

SECOND REGULAR SESSION

# HOUSE BILL NO. 2072

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PHELPS.

4943H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 565.056, RSMo, and to enact in lieu thereof one new section relating to the offense of assault in the fourth degree, with penalty provisions.

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

Section A. Section 565.056, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.056, to read as follows:

565.056. 1. A person commits the offense of assault in the fourth degree if:

(1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;

(2) With criminal negligence the person causes physical injury to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate physical injury;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; ~~or~~

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; **or**

(7) **The person knowingly causes physical pain to a special victim as that term is defined in section 565.002.**

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.

17           2. Except as provided in subsection 3 of this section, assault in the fourth degree is a  
18 class A misdemeanor.

19           3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section  
20 is a class C misdemeanor unless the victim is a special victim, as the term "special victim" is  
21 defined under section 565.002, in which case a violation of such provisions is a class A  
22 misdemeanor. **Violation of the provisions of subdivision (7) of subsection 1 of this section**  
23 **is a class A misdemeanor unless the person has previously been found guilty or pled**  
24 **guilty to an assault offense as defined under section 565.079 or an assault in violation of**  
25 **a county or municipal ordinance, in which case the offense is a class E felony. A person**  
26 **who has previously been found guilty or pled guilty to an assault offense on two or more**  
27 **occasions and who violates the provisions of subdivision (7) of subsection 1 of this**  
28 **section shall be guilty of a class D felony.**

29           4. **A person found guilty of a violation of subdivision (7) of subsection 1 of this**  
30 **section shall not be sentenced to a fine and shall not be eligible for probation or parole**  
31 **until the person has served a minimum of six months of incarceration for a first offense**  
32 **or one year of incarceration for a second or subsequent offense.**

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