

FIRST REGULAR SESSION

HOUSE BILL NO. 244

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WETER (Sponsor), BROWN (30), DAY, SATER, WHORTON,
MUNZLINGER, WILDBERGER, SANDER, DENISON, BIVINS, LAMPE,
DARROUGH AND SCHAD (Co-sponsors).

Read 1st time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0761L.011

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, jailer, or emergency personnel, with penalty provisions.

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Section A. Sections 565.081, 565.082 and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082 and 565.083, to read as follows:

565.081. 1. A person commits the crime of assault of a law enforcement officer, **jailor**, or emergency personnel in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, **jailor**, or emergency personnel.

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

3. Assault of a law enforcement officer, **jailor**, or emergency personnel in the first degree is a class A felony.

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

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,

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.

4 **jailor**, 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 officer,
6 **jailor**, or emergency personnel by means other than a deadly weapon or dangerous instrument;

7 (3) Recklessly causes serious physical injury to a law enforcement officer, **jailor**, or
8 emergency personnel; or

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

12 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
13 **jailor**, or emergency personnel by means of a deadly weapon or dangerous instrument;

14 (6) Purposely or recklessly places a law enforcement officer, **jailor**, or emergency
15 personnel in apprehension of immediate serious physical injury; or

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

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

21 3. Assault of a law enforcement officer, **jailor**, or emergency personnel in the second
22 degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of
23 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, **jailor**,
2 or emergency personnel in the third degree if:

3 (1) Such person recklessly causes physical injury to a law enforcement officer, **jailor**,
4 or emergency personnel;

5 (2) Such person purposely places a law enforcement officer, **jailor**, or emergency
6 personnel in apprehension of immediate physical injury;

7 (3) Such person knowingly causes or attempts to cause physical contact with a law
8 enforcement officer, **jailor**, or emergency personnel without the consent of the law enforcement
9 officer, **jailor**, or emergency personnel.

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

13 3. Assault of a law enforcement officer, **jailor**, or emergency personnel in the third
14 degree is a class A misdemeanor.