</p>

Statute, MCA	Excerpt with “Bodily Injury” Language
61-8-715	Reckless driving — reckless endangerment of emergency personnel or highway workers — failure to yield to an emergency vehicle — penalty. . . . (2) A person who is convicted of reckless driving under 61-8-301 or convicted of reckless endangerment of emergency personnel or reckless endangerment of highway workers under 61-8-389 and whose offense results in the death or serious bodily injury of another person shall be [stating imprisonment terms and fine amounts].
61-8-716	Careless driving — penalty. . . . (2) A person whose violation of the provisions of 61-8-302 results in the death or serious bodily injury of another person shall be [stating imprisonment terms and fine amounts].

CITATIONS TO SPECIFIC OFFENSES WITH “BODILY INJURY” AS ELEMENT

Certain statutory sections are highlighted below. For each, the applicable offense in the left column is used to define a term within the highlighted statute, and that term is then used in that particular chapter or title. For example, the first highlighted statute below is § 44-15-103. Within that part, a “serious crime” is defined as “a crime under the laws of this state that is a violation of . . . 45-5-202 [aggravated assault]. . . .” Thus, “bodily injury” is part of the definition of “aggravated assault,” and “aggravated assault” is part of the definition of “serious crime” under Title 44. “Serious crime” is then used within title 44, chapter 15, part 1 in two sections. This document **does not** identify for each of the highlighted statutes what the defined term is and how many times it is used within the relevant title, chapter, and/or part, but those are additional terms that could be affected by a statutory change to the term “bodily injury.”

Offense, MCA	Other Statutory Citations to Offense
Assault (45-5-201)	40-15-102, 45-5-210, 45-5-212, 45-5-801, 46-18-1108, 52-3-803
Aggravated assault (45-5-202)	40-15-102, 41-1-601, 41-5-206, 42-2-608, 44-15-103 , 45-4-622, 45-5-206, 45-5-209, 46-6-311, 46-9-109, 46-16-226 , 46-18-220, 46-18-205, 46-18-219, 46-18-231 , 46-18-303, 46-23-502

Offense, MCA	Other Statutory Citations to Offense
Negligent Vehicular Assault (45-5-205)	61-5-205, 61-8-1008, 61-8-1011, 61-8-1016
Partner or family member assault (45-5-206)	40-4-219, 40-15-102, 40-15-116, 41-1-601, 41-3-301, 41-3-437, 44-7-201, 45-5-209, 45-5-213, 45-5-215, 45-5-231, 45-5-622, 46-1-502, 46-6-602, 46-9-108, 46-9-109, 46-9-302, 46-16-226, 46-18-1108, 46-23-502, 46-23-1005
Criminal Endangerment (45-5-207)	40-15-102; 44-15-103; 61-8-1001
Negligent endangerment (45-5-208)	40-15-102; 53-6-155
Assault on a peace officer or judicial officer (45-5-210)	41-5-206, 44-15-103, 46-16-226, 46-23-502
Assault on minor (45-5-212)	40-15-102, 44-15-103, 46-1-502, 46-16-226, 46-18-111, 46-23-502
Assault with weapon (45-5-213)	40-15-102, 41-1-601, 41-5-206, 44-15-103, 45-5-206, 45-5-209, 45-5-622, 45-8-405, 46-6-311, 46-9-109, 46-16-226, 46-18-231, 46-23-502
Aggravated kidnapping (45-5-303)	40-15-102, 41-5-206, 44-15-103, 45-8-405, 46-1-502, 46-12-204, 46-16-226, 46-18-205, 46-18-207, 46-18-219, 46-18-231, 46-18-256, 46-23-502
Robbery (45-5-401)	41-5-206, 44-15-103, 45-8-405, 46-16-226, 46-18-205, 46-18-219, 46-18-231, 46-23-502
Sexual Assault (45-5-502)	20-7-1321, 27-2-216, 39-51-2111, 40-4-219, 40-15-102, 40-15-116, 41-5-206, 42-2-608, 44-2-115, 44-5-311, 45-1-205, 45-2-211, 45-5-512, 45-5-628, 45-5-628, 46-1-502, 46-15-320, 46-16-226, 46-18-104, 46-18-111, 46-18-205, 46-18-222, 46-18-231, 46-18-1108, 46-23-502, 50-32-609

Offense, MCA	Other Statutory Citations to Offense
Sexual Intercourse Without Consent (45-5-503)	20-7-1321, 27-2-216, 39-51-2111, 40-4-219, 40-15-102, 40-15-116, 41-5-206, 42-2-608, 44-2-115, 44-5-311, 44-15-103, 45-1-205, 45-2-211, 45-5-512, 45-5-628, 45-8-405, 46-1-502, 46-15-320, 46-16-226, 46-18-104, 46-18-111, 46-18-205, 46-18-231, 46-23-502, 46-23-506, 50-32-609
Incest (45-5-507)	20-7-1321, 27-2-216, 39-51-2111, 40-4-219, 40-15-102, 40-15-116, 42-2-608, 44-5-311, 45-1-205, 45-5-512, 46-1-502, 46-15-320, 46-16-226, 46-18-104, 46-18-111, 46-18-205, 46-23-502, 46-23-506
Endangering welfare of children (45-5-622)	40-4-219, 44-15-103, 46-1-502, 46-23-502
Criminal Child Endangerment (45-5-628)	44-15-103, 61-8-1008, 61-8-1011, 46-23-502
Arson (45-6-103)	40-15-102, 41-5-206, 45-8-405, 46-16-226
Burglary (45-6-204)	41-5-206, 45-8-405
Operation of an unlawful clandestine laboratory (45-9-132)	41-3-102, 46-16-226, 46-18-201, 46-23-502, 70-33-321