

FIRST REGULAR SESSION

# HOUSE BILL NO. 188

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOLLY (Sponsor), MEINERS, LOW (39), PAGE, YAEGER,  
WILDBERGER, JOHNSON (61), MEADOWS, SATER AND BYRD (Co-sponsors).

Read 1<sup>st</sup> time January 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0639L.02I

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### 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 of a law enforcement officer, prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, or emergency personnel, with penalty provisions.

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*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Section A. Sections 565.081, 565.082, and 565.083, RSMo, are repealed and three new  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,  
2 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
3 **attorney**, or emergency personnel in the first degree if such person attempts to kill or knowingly  
4 causes or attempts to cause serious physical injury to a law enforcement officer, **prosecuting**  
5 **attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney**, or  
6 emergency personnel.

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

10 3. Assault of a law enforcement officer, **prosecuting attorney or assistant prosecuting**  
11 **attorney, circuit attorney or assistant circuit attorney**, or emergency personnel in the first  
12 degree is a class A felony.

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

565.082. 1. A person commits the crime of assault of a law enforcement officer,  
2 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
3 **attorney**, or emergency personnel in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,  
5 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
6 **attorney**, or emergency personnel by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,  
8 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
9 **attorney**, or emergency personnel by means other than a deadly weapon or dangerous  
10 instrument;

11 (3) Recklessly causes serious physical injury to a law enforcement officer, **prosecuting**  
12 **attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney**, or  
13 emergency personnel; or

14 (4) While in an intoxicated condition or under the influence of controlled substances or  
15 drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence  
16 to cause physical injury to a law enforcement officer, **prosecuting attorney or assistant**  
17 **prosecuting attorney, circuit attorney or assistant circuit attorney**, or emergency personnel;

18 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,  
19 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
20 **attorney**, or emergency personnel by means of a deadly weapon or dangerous instrument;

21 (6) Purposely or recklessly places a law enforcement officer, **prosecuting attorney or**  
22 **assistant prosecuting attorney, circuit attorney or assistant circuit attorney**, or emergency  
23 personnel in apprehension of immediate serious physical injury; or

24 (7) Acts with criminal negligence to create a substantial risk of death or serious physical  
25 injury to a law enforcement officer, **prosecuting attorney or assistant prosecuting attorney,**  
26 **circuit attorney or assistant circuit attorney**, or emergency personnel.

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

30 3. Assault of a law enforcement officer, **prosecuting attorney or assistant prosecuting**  
31 **attorney, circuit attorney or assistant circuit attorney**, or emergency personnel in the second  
32 degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of  
33 subsection 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,  
2 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
3 **attorney**, or emergency personnel in the third degree if:

4           (1) Such person recklessly causes physical injury to a law enforcement officer,  
5 **prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit**  
6 **attorney**, or emergency personnel;

7           (2) Such person purposely places a law enforcement officer, **prosecuting attorney or**  
8 **assistant prosecuting attorney, circuit attorney or assistant circuit attorney**, or emergency  
9 personnel in apprehension of immediate physical injury;

10           (3) Such person knowingly causes or attempts to cause physical contact with a law  
11 enforcement officer, **prosecuting attorney or assistant prosecuting attorney, circuit attorney**  
12 **or assistant circuit attorney**, or emergency personnel without the consent of the law  
13 enforcement officer, **prosecuting attorney or assistant prosecuting attorney, circuit attorney**  
14 **or assistant circuit attorney**, or emergency personnel.

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

18           3. Assault of a law enforcement officer, **prosecuting attorney or assistant prosecuting**  
19 **attorney, circuit attorney or assistant circuit attorney**, or emergency personnel in the third  
20 degree is a class A misdemeanor.