

FIRST REGULAR SESSION

HOUSE BILL NO. 113

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOLLY, WILLOUGHBY, LeVOTA, BURNETT, MOORE,
JOHNSON (90), SAGER, WILDBERGER, HARRIS (23), MEINERS (Co-sponsors) AND DEMPSEY.

Pre-filed December 19, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0262L.011

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 crimes, 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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 565.081, 565.082, and 565.083, to read
3 as follows:

565.081. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the first degree if [he] **such person** attempts to kill or knowingly causes or
3 attempts to cause serious physical injury to a law enforcement officer **or firefighter**.

4 2. Assault of a law enforcement officer **or firefighter** in the first degree is a class A
5 felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the second degree if [he] **such person**:

3 (1) [Attempts to cause or] Knowingly causes **or attempts to cause** physical injury to a
4 law enforcement officer **or firefighter, knowing that such individual is a law enforcement**
5 **officer or firefighter**, by means of a deadly weapon or dangerous instrument:

6 (a) **While attempting to prevent a law enforcement officer or firefighter from**
7 **performing his or her official duties while such law enforcement officer or firefighter is**
8 **engaged in the execution of his or her official duties; or**

9 (b) **In retaliation upon such law enforcement officer or firefighter for performing**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended
to be omitted in the law.

10 his or her official duties;

11 (2) Knowingly causes or attempts to cause physical injury to a law enforcement
12 officer or firefighter while brandishing a deadly weapon, dangerous instrument, or any
13 device manufactured, designed, or fashioned in such a manner as to be substantially
14 similar in appearance to a firearm:

15 (a) While attempting to prevent a law enforcement officer or firefighter from
16 performing his or her official duties while such law enforcement officer or firefighter is
17 engaged in the execution of his or her official duties; or

18 (b) In retaliation upon such law enforcement officer or firefighter for performing
19 his or her official duties;

20 (3) Knowingly causes or attempts to cause physical injury to a law enforcement
21 officer or firefighter while the offender is hooded, robed, or masked in such a manner as
22 to conceal his or her identity:

23 (a) While attempting to prevent a law enforcement officer or firefighter from
24 performing his or her official duties while such law enforcement officer or firefighter is
25 engaged in the execution of his or her official duties; or

26 (b) In retaliation upon such law enforcement officer or firefighter for performing
27 his or her official duties;

28 [(2)] (4) Recklessly causes serious physical injury to a law enforcement officer[;] or
29 firefighter:

30 (a) While attempting to prevent a law enforcement officer or firefighter from
31 performing his or her official duties while such law enforcement officer or firefighter is
32 engaged in the execution of his or her official duties; or

33 (b) In retaliation upon such law enforcement officer or firefighter for performing
34 his or her official duties;

35 (5) Recklessly engages in conduct which creates a substantial risk of death or
36 serious physical injury to a law enforcement officer or firefighter:

37 (a) While attempting to prevent a law enforcement officer or firefighter from
38 performing his or her official duties while such law enforcement officer or firefighter is
39 engaged in the execution of his or her official duties; or

40 (b) In retaliation upon such law enforcement officer or firefighter for performing
41 his or her official duties;

42 [(3)] (6) While in an intoxicated condition or under the influence of controlled
43 substances or drugs, operates a motor vehicle in this state and when so operating, acts with
44 criminal negligence to cause physical injury to a law enforcement officer or firefighter;

45 (7) Acts with criminal negligence to cause physical injury to a law enforcement

46 **officer or firefighter by means of a deadly weapon:**

47 **(a) While attempting to prevent a law enforcement officer or firefighter from**
48 **performing his or her official duties while such law enforcement officer or firefighter is**
49 **engaged in the execution of his or her official duties; or**

50 **(b) In retaliation upon such law enforcement officer or firefighter for performing**
51 **his or her official duties;**

52 **(8) Knowingly places a law enforcement officer or firefighter in apprehension of**
53 **immediate serious physical injury, knowing that such individual is a law enforcement**
54 **officer or firefighter:**

55 **(a) While attempting to prevent a law enforcement officer or firefighter from**
56 **performing his or her official duties while such law enforcement officer or firefighter is**
57 **engaged in the execution of his or her official duties; or**

58 **(b) In retaliation upon such law enforcement officer or firefighter for performing**
59 **his or her official duties.**

60 2. Assault of a law enforcement officer **or firefighter** in the second degree is a class [B]
61 **C felony unless committed pursuant to subdivision (1), (4), or (6) of subsection 1 of this**
62 **section in which case it is a class B felony.**

565.083. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the third degree if:

3 (1) He attempts to cause or recklessly causes physical injury to a law enforcement officer
4 **or firefighter;**

5 (2) [With criminal negligence he causes physical injury to a law enforcement officer by
6 means of a deadly weapon;

7 (3)] He purposely places a law enforcement officer **or firefighter** in apprehension of
8 immediate physical injury;

9 [(4) He recklessly engages in conduct which creates a grave risk of death or serious
10 physical injury to a law enforcement officer; or

11 (5)] **(3)** He knowingly causes or attempts to cause physical contact with a law
12 enforcement officer **or firefighter** without the consent of the law enforcement officer **or**
13 **firefighter.**

14 2. Assault of a law enforcement officer **or firefighter** in the third degree is a class A
15 misdemeanor.