

FIRST REGULAR SESSION

# HOUSE BILL NO. 511

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), FISHER (125), WASSON, PARKINSON, DENISON, DUGGER, THOMSON, WILSON (119), WETER, FUNDERBURK, RUZICKA, ALLEN, KRAUS, YATES, NOLTE, SATER, KUESSNER, SWINGER AND MCGHEE (Co-sponsors).

1289L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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 highway worker, with penalty provisions.

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*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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read as follows: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, emergency personnel, **highway worker in a construction zone or work zone**, 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 [or] , emergency personnel, **highway worker in a construction zone or work zone, 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), and (17) of section 190.100, RSMo.

3. **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, RSMo.**

4. Assault of a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the first degree is a class A felony.

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.

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

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

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

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

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

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer by means of a deadly weapon or dangerous instrument;

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

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, 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), and (17) of section 190.100, RSMo.

3. **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, RSMo.**

4. Assault of a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. **For any violation of subdivision (1), (3), or (4) of**

36 **subsection 1 of this section, the defendant must serve mandatory jail time as part of his or**  
37 **her sentence.**

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

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

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

10 (3) Such person knowingly causes or attempts to cause physical contact with a law  
11 enforcement officer, emergency personnel, **highway worker in a construction zone or work**  
12 **zone**, or probation and parole officer without the consent of the law enforcement officer [or] ,  
13 emergency personnel, **highway worker in a construction zone or work zone, or probation**  
14 **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), and (17) of section 190.100, RSMo.

18 3. **When used in this section, the terms "highway worker", "construction zone",**  
19 **or "work zone" shall have the same meaning as such terms are defined in section 304.580,**  
20 **RSMo.**

21 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**  
22 **construction zone or work zone**, or probation and parole officer in the third degree is a class  
23 A misdemeanor.

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