

SECOND REGULAR SESSION

HOUSE BILL NO. 1431

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

4826L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 565.084, RSMo, and to enact in lieu thereof four new sections relating to offenses against officers of the state, with penalty provisions.

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

Section A. Section 565.084, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 565.500, 565.505, 565.510, and 565.515, to read as follows:

565.500. For purposes of sections 565.500 to 565.515, the following terms shall mean:

(1) "Officer of the state":

(a) A member or member-elect of the general assembly;

(b) A judge or judicial officer, including any judge, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee;

(c) Any other person holding an elective office of state government;

(d) Any agency head, department director, or division director of state government;

(e) Any member of any state board or commission; or

(f) Any designated decision-making public servant designated by persons described in this subdivision;

(2) "Officer of the state's family" or "officer's family":

(a) Such officer's spouse; or

(b) Such officer's or officer's spouse's ancestor or descendant by blood or adoption;

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.

18 (c) Such officer's stepchild, while the marriage creating that relationship exists.

2 **565.505. 1. Any person who assaults, kidnaps, or murders, or attempts or conspires**
3 **to kidnap or murder, or threatens to assault, kidnap, or murder:**

4 (1) An officer of the state or an officer of the state's family with intent to impede,
5 intimidate, or interfere with such officer while engaged in the performance of official duties
6 or with intent to retaliate against such officer on account of the performance of official
7 duties; or

8 (2) Any former officer of this state or former officer's family with the intent to
9 retaliate against such former officer on account of the performance of official duties during
10 the term of service of such former officer

11 is guilty of the applicable offense under this chapter and shall be subject to the enhanced
12 punishments under subsection 2 of this section.

13 2. The following enhanced penalties shall apply to offenses committed, attempted,
14 or conspired to be committed against officers of the state:

15 (1) Assault in the first degree is a class A felony;

16 (2) Assault in the second degree is a class B felony;

17 (3) Assault in the third degree is a class C felony;

18 (4) Kidnaping is a class A felony;

19 (5) Felonious restraint is a class B felony;

20 (6) False imprisonment is a class D felony;

21 (7) For murder, the death penalty is authorized; and

22 (8) For any attempt or conspiracy to commit an offense under this section, the
23 enhanced penalties under this subsection for the offense attempted or conspired to be
24 committed shall apply for purposes of subsection 3 of section 564.011 and subsection 8 of
25 section 564.016.

26 3. Any person who threatens to assault an officer of the state or such officer's
27 family, or a former officer of the state or such former officer's family, is guilty of a class
28 D felony.

29 4. Any person who threatens to kidnap or murder an officer of the state or such
30 officer's family, or a former officer of the state or such former officer's family, is guilty of
31 a class C felony.

565.510. Any person who knowingly conveys or delivers any letter, paper, writing,
2 **print, missive, or document containing any threat to take the life of, to kidnap, or to inflict**
3 **bodily harm or who knowingly makes any such threat on:**

(1) An officer of the state or an officer's family with intent to impede, intimidate, or interfere with such officer while engaged in the performance of official duties or with intent to retaliate against such officer on account of the performance of official duties; or

(2) Any former officer of this state or former officer's family with the intent to retaliate against such former officer on account of the performance of official duties during the term of service of such former officer

is guilty of a class D felony.

[565.084.] **565.515.** 1. A person commits the crime of tampering with [a judicial] an officer of the state if, with the purpose to harass, intimidate or influence [a judicial] an officer of the state in the performance of such officer's official duties, such person:

(1) Threatens or causes harm to such [judicial] officer or members of such [judicial] officer's family;

(2) Uses force, threats, or deception against or toward such [judicial] officer or members of such [judicial] officer's family;

(3) Offers, conveys or agrees to convey any benefit direct or indirect upon such [judicial] officer or such [judicial] officer's family;

(4) Engages in conduct reasonably calculated to harass or alarm such [judicial] officer or such [judicial] officer's family, including stalking [pursuant to] **under** section 565.225.

2. [A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

(1) Such officer's spouse; or

(2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;

or

(3) Such officer's stepchild, while the marriage creating that relationship exists.

4.] Tampering with [a judicial] an officer of the state is a class C felony.

3. The provisions of this section shall not apply to any otherwise permissible or lawful activity of or action by a lobbyist, as defined in section 105.470.

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