

FIRST REGULAR SESSION

SENATE BILL NO. 418

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN AND VOGEL.

Read 1st time February 4, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1470S.011

AN ACT

To repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to corrections officers, with penalty provisions.

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

Section A. Section 565.092, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 565.085 and 565.092, to read as follows:

565.085. 1. A person is guilty of endangerment of corrections personnel if the person causes or attempts to cause an employee of the department of corrections, or assigned to work in any jail, prison, or correctional facility to come into contact with blood, seminal fluid, urine, feces, or saliva.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class D felony.

3. If a person knowingly puts an employee of the department of corrections, or assigned to work in any jail, prison, or correctional facility in danger of contracting HIV, Hepatitis B, or Hepatitis C through endangerment of corrections personnel, then the offender is guilty of a class B felony.

4. If a person causes or attempts to cause an employee of the department of corrections or assigned to work in any jail, prison, or correctional facility to come into contact with an unidentified substance then the person is guilty of a class A misdemeanor.

565.092. 1. [An inmate,] A patient or respondent is guilty of aggravated harassment of an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

the person knows or reasonably should know to be an employee of such facility [or of the department of corrections] or the department of mental health or to be an employee of any law enforcement agency, the person causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

2. For the purposes of this section, ["inmate" means an offender, as defined in section 217.010, RSMo, or any person incarcerated in a local detention facility. For the purposes of this section,] "patient" means any person who is a patient in a facility operated by the department of mental health. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the division of youth services. For purposes of this section, "facility" means a [correctional facility or local correctional facility,] hospital operated by the department of mental health or a secure facility operated by the division of youth services.

3. [No person convicted and serving a sentence for the crime of aggravated harassment of an employee pursuant to the provisions of this section shall be eligible to participate in a work release program pursuant to section 217.435, RSMo.

4.] Any person who violates the provisions of this section is guilty of a class A misdemeanor.

T

Bill

Copy