

SECOND REGULAR SESSION

HOUSE BILL NO. 1585

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROWN (Sponsor), PHILLIPS, JOLLY, NIEVES, DUSENBERG,
PRATT, PEARCE, QUINN, WITTE, ERVIN, LIPKE, DOUGHERTY, ROARK,
MEINERS AND WILSON (119) (Co-sponsors).

Read 1st time February 26, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4346L.011

AN ACT

To repeal sections 565.082 and 565.083, RSMo, and to enact in lieu thereof two new sections relating to assault of a law enforcement officer or emergency personnel, with penalty provisions.

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

Section A. Sections 565.082 and 565.083, RSMo, are repealed and two new sections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

565.082. 1. A person commits the crime of assault of a law enforcement officer or
2 emergency personnel in the second degree if such person:

3 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer
4 or emergency personnel [by means of a deadly weapon or dangerous instrument];

5 **(2) Knowingly causes or attempts to cause physical injury to a law enforcement
6 officer or emergency personnel by means other than a deadly weapon or dangerous
7 instrument;**

8 **(3) Recklessly causes serious physical injury to a law enforcement officer or emergency
9 personnel; [or]**

10 ~~[(3)]~~ **(4) While in an intoxicated condition or under the influence of controlled
11 substances or drugs, operates a motor vehicle in this state and when so operating, acts with
12 criminal negligence to cause physical injury to a law enforcement officer or emergency
13 personnel;**

14 **(5) Acts with criminal negligence to cause physical injury to a law enforcement**

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.

15 **officer or emergency personnel by means of a deadly weapon or dangerous instrument;**
16 **(6) Purposely or recklessly places a law enforcement officer or emergency personnel**
17 **in apprehension of immediate serious physical injury; or**

18 **(7) Acts with criminal negligence to create a substantial risk of death or serious**
19 **physical injury to a law enforcement officer or emergency personnel.**

20 2. As used in this section, "emergency personnel" means any paid or volunteer
21 firefighter, emergency room or trauma center personnel, or emergency medical technician as
22 defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

23 3. Assault of a law enforcement officer or emergency personnel in the second degree is
24 a class B felony **unless committed pursuant to subdivision (2), (5), (6) or (7) of subsection**
25 **1 of this section in which case it is a class C felony.**

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

3 (1) Such person [attempts to cause or] recklessly causes physical injury to a law
4 enforcement officer or emergency personnel;

5 (2) [With criminal negligence such person causes physical injury to a law enforcement
6 officer or emergency personnel by means of a deadly weapon;

7 (3)] Such person purposely places a law enforcement officer or emergency personnel in
8 apprehension of immediate physical injury;

9 [(4) With criminal negligence such person creates a grave risk of death or serious
10 physical injury to a law enforcement officer or emergency personnel; or

11 (5)] (3) Such person knowingly causes or attempts to cause physical contact with a law
12 enforcement officer or emergency personnel without the consent of the law enforcement officer
13 or emergency personnel.

14 2. As used in this section, "emergency personnel" means any paid or volunteer
15 firefighter, emergency room or trauma center personnel, or emergency medical technician as
16 defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

17 3. Assault of a law enforcement officer or emergency personnel in the third degree is a
18 class A misdemeanor.