

FIRST REGULAR SESSION

# HOUSE BILL NO. 153

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SOLON (Sponsor), LICHTENEGGER, DAVIS, TORPEY,  
KELLEY (127) AND MORRIS (Co-sponsors).

0767H.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 law enforcement officer, 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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read as follows: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, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, **animal control officer**, 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, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, **animal control officer**, 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), (17), and (18) of section 190.100.

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

4. 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.

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.

15           5. As used in this section, the term "utility worker" means any employee while in  
16 performance of their job duties, including any person employed under contract of a utility that  
17 provides gas, heat, electricity, water, steam, telecommunications services, or sewer services,  
18 whether privately, municipally, or cooperatively owned.

19           6. As used in this section, the term "cable worker" means any employee including any  
20 person employed under contract of a cable operator, as such term is defined in section 67.2677.

21           7. Assault of a law enforcement officer, corrections officer, emergency personnel,  
22 highway worker in a construction zone or work zone, utility worker, cable worker, **animal**  
23 **control officer**, 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 officer,  
2 corrections officer, emergency personnel, highway worker in a construction zone or work zone,  
3 utility worker, cable worker, **animal control officer**, or probation and parole officer in the  
4 second degree 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 zone,  
7 utility worker, cable worker, **animal control officer**, or probation and parole officer by means  
8 of 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 utility worker, cable worker, **animal control officer**, or probation and parole officer by means  
12 other than 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, utility  
15 worker, cable worker, **animal control officer**, 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, utility worker, cable worker,  
20 **animal control officer**, 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 utility worker, cable worker, **animal control officer**, or probation and parole officer by means  
24 of a 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, utility worker, cable

27 worker, **animal control officer**, or probation and parole officer in apprehension of immediate  
28 serious 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, utility worker, cable worker, **animal control officer**, or  
32 probation 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 "utility worker" means any employee while in  
41 performance of their job duties, including any person employed under contract of a utility that  
42 provides gas, heat, electricity, water, steam, telecommunications services, or sewer services,  
43 whether privately, municipally, or cooperatively owned.

44 6. As used in this section, the term "cable worker" means any employee, including any  
45 person employed under contract of a cable operator, as such term is defined in section 67.2677.

46 7. Assault of a law enforcement officer, corrections officer, emergency personnel,  
47 highway worker in a construction zone or work zone, utility worker, cable worker, **animal**  
48 **control officer**, or probation and parole officer in the second degree is a class B felony unless  
49 committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which  
50 case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this  
51 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 utility worker, cable worker, **animal control officer**, or probation and parole officer in the third  
4 degree 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 utility worker, cable worker, **animal control officer**, 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, utility worker, cable  
10 worker, **animal control officer**, or probation and parole officer in apprehension of immediate  
11 physical 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, utility worker, cable worker, **animal control officer**, or probation and parole  
15 officer without the consent of the law enforcement officer, corrections officer, emergency  
16 personnel, highway worker in a construction zone or work zone, utility worker, cable worker,  
17 **animal control officer**, 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 "utility worker" means any employee while in  
26 performance of their job duties, including any person employed under contract of a utility that  
27 provides gas, heat, electricity, water, steam, telecommunications services, or sewer services,  
28 whether privately, municipally, or cooperatively owned.

29 6. As used in this section, the term "cable worker" means any employee, including any  
30 person employed under contract of a cable operator, as such term is defined in section 67.2677.

31 7. Assault of a law enforcement officer, corrections officer, emergency personnel,  
32 highway worker in a construction zone or work zone, utility worker, cable worker, **animal**  
33 **control officer**, or probation and parole officer in the third degree is a class A misdemeanor.

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