

FIRST REGULAR SESSION

# HOUSE BILL NO. 360

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MAYER, LIPKE (157), GOODMAN, JOHNSON (47),  
RIBACK WILSON (25), LOWE, JOLLY (Co-sponsors), WILLOUGHBY, BLACK, MOORE, BRUNS,  
WRIGHT, BYRD, PURGASON, MERIDETH AND KELLY (36).

Read 1<sup>st</sup> time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1474L.011

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### AN ACT

To repeal section 565.074, RSMo, and to enact in lieu thereof one new section relating to domestic assault in the third degree, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 565.074, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.074, to read as follows:

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

15           (6) The person knowingly attempts to cause or causes the isolation of such family or  
16 household member by unreasonably and substantially restricting or limiting such family or  
17 household member's access to other persons, telecommunication devices or transportation for  
18 the purpose of isolation.

19           2. Except as provided in subsection 3 of this section, domestic assault in the third degree  
20 is a class A misdemeanor **unless committed pursuant to subdivision (3) of subsection 1 of**  
21 **this section, in which case it is a class C misdemeanor.**

22           3. A person who **violates the provisions of subsection 1 of this section and who** has  
23 **previously** pleaded guilty to or been found guilty of the crime of domestic assault in the third  
24 degree [more than two times] **two or more times** against any family or household member as  
25 defined in section 455.010, RSMo, **or who has previously pleaded guilty to or been found**  
26 **guilty of the crime of assault in the third degree two or more times against any family or**  
27 **household member as defined in section 455.010, RSMo; or who has previously pleaded**  
28 **guilty to or been found guilty of domestic assault in the third degree against any family or**  
29 **household member as defined in section 455.010, RSMo, and assault in the third degree**  
30 **against any family or household member as defined in section 455.010, RSMo, is guilty of**  
31 a class D felony [for the third or any subsequent commission of the crime of domestic assault].  
32 The offenses described in this subsection may be against the same family or household member  
33 or against different family or household members.