

SECOND REGULAR SESSION

HOUSE BILL NO. 1110

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD (Sponsor), LEMBKE, REINHART, BYRD, WILDBERGER, BEHNEN, QUINN, KELLY (36), MOORE, MUNZLINGER AND BRUNS (Co-sponsors).

Read 1st time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3522L.011

AN ACT

To repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to crimes against employees, 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Section A. Section 565.092, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 565.087 and 565.092, to read as follows:

565.087. 1. A person commits the crime of endangering a corrections employee if such person is an offender or prisoner and such person attempts to cause or knowingly causes a corrections employee to come into contact with a substance, including but not limited to blood, seminal fluid, urine, feces, or saliva.

2. As used in this section the following terms shall mean:

(1) "Offender", a person in the custody of the department of corrections;

(2) "Prisoner", a person confined in a county or city jail;

(3) "Corrections employee", a person who is an employee of a department or agency responsible for operating a jail, prison, or correctional facility, or a person who is assigned to work in a jail, prison, or correctional facility.

3. Endangering a corrections employee is a class D felony unless the substance is unidentifiable in which case it is a class A misdemeanor, except that if an offender or prisoner knows that he or she is infected with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and in the course of committing the crime exposes another person to HIV, hepatitis B, or hepatitis C, then it is a class B felony.

565.092. 1. [An inmate,] A patient or respondent is guilty of aggravated harassment of

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.

2 an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom
3 the person knows or reasonably should know to be an employee of such facility [or of the
4 department of corrections] or the department of mental health or to be an employee of any law
5 enforcement agency, the person causes or attempts to cause such employee to come into contact
6 with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

7 2. For the purposes of this section, ["inmate" means an offender, as defined in section
8 217.010, RSMo, or any person incarcerated in a local detention facility. For the purposes of this
9 section,] "patient" means any person who is a patient in a facility operated by the department of
10 mental health. For purposes of this section, "respondent" means a juvenile in a secure facility
11 operated and maintained by the division of youth services. For purposes of this section, "facility"
12 means a [correctional facility or local correctional facility,] hospital operated by the department
13 of mental health or a secure facility operated by the division of youth services.

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