

FIRST REGULAR SESSION

# HOUSE BILL NO. 148

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TROUPE.

Pre-filed December 14, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0741L.011

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### AN ACT

To repeal sections 565.050, 565.060 and 565.070, RSMo 2000, relating to criminal assault, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 565.050, 565.060 and 565.070, RSMo 2000, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 565.050, 565.060 and 565.070, to  
3 read as follows:

565.050. 1. A person commits the crime of assault in the first degree if [he] **the person**  
2 attempts to kill or knowingly causes or attempts to cause serious physical injury to another  
3 person.

4 2. Assault in the first degree is a class B felony unless in the course thereof the actor  
5 inflicts serious physical injury on the victim in which case it is a class A felony.

6 **3. No person who pleads guilty to or is found guilty of assault in the first degree**  
7 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
8 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
9 **on or waiting to board a bus or light rail system.**

565.060. 1. A person commits the crime of assault in the second degree if [he] **the**  
2 **person:**

3 (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to  
4 another person under the influence of sudden passion arising out of adequate cause; or

5 (2) Attempts to cause or knowingly causes physical injury to another person by means

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 of a deadly weapon or dangerous instrument; or

7 (3) Recklessly causes serious physical injury to another person; or

8 (4) While in an intoxicated condition or under the influence of controlled substances or  
9 drugs, operates a motor vehicle in this state and, when so operating, acts with criminal  
10 negligence to cause physical injury to any other person than himself; or

11 (5) Recklessly causes physical injury to another person by means of discharge of a  
12 firearm.

13 2. The defendant shall have the burden of injecting the issue of influence of sudden  
14 passion arising from adequate cause [under] **pursuant to** subdivision (1) of subsection 1 of this  
15 section.

16 3. Assault in the second degree is a class C felony.

17 **4. No person who pleads guilty to or is found guilty of assault in the second degree**  
18 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
19 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
20 **on or waiting to board a bus or light rail system.**

565.070. 1. A person commits the crime of assault in the third degree if:

2 (1) The person attempts to cause or recklessly causes physical injury to another person;  
3 or

4 (2) With criminal negligence the person causes physical injury to another person by  
5 means of a deadly weapon; or

6 (3) The person purposely places another person in apprehension of immediate physical  
7 injury; or

8 (4) The person recklessly engages in conduct which creates a grave risk of death or  
9 serious physical injury to another person; or

10 (5) The person knowingly causes physical contact with another person knowing the other  
11 person will regard the contact as offensive or provocative; or

12 (6) The person knowingly causes physical contact with an incapacitated person, as  
13 defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would  
14 consider offensive or provocative.

15 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree  
16 is a class A misdemeanor.

17 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this  
18 section is guilty of a class C misdemeanor.

19 4. A person who has pled guilty to or been found guilty of the crime of assault in the  
20 third degree more than two times against any family or household member as defined in section  
21 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the

22 crime of assault in the third degree when a class A misdemeanor. The offenses described in this  
23 subsection may be against the same family or household member or against different family or  
24 household members.

25 **5. No person who pleads guilty to or is found guilty of assault in the third degree**  
26 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
27 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
28 **on or waiting to board a bus or light rail system.**