

FIRST REGULAR SESSION

# HOUSE BILL NO. 770

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (71) (Sponsor), SCHIEFFER, HARRIS, ELLINGER, PIERSON, TAYLOR, WEBB, McGEOGHEGAN, HUBBARD, PACE, NICHOLS, COLONA, JONES (63), MAY, NASHEED, KRATKY, BROWN (50) AND CARTER (Co-sponsors).

1350L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 565.081, 565.083, and 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 an elected official or his or her staff member, with existing 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, 565.083, and 565.082 as enacted by conference committee  
2 substitute for senate substitute for senate committee substitute for house committee substitute  
3 for house bill no. 62, ninety-fifth general assembly, first regular session, and section 565.082 as  
4 enacted by conference committee substitute for senate substitute for senate committee substitute  
5 for house bill no. 683, ninety-fifth general assembly, first regular session, are repealed and three  
6 new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to  
7 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 **elected official or his or her staff member**, or probation and parole officer in the first degree  
4 if such person attempts to kill or knowingly causes or attempts to cause serious physical injury  
5 to a law enforcement officer, corrections officer, emergency personnel, highway worker in a

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.

6 construction zone or work zone, **elected official or his or her staff member**, or probation and  
7 parole officer.

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

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

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

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  
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.]

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,**  
15 or probation and parole officer without the consent of the law enforcement officer, corrections  
16 officer, emergency personnel, highway worker in a construction zone or work zone, **elected**  
17 **official or his or her staff 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.