

HB 166 -- ASSAULT ON A LAW OFFICER

SPONSOR: Hardwick

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime Prevention by a vote of 6 to 2.

This bill specifies that assault in the fourth degree is a class E felony when the person knowingly causes the physical contact with another person knowing the other person will regard the contact as offensive or provocative and the other person is a law enforcement officer and the physical contact is intentionally spitting on the officer.

PROPONENTS: Supporters say that this criminalizes intentional spitting on an officer. It has to be intentional and to an officer on duty. It also standardizes special victim statute and makes officers all the same because it is already illegal to do that to a jailer or corrections officer. There's a gap here in how the laws are treated. There are many officers who tell the same story where they are intentionally spit on and are told that they will hopefully die of COVID and people maybe are intentionally trying to infect them with COVID. It does not necessarily have to be law enforcement officers only; this could be changed to include all first responders. Many first offenders are not actually convicted of felonies and they usually get something less in a plea deal or they get a suspended imposition or suspended execution of sentence or something like that, but at some point repeat offenders need to be charged with felonies because they know better.

Testifying for the bill were Representative Hardwick; Missouri State Troopers Association; Missouri Fraternal Order of Police; Dale Schmidt, Missouri Peace Officers Association; Arnie C. Dienoff; and Kevin Hillman.

OPPONENTS: Those who oppose the bill say that felonies should be reserved for when physical injury actually occurs, like if the officer actually contracts COVID or some communicable disease. They are concerned about the cost of a felony to someone in the state, like losing the right to vote and losing employment.

Testifying against the bill were Mo NAACP; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.