

SECOND REGULAR SESSION

HOUSE BILL NO. 2621

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAEFNER.

6549H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 557.035 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 557.035 as enacted by senate bill no. 328, et al., ninetieth general assembly, first regular session, and to enact in lieu thereof one new section relating to crimes committed against law enforcement officers and first responders, with penalty provisions.

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

Section A. Sections 557.035 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 557.035 as enacted by senate bill no. 328, et al., ninetieth general assembly, first regular session, is repealed and one new section enacted in lieu thereof, to be known as section 557.035, to read as follows:

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, **or because of the victim's employment as a law enforcement officer or first responder**, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section 565.054; subdivisions (1), (3) and (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, **or because of the victim's employment as a law**

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 **enforcement officer or first responder**, the state may charge the offense or offenses under this
13 section, and the violation is a class E felony.

14 3. The court shall assess punishment in all of the cases in which the state pleads and
15 proves any of the motivating factors listed in this section.

16 4. For purposes of this section, **"first responder" means state and local law**
17 **enforcement personnel, fire department personnel, and emergency medical personnel who**
18 **may be deployed to terrorist attacks, catastrophic or natural disasters, and emergencies.**
19 **"Law enforcement officer" means any public servant having both the power and duty to**
20 **make arrests for violations of the laws of this state, and federal law enforcement officers**
21 **authorized to carry firearms and to make arrests for violations of the laws of the United**
22 **States.**

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or
2 subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state
3 believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual
4 orientation or disability of the victim or victims, **or because of the victim's employment as a**
5 **law enforcement officer or first responder**, the state may charge the crime or crimes under this
6 section, and the violation is a class C felony.

7 2. For all violations of section 565.070; subdivisions (1), (3) and (4) of subsection 1 of
8 section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection
9 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be
10 knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or
11 disability of the victim or victims, **or because of the victim's employment as a law**
12 **enforcement officer or first responder**, the state may charge the crime or crimes under this
13 section, and the violation is a class D felony.

14 3. The court shall assess punishment in all of the cases in which the state pleads and
15 proves any of the motivating factors listed in this section.

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

17 (1) "Disability", a physical or mental impairment which substantially limits one or more
18 of a person's major life activities, being regarded as having such an impairment, or a record of
19 having such an impairment; [and]

20 (2) **"First responder", state and local law enforcement personnel, fire department**
21 **personnel, and emergency medical personnel who may be deployed to terrorist attacks,**
22 **catastrophic or natural disasters, and emergencies;**

23 (3) **"Law enforcement officer", any public servant having both the power and duty**
24 **to make arrests for violations of the laws of this state, and federal law enforcement officers**

25 **authorized to carry firearms and to make arrests for violations of the laws of the United**
26 **States;**

27 **(4)** "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
28 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
29 associated with one's gender.

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