

SECOND REGULAR SESSION

HOUSE BILL NO. 1421

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), FAITH, QUINN (7), DUSENBERG,
FUNDERBURK, SWINGER, RUZICKA AND YAEGER (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

3483L.01I

AN ACT

To repeal sections 565.024, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof
four new sections relating to protecting highway workers, with penalty provisions.

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

Section A. Sections 565.024, 565.081, 565.082, and 565.083, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 565.024, 565.081, 565.082,
3 and 565.083, to read as follows:

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree
2 if he or she:

3 (1) Recklessly causes the death of another person; or

4 (2) While in an intoxicated condition operates a motor vehicle in this state and, when so
5 operating, acts with criminal negligence to cause the death of any person; or

6 (3) While in an intoxicated condition operates a motor vehicle in this state, and, when
7 so operating, acts with criminal negligence to:

8 (a) Cause the death of any person not a passenger in the vehicle operated by the
9 defendant, including the death of an individual that results from the defendant's vehicle leaving
10 a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

11 (b) Cause the death of two or more persons; or

12 (c) Cause the death of any person while he or she has a blood alcohol content of at least
13 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

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.

14 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and
15 when so operating, acts with criminal negligence to cause the death of any person authorized to
16 operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the
17 performance of official duties; **or**

18 (5) **Operates a motor vehicle in violation of subsection 1 of section 304.585, RSMo,**
19 **and when so operating, acts with criminal negligence to cause the death of any highway**
20 **worker as that term is defined in section 304.580, RSMo, while the highway worker is**
21 **performing work in a construction zone or work zone as those terms are defined in section**
22 **304.580, RSMo.**

23 2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection
24 1 of this section is a class C felony. Involuntary manslaughter in the first degree under
25 subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent
26 violation of subdivision (3) of subsection 1 of this section is a class A felony. For any violation
27 of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant
28 must serve shall be eighty-five percent of his or her sentence. Any violation of subdivision (4)
29 **or (5)** of subsection 1 of this section is a class B felony.

30 3. A person commits the crime of involuntary manslaughter in the second degree if he
31 **or she** acts with criminal negligence to cause the death of any person.

32 4. Involuntary manslaughter in the second degree is a class D felony.

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the first degree if such person attempts to kill or knowingly causes or attempts
4 to cause serious physical injury to a law enforcement officer [or] , emergency personnel,
5 **highway worker in a construction zone or work zone, or probation and parole officer.**

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

9 3. **As used in this section, the terms "highway worker", "construction zone", or**
10 **"work zone" shall have the same meanings as such terms are defined in section 304.580,**
11 **RSMo.**

12 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**
13 **construction zone or work zone**, or probation and parole officer in the first degree is a class A
14 felony.

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

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
6 parole officer 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 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
9 parole officer by means other than a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to a law enforcement officer, emergency
11 personnel, **highway worker in a construction zone or work zone**, or probation and parole
12 officer; or

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

17 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
18 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
19 parole officer by means of a deadly weapon or dangerous instrument;

20 (6) Purposely or recklessly places a law enforcement officer, emergency personnel,
21 **highway worker in a construction zone or work zone**, or probation and parole officer in
22 apprehension of immediate serious physical injury; or

23 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
24 injury to a law enforcement officer, emergency personnel, **highway worker in a construction**
25 **zone or work zone**, or probation and parole officer.

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

29 3. As used in this section, the terms "**highway worker**", "**construction zone**" or
30 "**work zone**" shall have the same meaning as such terms are defined in section 304.580,
31 RSMo.

32 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**
33 **construction zone or work zone**, or probation and parole officer in the second degree is a class
34 B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
35 section in which case it is a class C felony. **For any violation of subdivision (1), (3) or (4) of**
36 **subsection 1 of this section, the defendant must serve mandatory jail time as part of his or**
37 **her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer without the consent of the law enforcement officer [or] , emergency personnel, **highway worker in a construction zone or work zone, or probation and parole officer**.

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. As used in this section, the terms "**highway worker**", "**construction zone**" or "**work zone**" shall have the same meaning as such terms are defined in section 304.580, RSMo.

4. Assault of a law enforcement officer, emergency personnel, **highway worker in a construction zone or work zone**, or probation and parole officer in the third degree is a class A misdemeanor.

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