

SECOND REGULAR SESSION

# HOUSE BILL NO. 1095

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WETER (Sponsor), SATER, FISHER, MOORE, MUNZLINGER,  
JONES, SCHAD, WALLACE, TILLEY, DENISON, DUSENBERG,  
McGHEE AND BROWN (30) (Co-sponsors).

Pre-filed December 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3043L.01I

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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, corrections officer, emergency personnel or probation and parole officer, 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Section A. Sections 565.081, 565.082 and 565.083, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 565.081, 565.082 and 565.083, to read as follows: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, **corrections officer**, emergency personnel, or probation and parole officer 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 [or], **corrections officer**, emergency personnel, **or probation and parole officer**.

2. As used in this section, ["emergency personnel" means] **the following terms shall mean:**

(1) **"Corrections officer", includes any jailer or corrections officer of the state or any political subdivision of the state;**

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.

10           (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or  
11 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),  
12 [and] (17) **and (18)** of section 190.100, RSMo.

13           3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or  
14 probation and parole officer in the first degree is a class A felony.

          565.082. 1. A person commits the crime of assault of a law enforcement officer,  
2 **corrections officer**, emergency personnel, or probation and parole officer in the second degree  
3 if such person:

4           (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,  
5 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly  
6 weapon or dangerous instrument;

7           (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,  
8 **corrections officer**, emergency personnel, or probation and parole officer by means other than  
9 a deadly weapon or dangerous instrument;

10          (3) Recklessly causes serious physical injury to a law enforcement officer, **corrections**  
11 **officer**, emergency personnel, or probation and parole officer; or

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

16          (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,  
17 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly  
18 weapon or dangerous instrument;

19          (6) Purposely or recklessly places a law enforcement officer, **corrections officer**,  
20 emergency personnel, or probation and parole officer in apprehension of immediate serious  
21 physical injury; or

22          (7) Acts with criminal negligence to create a substantial risk of death or serious physical  
23 injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and  
24 parole officer.

25          2. As used in this section, ["emergency personnel" means] **the following terms shall**  
26 **mean:**

27          (1) "**Corrections officer, includes any jailer or corrections officer of the state or any**  
28 **political subdivision of the state;**

29          (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or  
30 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),  
31 [and] (17) **and (18)** of section 190.100, RSMo.

32           3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or  
33 probation and parole officer in the second degree is a class B felony unless committed pursuant  
34 to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C  
35 felony.

          565.083. 1. A person commits the crime of assault of a law enforcement officer,  
2 **corrections officer**, emergency personnel, or probation and parole officer in the third degree if:

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

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

8           (3) Such person knowingly causes or attempts to cause physical contact with a law  
9 enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer  
10 without the consent of the law enforcement officer [or], **corrections officer**, emergency  
11 personnel, **or probation and parole officer**.

12           2. As used in this section, ["emergency personnel" means] **the following terms shall**  
13 **mean:**

14           (1) "**Corrections officer**", **includes any jailor or corrections officer of the state or**  
15 **any political subdivision of the state;**

16           (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or  
17 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),  
18 [and] (17) **and (18)** of section 190.100, RSMo.

19           3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or  
20 probation and parole officer in the third degree is a class A misdemeanor.

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