

HB 1233 -- ASSAULT OF A MASS TRANSIT WORKER

SPONSOR: Pace

This bill creates the crime of assault of an employee of a mass transit system in the first, second, and third degree. An employee of a transit system is limited to the operator of a bus or train.

The bill specifies that a person commits this crime in the first degree, a class B felony, if a person attempts to kill or knowingly causes or attempts to cause serious physical injury to a mass transit system employee while in the scope of his or her duties.

A person commits this crime in the second degree if a person knowingly causes or attempts to cause physical injury to a mass transit employee while in the scope of his or her duties by means of a deadly weapon or dangerous instrument or by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; operates a motor vehicle while in an intoxicated condition or under the influence of a controlled substance and in so doing acts with criminal negligence to cause physical injury; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places the employee in apprehension of immediate serious physical injury; or acts with criminal negligence to create a substantial risk of death or serious physical injury. Assault of an employee of a mass transit system in the second degree is a class C felony unless committed under specified situations in which it is a class B felony.

A person commits this crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury, purposely places the employee in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact without the consent of the mass transit employee.