

SECOND REGULAR SESSION

HOUSE BILL NO. 1519

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOSKINS (80) (Sponsor) AND PACE (Co-sponsor).

3607L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof three new sections relating to assault of a transit operator, an employee of a mass transit system, a law enforcement officer, a corrections officer, emergency personnel, a highway worker in a construction zone or work zone, or a probation and parole officer, with penalty provisions.

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

Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read as follows:

565.081. 1. A person commits the crime of assault of a **transit operator, an employee of a mass transit system, a law enforcement officer, a corrections officer, emergency personnel, a highway worker in a construction zone or work zone, or a probation and parole officer in the first degree** if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a **transit operator who is on duty or in operation of their official vehicle at the time the assault occurs, an employee of a mass transit system who is on duty or in operation of their official vehicle at the time the assault occurs, a law enforcement officer, a corrections officer, emergency personnel, a highway worker in a construction zone or work zone, or a probation and parole officer.**

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100[, RSMo].

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

13 3. As used in this section the term "corrections officer" includes any jailer or corrections
14 officer of the state or any political subdivision of the state.

15 4. When used in this section, the terms "highway worker", "construction zone", or "work
16 zone" shall have the same meaning as such terms are defined in section 304.580[, RSMo].

17 5. Assault of a **transit operator, an employee of a mass transit system, a law**
18 **enforcement officer, a corrections officer, emergency personnel, a highway worker in a**
19 **construction zone or work zone, or a probation and parole officer in the first degree is a class A**
20 **felony.**

 565.082. 1. A person commits the crime of assault of a **transit operator, an employee**
2 **of a mass transit system, a law enforcement officer, a corrections officer, emergency personnel,**
3 **a highway worker in a construction zone or work zone, or a probation and parole officer in the**
4 **second degree if such person:**

5 (1) Knowingly causes or attempts to cause physical injury to a **transit operator who is**
6 **on duty or in operation of their official vehicle at the time the assault occurs, an employee**
7 **of a mass transit system who is on duty or in operation of their official vehicle at the time**
8 **the assault occurs, a law enforcement officer, a corrections officer, emergency personnel, or a**
9 **probation and parole officer by means of a deadly weapon or dangerous instrument;**

10 (2) Knowingly causes or attempts to cause physical injury to a **transit operator who is**
11 **on duty or in operation of their official vehicle at the time the assault occurs, an employee**
12 **of a mass transit system who is on duty or in operation of their official vehicle at the time**
13 **the assault occurs, a law enforcement officer, a corrections officer, emergency personnel, a**
14 **highway worker in a construction zone or work zone, or a probation and parole officer by means**
15 **other than a deadly weapon or dangerous instrument;**

16 (3) Recklessly causes serious physical injury to a **transit operator who is on duty or**
17 **in operation of their official vehicle at the time the assault occurs, an employee of a mass**
18 **transit system who is on duty or in operation of their official vehicle at the time the assault**
19 **occurs, a law enforcement officer, a corrections officer, emergency personnel, a highway worker**
20 **in a construction zone or work zone, or a probation and parole officer; or**

21 (4) While in an intoxicated condition or under the influence of controlled substances or
22 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
23 negligence to cause physical injury to a **transit operator who is on duty or in operation of**
24 **their official vehicle at the time the assault occurs, an employee of a mass transit system**
25 **who is on duty or in operation of their official vehicle at the time the assault occurs, a law**
26 **enforcement officer, a corrections officer, emergency personnel, a highway worker in a**
27 **construction zone or work zone, or a probation and parole officer;**

28 (5) Acts with criminal negligence to cause physical injury to a **transit operator who is**
29 **on duty or in operation of their official vehicle at the time the assault occurs, an employee**
30 **of a mass transit system who is on duty or in operation of their official vehicle at the time**
31 **the assault occurs, a** law enforcement officer, **a** corrections officer, emergency personnel, **a**
32 highway worker in a construction zone or work zone, or **a** probation and parole officer by means
33 of a deadly weapon or dangerous instrument;

