

FIRST REGULAR SESSION

HOUSE BILL NO. 669

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK.

Read 1st time March 12, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1747L.011

AN ACT

To repeal section 565.092, RSMo, and to enact in lieu thereof five new sections relating to endangering personnel, with penalty provisions.

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

Section A. Section 565.092, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 565.092, 565.093, 565.094, 565.096 and 565.098, to read as follows:

565.092. 1. [An inmate,] A patient or respondent is guilty of aggravated harassment of an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom the person knows or reasonably should know to be an employee of such facility [or of the department of corrections] or the department of mental health or to be an employee of any law enforcement agency, the person causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

2. For the purposes of this section, ["inmate" means an offender, as defined in section 217.010, RSMo, or any person incarcerated in a local detention facility. For the purposes of this section,] "patient" means any person who is a patient in a facility operated by the department of mental health. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the division of youth services. For purposes of this section, "facility" means a [correctional facility or local correctional facility,] hospital operated by the department of mental health or a secure facility operated by the division of youth services.

3. [No person convicted and serving a sentence for the crime of aggravated harassment of an employee pursuant to the provisions of this section shall be eligible to participate in a work

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 proposed language.

16 release program pursuant to section 217.435, RSMo.

17 4.] Any person who violates the provisions of this section is guilty of a class A
18 misdemeanor.

565.093. As used in sections 565.094 to 565.098, the following terms mean:

2 (1) "Corrections personnel", a person who is an employee of the department of
3 corrections, or assigned to work in any jail, prison, or correctional facility;

4 (2) "Offender", a person who is incarcerated in any jail, prison, or correctional
5 facility.

565.094. 1. An offender commits the crime of endangering corrections personnel
2 **in the first degree if such offender causes or attempts to cause corrections personnel to**
3 **come into contact with blood, seminal fluid, urine, feces, or saliva, knowing that such**
4 **corrections personnel will be exposed to HIV, Hepatitis B, or Hepatitis C through contact**
5 **with those substances.**

6 **2. Endangering corrections personnel in the first degree is a class B felony.**

565.096. 1. An offender commits the crime of endangering corrections personnel
2 **in the second degree if such offender causes or attempts to cause corrections personnel to**
3 **come into contact with blood, seminal fluid, urine, feces, or saliva.**

4 **2. Endangering corrections personnel in the second degree is a class D felony.**

565.098. 1. An offender commits the crime of endangering corrections personnel
2 **in the third degree if such offender causes or attempts to cause corrections personnel to**
3 **come into contact with an unidentified substance.**

4 **2. Endangering corrections personnel in the third degree is a class A misdemeanor.**