

FIRST REGULAR SESSION

HOUSE BILL NO. 652

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), MCGHEE, HIGDON, SCHAD, REIBOLDT,
FISHER, BURLISON, WELLS, TAYLOR, FREDERICK, CIERPIOT,
PACE AND GATSCHENBERGER (Co-sponsors).

0555L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 565.081 and 565.083, RSMo, and section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session and section 565.082 as enacted by conference committee substitute for senate substitute for senate committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session, and to enact in lieu thereof three new sections relating to assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, health care worker, or probation and parole officer, with existing penalty provisions.

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

Section A. Sections 565.081 and 565.083, RSMo, and section 565.082 as enacted by
2 conference committee substitute for senate substitute for senate committee substitute for house
3 committee substitute for house bill no. 62, ninety-fifth general assembly, first regular session and
4 section 565.082 as enacted by conference committee substitute for senate substitute for senate
5 committee substitute for house bill no. 683, ninety-fifth general assembly, first regular session,
6 are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081,
7 565.082, and 565.083, to read as follows:

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
3 **health care worker**, or probation and parole officer in the first degree if such person attempts

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.

4 to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement
5 officer, corrections officer, emergency personnel, highway worker in a construction zone or work
6 zone, **health care worker**, or probation and parole officer.

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

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

12 4. When used in this section, the terms "highway worker", "construction zone", or "work
13 zone" shall have the same meaning as such terms are defined in section 304.580.

14 5. **As used in this section, "health care worker" means one who is a professional
15 licensed under chapters 334 and 335 and employed by a covered health care facility.**

16 6. **As used in this section, "covered health care facility" refers to a hospital as
17 defined in section 197.020, facility as defined in section 198.006, residential facility as
18 defined in section 630.005, or other health care entity licensed by the state.**

19 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
20 highway worker in a construction zone or work zone, **health care worker**, or probation and
21 parole officer in the first degree is a class A felony.

[565.082. 1. A person commits the crime of assault of a law enforcement
2 officer, corrections officer, emergency personnel, or probation and parole officer
3 in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law
5 enforcement officer, corrections officer, emergency personnel, or probation and
6 parole officer by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law
8 enforcement officer, corrections officer, emergency personnel, highway worker
9 in a construction zone or work zone, or probation and parole officer by means
10 other than a deadly weapon or dangerous instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement
12 officer, corrections officer, emergency personnel, or probation and parole officer;
13 or

14 (4) While in an intoxicated condition or under the influence of controlled
15 substances or drugs, operates a motor vehicle or vessel in this state and when so
16 operating, acts with criminal negligence to cause physical injury to a law
17 enforcement officer, corrections officer, emergency personnel, or probation and
18 parole officer;

19 (5) Acts with criminal negligence to cause physical injury to a law
20 enforcement officer, corrections officer, emergency personnel, or probation and
21 parole officer by means of a deadly weapon or dangerous instrument;

22 (6) Purposely or recklessly places a law enforcement officer, corrections
23 officer, emergency personnel, or probation and parole officer in apprehension of
24 immediate serious physical injury; or

25 (7) Acts with criminal negligence to create a substantial risk of death or
26 serious physical injury to a law enforcement officer, corrections officer,
27 emergency personnel, or probation and parole officer.

28 2. As used in this section, "emergency personnel" means any paid or
29 volunteer firefighter, emergency room or trauma center personnel, or emergency
30 medical technician as defined in subdivisions (15), (16), (17), and (18) of section
31 190.100.

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

34 4. Assault of a law enforcement officer, corrections officer, emergency
35 personnel, or probation and parole officer in the second degree is a class B felony
36 unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of
37 this section in which case it is a class C felony.]

38

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

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 corrections officer, emergency personnel, **highway worker in a construction zone or work**
6 **zone, health care worker**, or probation and parole officer by means of a deadly weapon or
7 dangerous instrument;

8 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
9 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
10 **health care worker**, or probation and parole officer by means other than a deadly weapon or
11 dangerous instrument;

12 (3) Recklessly causes serious physical injury to a law enforcement officer, corrections
13 officer, emergency personnel, highway worker in a construction zone or work zone, **health care**
14 **worker**, or probation and parole officer; or

15 (4) While in an intoxicated condition or under the influence of controlled substances or
16 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
17 negligence to cause physical injury to a law enforcement officer, corrections officer, emergency
18 personnel, highway worker in a construction zone or work zone, **health care worker**, or
19 probation and parole officer;

20 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
21 corrections officer, emergency personnel, highway worker in a construction zone or work zone,

22 **health care worker**, or probation and parole officer by means of a deadly weapon or dangerous
23 instrument;

24 (6) Purposely or recklessly places a law enforcement officer, corrections officer,
25 emergency personnel, highway worker in a construction zone or work zone, **health care worker**,
26 or probation and parole officer in apprehension of immediate serious physical injury; or

27 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
28 injury to a law enforcement officer, corrections officer, emergency personnel, highway worker
29 in a construction zone or work zone, **health care worker**, or probation and parole officer.

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

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

35 4. When used in this section, the terms "highway worker", "construction zone", or "work
36 zone" shall have the same meaning as such terms are defined in section 304.580.

37 5. **As used in this section, "health care worker" means one who is a professional**
38 **licensed under chapters 334 and 335 and employed by a covered health care facility.**

39 6. **As used in this section, "covered health care facility" refers to a hospital as**
40 **defined in section 197.020, facility as defined in section 198.006, residential facility as**
41 **defined in section 630.005, or other health care entity licensed by the state.**

42 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
43 highway worker in a construction zone or work zone, **health care worker**, or probation and
44 parole officer in the second degree is a class B felony unless committed pursuant to subdivision
45 (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any
46 violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve
47 mandatory jail time as part of his or her sentence.

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
3 **health care worker**, or probation and parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
6 **health care worker**, or probation and parole officer;

7 (2) Such person purposely places a law enforcement officer, corrections officer,
8 emergency personnel, highway worker in a construction zone or work zone, **health care worker**,
9 or probation and parole officer in apprehension of immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact with a law
11 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
12 zone or work zone, **health care worker**, or probation and parole officer without the consent of
13 the law enforcement officer, corrections officer, emergency personnel, highway worker in a
14 construction zone or work zone, **health care worker**, or probation and parole officer.

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

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

20 4. When used in this section, the terms "highway worker", "construction zone", or "work
21 zone" shall have the same meaning as such terms are defined in section 304.580.

22 5. **As used in this section, "health care worker" means one who is a professional
23 licensed under chapters 334 and 335 and employed by a covered health care facility.**

24 6. **As used in this section, "covered health care facility" refers to a hospital as
25 defined in section 197.020, facility as defined in section 198.006, residential facility as
26 defined in section 630.005, or other health care entity licensed by the state.**

27 7. Assault of a law enforcement officer, corrections officer, emergency personnel,
28 highway worker in a construction zone or work zone, **health care worker**, or probation and
29 parole officer in the third degree is a class A misdemeanor.