

FIRST REGULAR SESSION

HOUSE BILL NO. 700

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MOORE (Sponsor), KELLY, TILLEY, YATES, COOPER (120), FISHER, WILDBERGER, DARROUGH, POLLOCK, AULL, HARRIS (110), BAKER (25), JOLLY, BROWN (50), DEEKEN, BRUNS, RICHARD, KINGERY, NIEVES, PEARCE, LIPKE, WASSON, NOLTE, SELBY, BARNITZ, MEADOWS, ST. ONGE, HOBBS, PORTWOOD, SELF, KRAUS, MUSCHANY, CUNNINGHAM (86), SCHLOTTACH, WETER, ROBB, RUESTMAN, STEVENSON, WILSON (119), SANDER, WELLS, MUNZLINGER, SATER, PARSON, JONES, SCHAD, NANCE, LEMBKE, GOODMAN AND WOOD (Co-sponsors).

Read 1st time March 2, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1971L.01H

AN ACT

To repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to the endangerment of individuals at correctional facilities, 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Section A. Section 565.092, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 565.085 and 565.092, to read as follows:

565.085. 1. An offender or prisoner commits the crime of endangering a corrections employee, a visitor to a correctional facility, or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. For the purposes of this section, the following terms mean:

(1) "Corrections employee", a person who is an employee, or contracted employee of a subcontractor, of a department or agency responsible for operating a jail, prison, correctional facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison, correctional facility, or sexual offender treatment center;

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

(3) "Prisoner", a person confined in a county or city jail.

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.

12 **3. Endangering a corrections employee, a visitor to a correctional facility, or**
13 **another offender or prisoner is a class D felony unless the substance is unidentified in**
14 **which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected**
15 **with the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes**
16 **another person HIV or hepatitis B or hepatitis C by committing the crime of endangering**
17 **a corrections employee, a visitor to a correctional facility, or another offender or prisoner,**
18 **it is a class C felony.**

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