

FIRST REGULAR SESSION

HOUSE BILL NO. 733

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GOODMAN, STEVENSON AND LIPKE (Co-sponsors).

Read 1st time April 8, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2195L.011

AN ACT

To repeal section 565.070, RSMo, and to enact in lieu thereof one new section relating to assault in the third degree, with a penalty provision.

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

Section A. Section 565.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.070, to read as follows:

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

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

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

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

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

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

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

(7) The person knowingly causes physical injury to another person.

2. Except as provided in subsections 3 [and], 4, **and 5** of this section, assault in the third

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

17 degree is a class A misdemeanor.

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

20 4. **A person who violates the provisions of subdivision (7) of subsection 1 of this**
21 **section is guilty of a class D felony.**

22 5. A person who has pled guilty to or been found guilty of the crime of assault in the
23 third degree more than two times against any family or household member as defined in section
24 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the
25 crime of assault in the third degree when a class A misdemeanor. The offenses described in this
26 subsection may be against the same family or household member or against different family or
27 household members.