34 (6) Purposely or recklessly places a **transit operator who is on duty or in operation**
35 **of their official vehicle at the time the assault occurs, an employee of a mass transit system**
36 **who is on duty or in operation of their official vehicle at the time the assault occurs, a** law
37 enforcement officer, **a** corrections officer, emergency personnel, **a** highway worker in a
38 construction zone or work zone, or **a** probation and parole officer in apprehension of immediate
39 serious physical injury; or

40 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
41 injury to a **transit operator who is on duty or in operation of their official vehicle at the time**
42 **the assault occurs, an employee of a mass transit system who is on duty or in operation of**
43 **their official vehicle at the time the assault occurs, a** law enforcement officer, **a** corrections
44 officer, emergency personnel, **a** highway worker in a construction zone or work zone, or **a**
45 probation and parole officer.

46 2. As used in this section, "emergency personnel" means any paid or volunteer
47 firefighter, emergency room or trauma center personnel, or emergency medical technician as
48 defined in subdivisions (15), (16), (17), and (18) of section 190.100[, RSMo].

49 3. As used in this section the term "corrections officer" includes any jailer or corrections
50 officer of the state or any political subdivision of the state.

51 4. When used in this section, the terms "highway worker", "construction zone", or "work
52 zone" shall have the same meaning as such terms are defined in section 304.580[, RSMo].

53 5. Assault of a **transit operator, an employee of a mass transit system, a** law
54 enforcement officer, **a** corrections officer, emergency personnel, **a** highway worker in a
55 construction zone or work zone, or **a** probation and parole officer in the second degree is a class
56 B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
57 section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of
58 subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her
59 sentence.

565.083. 1. A person commits the crime of assault of a **transit operator, an employee**
2 **of a mass transit system, a** law enforcement officer, **a** corrections officer, emergency personnel,
3 **a** highway worker in a construction zone or work zone, or **a** probation and parole officer in the
4 third degree if:

5 (1) Such person recklessly causes physical injury to a **transit operator who is on duty**
6 **or in operation of their official vehicle at the time the assault occurs, an employee of a mass**
7 **transit system who is on duty or in operation of their official vehicle at the time the assault**
8 **occurs, a law enforcement officer, a corrections officer, emergency personnel, a highway worker**
9 in a construction zone or work zone, or a probation and parole officer;

10 (2) Such person purposely places a **transit operator who is on duty or in operation**
11 **of their official vehicle at the time the assault occurs, an employee of a mass transit system**
12 **who is on duty or in operation of their official vehicle at the time the assault occurs, a law**
13 **enforcement officer, a corrections officer, emergency personnel, a highway worker in a**
14 **construction zone or work zone, or a probation and parole officer in apprehension of immediate**
15 **physical injury;**

16 (3) Such person knowingly causes or attempts to cause physical contact with a **transit**
17 **operator who is on duty or in operation of their official vehicle at the time the assault**
18 **occurs, an employee of a mass transit system who is on duty or in operation of their official**
19 **vehicle at the time the assault occurs, a law enforcement officer, a corrections officer,**
20 **emergency personnel, a highway worker in a construction zone or work zone, or a probation and**
21 **parole officer without the consent of the transit operator, the employee of a mass transit**
22 **system, the law enforcement officer, the corrections officer, emergency personnel, the highway**
23 **worker in a construction zone or work zone, or the probation and parole officer.**

24 2. As used in this section, "emergency personnel" means any paid or volunteer
25 firefighter, emergency room or trauma center personnel, or emergency medical technician as
26 defined in subdivisions (15), (16), (17), and (18) of section 190.100[, RSMo].

27 3. As used in this section the term "corrections officer" includes any jailer or corrections
28 officer of the state or any political subdivision of the state.

29 4. When used in this section, the terms "highway worker", "construction zone", or "work
30 zone" shall have the same meaning as such terms are defined in section 304.580[, RSMo].

31 5. Assault of a **transit operator, an employee of a mass transit system, a law**
32 **enforcement officer, a corrections officer, emergency personnel, a highway worker in a**
33 **construction zone or work zone, or a probation and parole officer in the third degree is a class**
34 **A misdemeanor.**

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