

FIRST REGULAR SESSION

HOUSE BILL NO. 600

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), LOEHNER, CIERPIOT, ROWLAND,
FITZWATER AND MCGHEE (Co-sponsors).

1167L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 565.081 and 565.083, RSMo, 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 the crime of assaulting a utility worker, 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, 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6 are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081,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 **utility worker**, or probation and parole officer in the first degree if such person attempts to kill
4 or knowingly causes or attempts to cause serious physical injury to a law enforcement officer,
5 corrections officer, emergency personnel, highway worker in a construction zone or work zone,
6 **utility worker**, or probation and parole officer.

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.

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, the term "utility worker" means any employee, including**
15 **any person employed under contract, of a utility that provides gas, heat, electricity, water,**
16 **steam, telecommunications services, or sewer services, whether privately, municipally, or**
17 **cooperatively owned.**

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

21 [565.082. 1. A person commits the crime of assault of a law enforcement
22 officer, corrections officer, emergency personnel, or probation and parole officer
23 in the second degree if such person:

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

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

31 (3) Recklessly causes serious physical injury to a law enforcement
32 officer, corrections officer, emergency personnel, or probation and parole officer;
33 or

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

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

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

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

48 2. As used in this section, "emergency personnel" means any paid or
49 volunteer firefighter, emergency room or trauma center personnel, or emergency
50 medical technician as defined in subdivisions (15), (16), (17), and (18) of section
51 190.100.

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

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

58

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 **utility 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, utility worker**, or probation and parole officer by means of a deadly weapon or dangerous
7 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 **utility 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, **utility**
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, **utility worker**, or probation and
19 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 **utility 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, **utility worker**, or
26 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, **utility 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, the term "utility worker" means any employee, including**
38 **any person employed under contract, of a utility that provides gas, heat, electricity, water,**
39 **steam, telecommunications services, or sewer services, whether privately, municipally, or**
40 **cooperatively owned.**

41 6. Assault of a law enforcement officer, corrections officer, emergency personnel,
42 highway worker in a construction zone or work zone, **utility worker**, or probation and parole
43 officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5),
44 (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation
45 of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory
46 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 **utility 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 **utility 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, **utility worker**, or
9 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, **utility worker**, or probation and parole officer without the consent of the law
13 enforcement officer, corrections officer, emergency personnel, highway worker in a construction
14 zone or work zone, **utility 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, the term "utility worker" means any employee, including**
23 **any person employed under contract, of a utility that provides gas, heat, electricity, water,**
24 **steam, telecommunications services, or sewer services, whether privately, municipally, or**
25 **cooperatively owned.**

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