

FIRST REGULAR SESSION

HOUSE BILL NO. 116

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS (80).

0694L.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 a law enforcement officer, emergency personnel, probation and parole officer, transit operator, or metro vehicle operator while on duty or in operation of their official vehicle, with 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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read as follows: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, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator** 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, **probation and parole officer, transit operator, or metro vehicle operator while on duty or in operation of their official vehicle.**

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. Assault of a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator** in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator** in the second degree if such person:

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.

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle** 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, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle** by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle**; 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, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle**;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle** by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle** 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, [or] probation and parole officer, **transit operator, or metro vehicle operator while on duty or in operation of their official vehicle**.

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. Assault of a law enforcement officer, emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle operator** 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.

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle**
3 **operator** in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 emergency personnel, [or] probation and parole officer, **transit operator, or metro vehicle**
6 **operator while on duty or in operation of their official vehicle;**

7 (2) Such person purposely places a law enforcement officer, emergency personnel, [or]
8 probation and parole officer, **transit operator, or metro vehicle operator while on duty or in**
9 **operation of their official vehicle** in 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, [or] probation and parole officer, **transit operator,**
12 **or metro vehicle operator while on duty or in operation of their official vehicle** without the
13 consent of the law enforcement officer [or] , emergency personnel, **probation and parole**
14 **officer, transit operator, or metro vehicle operator.**

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. Assault of a law enforcement officer, emergency personnel, [or] probation and parole
19 officer, **transit operator, or metro vehicle operator** in the third degree is a class A
20 misdemeanor.

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