

FIRST REGULAR SESSION

# HOUSE BILL NO. 383

## 96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES PACE (Sponsor), NASHEED, WALTON GRAY, CARTER, HUMMEL, SMITH (71), JONES (63), ELLINGER, DENISON, COLONA, MCGHEE, KELLY (24), ZIMMERMAN, BLACK, OXFORD, SCHIEFFER, ATKINS, CURLS, NANCE, MEADOWS AND HUBBARD (Co-sponsors).

0432L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to the crimes of assault and tampering with a judicial officer, with existing penalty provisions.

---

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

Section A. Sections 565.081, 565.082, 565.083, and 565.084, RSMo, are repealed and  
2 four new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, 565.083,  
3 and 565.084, to read as follows:

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

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

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.

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.

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.

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.

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.

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.**

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the  
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's  
3 official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's  
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members  
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial  
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or  
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special  
13 master, juvenile officer, deputy juvenile officer, **juvenile court commissioner**, state prosecuting  
14 or circuit attorney, state assistant prosecuting or circuit attorney, **drug court commissioner-**  
15 **judge, family court commissioner-judge, administrative law judge**, [juvenile court  
16 commissioner,] state probation or parole officer, or referee.

17 3. A judicial officer's family for purposes of this section shall be:

18 (1) Such officer's spouse; or

19 (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;  
20 or

21 (3) Such officer's stepchild, while the marriage creating that relationship exists.

22 4. Tampering with a judicial officer is a class C felony.