

FIRST REGULAR SESSION

# HOUSE BILL NO. 166

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HARDWICK.

0646H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 565.056, RSMo, and to enact in lieu thereof one new section relating to the offense of assault in the fourth degree, with penalty provisions.

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

Section A. Section 565.056, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.056, to read as follows:

565.056. 1. A person commits the offense of assault in the fourth degree if:

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

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

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

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

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

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

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.

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.

17           3. **(1) Except as provided in subdivision (2) of this subsection,** violation of the  
18 provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor  
19 unless the victim is a special victim, as the term "special victim" is defined under section  
20 565.002, in which case a violation of such provisions is a class A misdemeanor.

21           **(2) Violation of the provisions of subdivision (6) of subsection 1 of this section is a**  
22 **class E felony if the special victim is a law enforcement officer and the contact with the law**  
23 **enforcement officer is intentionally spitting on such officer.**

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