

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 116

95TH GENERAL ASSEMBLY

0694L.01T

2009

AN ACT

To repeal sections 565.081, 565.082, 565.083, and 565.084, RSMo, and to enact in lieu thereof four new sections relating to assault of a law enforcement officer, emergency personnel, probation and parole officer, transit operator, or an employee of mass transit systems 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Section A. Sections 565.081, 565.082, 565.083, and 565.084, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, 565.083,
3 and 565.084, to read as follows:

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, [or] probation and parole officer, **transit operator, or an employee of**
3 **mass transit systems** in the first degree if such person attempts to kill or knowingly causes or
4 attempts to cause serious physical injury to a law enforcement officer [or], emergency personnel,
5 **probation and parole officer, transit operator, or an employee of mass transit systems while**
6 **on duty or in operation of their official vehicle.**

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), and (17) of section 190.100, RSMo.

10 3. Assault of a law enforcement officer, emergency personnel, [or] probation and parole
11 officer, **transit operator, or an employee of mass transit systems** in the first degree is a class
12 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, [or] probation and parole officer, **transit operator, or an employee of mass transit systems** 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, **transit operator, or an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems 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 an employee of mass transit systems** in the second degree is a

37 class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of
38 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 an employee of**
3 **mass transit systems** 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 an employee of**
6 **mass transit systems 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 an employee of mass transit systems while**
9 **on duty or in 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 an employee of mass transit systems while on duty or in operation of their official**
13 **vehicle** without the consent of the law enforcement officer [or] , emergency personnel,
14 **probation and parole officer, transit operator, or an employee of mass transit systems.**

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 an employee of mass transit systems** in the third degree is a class
20 A misdemeanor.

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's
3 official duties, he:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special
13 master, **juvenile officer, deputy juvenile officer, juvenile court commissioner, drug court**

14 **commissioner-judge, family court commissioner-judge, administrative law judge,** state
15 probation or parole officer, or referee.

16 3. A judicial officer's family for purposes of this section shall be:

17 (1) His spouse; or

18 (2) His or his spouse's ancestor or descendant by blood or adoption; or

19 (3) His stepchild, while the marriage creating that relationship exists.

20 4. Tampering with a judicial officer is a class C felony.

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