

SECOND REGULAR SESSION

HOUSE BILL NO. 1284

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (71) (Sponsor), MCGHEE, PACE,
MEADOWS AND BROWN (50) (Co-sponsors).

4545L.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 an elected official or his or her staff member, 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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read as follows: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 law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **elected official or his or her staff member**, or 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 law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, **elected official or his or her staff member**, or 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.

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

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

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.

15 5. **As used in this section the term "elected official or his or her staff member"**
16 **means any person elected to any office on the federal, state or local level and any person**
17 **who is employed by such an elected official as a member of their staff.**

18 6. Assault of a law enforcement officer, corrections officer, emergency personnel,
19 highway worker in a construction zone or work zone, **elected official or his or her staff**
20 **member**, or probation and 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 officer,
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
3 **elected official or his or her staff member**, or probation and parole officer in the second degree
4 if such person:

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

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

13 (3) Recklessly causes serious physical injury to a law enforcement officer, corrections
14 officer, emergency personnel, highway worker in a construction zone or work zone, **elected**
15 **official or his or her staff member**, or probation and parole officer; or

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

21 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
22 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
23 **elected official or his or her staff member**, or probation and parole officer by means of a
24 deadly weapon or dangerous instrument;

25 (6) Purposely or recklessly places a law enforcement officer, corrections officer,
26 emergency personnel, highway worker in a construction zone or work zone, **elected official or**
27 **his or her staff member**, or probation and parole officer in apprehension of immediate serious
28 physical injury; or

29 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
30 injury to a law enforcement officer, corrections officer, emergency personnel, highway worker

31 in a construction zone or work zone, **elected official or his or her staff member**, or probation
32 and parole officer.

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

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

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

40 5. **As used in this section the term "elected official or his or her staff member"**
41 **means any person elected to any office on the federal, state or local level and any person**
42 **who is employed by such an elected official as a member of their staff.**

43 6. Assault of a law enforcement officer, corrections officer, emergency personnel,
44 highway worker in a construction zone or work zone, **elected official or his or her staff**
45 **member**, or probation and parole officer in the second degree is a class B felony unless
46 committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which
47 case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this
48 section, the defendant must serve 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 **elected official or his or her staff member**, or probation and parole officer in the third degree
4 if:

5 (1) Such person recklessly causes physical injury to a law enforcement officer,
6 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
7 **elected official or his or her staff member**, or probation and parole officer;

8 (2) Such person purposely places a law enforcement officer, corrections officer,
9 emergency personnel, highway worker in a construction zone or work zone, **elected official or**
10 **his or her staff member**, or probation and parole officer in apprehension of immediate physical
11 injury;

12 (3) Such person knowingly causes or attempts to cause physical contact with a law
13 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
14 zone or work zone, **elected official or his or her staff member**, or probation and parole officer
15 without the consent of the law enforcement officer, corrections officer, emergency personnel,
16 highway worker in a construction zone or work zone, **elected official or his or her staff**
17 **member**, or probation and parole officer.

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

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

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

25 5. **As used in this section the term "elected official or his or her staff member"**
26 **means any person elected to any office on the federal, state or local level and any person**
27 **who is employed by such an elected official as a member of their staff.**

28 6. Assault of a law enforcement officer, corrections officer, emergency personnel,
29 highway worker in a construction zone or work zone, **elected official or his or her staff**
30 **member**, or probation and parole officer in the third degree is a class A misdemeanor.

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