

SECOND REGULAR SESSION

SENATE BILL NO. 1257

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5390S.01I

AN ACT

To repeal sections 565.024, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof four new sections relating to assault of a highway worker, with penalty provisions.

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

Section A. Sections 565.024, 565.081, 565.082, and 565.083, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 565.024, 565.081, 565.082, and 565.083, to read as follows:

565.024. 1. A person commits the crime of involuntary manslaughter in
2 the first degree if he or she:

3 (1) Recklessly causes the death of another person; or

4 (2) While in an intoxicated condition operates a motor vehicle in this state
5 and, when so operating, acts with criminal negligence to cause the death of any
6 person; or

7 (3) While in an intoxicated condition operates a motor vehicle in this
8 state, and, when so operating, acts with criminal negligence to:

9 (a) Cause the death of any person not a passenger in the vehicle operated
10 by the defendant, including the death of an individual that results from the
11 defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or
12 the highway's right-of-way; or

13 (b) Cause the death of two or more persons; or

14 (c) Cause the death of any person while he or she has a blood alcohol
15 content of at least eighteen-hundredths of one percent by weight of alcohol in
16 such person's blood; or

17 (4) Operates a motor vehicle in violation of subsection 2 of section
18 304.022, RSMo, and when so operating, acts with criminal negligence to cause the

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

19 death of any person authorized to operate an emergency vehicle, as defined in
20 section 304.022, RSMo, while such person is in the performance of official duties;
21 or

22 **(5) Operates a motor vehicle in violation of subsection 1 of**
23 **section 304.585, RSMo, and when so operating, acts with criminal**
24 **negligence to cause the death of any highway worker as that term is**
25 **defined in section 304.580, RSMo, while the highway worker is**
26 **performing work in a construction zone or work zone, as such terms**
27 **are defined in section 304.580, RSMo.**

28 2. Involuntary manslaughter in the first degree under subdivision (1) or
29 (2) of subsection 1 of this section is a class C felony. Involuntary manslaughter
30 in the first degree under subdivision (3) of subsection 1 of this section is a class
31 B felony. A second or subsequent violation of subdivision (3) of subsection 1 of
32 this section is a class A felony. For any violation of subdivision (3) of subsection
33 1 of this section, the minimum prison term which the defendant must serve shall
34 be eighty-five percent of his or her sentence. Any violation of subdivision (4) or
35 **subdivision (5)** of subsection 1 of this section is a class B felony.

36 3. A person commits the crime of involuntary manslaughter in the second
37 degree if he acts with criminal negligence to cause the death of any person.

38 4. Involuntary manslaughter in the second degree is a class D felony.

565.081. 1. A person commits the crime of assault of a law enforcement
2 officer, emergency personnel, **highway worker in a construction zone or**
3 **work zone**, or probation and parole officer in the first degree if such person
4 attempts to kill or knowingly causes or attempts to cause serious physical injury
5 to a law enforcement officer [or], emergency personnel, **highway worker in a**
6 **construction zone or work zone, or probation and parole officer.**

7 2. As used in this section, "emergency personnel" means any paid or
8 volunteer firefighter, emergency room or trauma center personnel, or emergency
9 medical technician as defined in subdivisions (15), (16), and (17) of section
10 190.100, RSMo.

11 3. **As used in this section, the terms "highway worker",**
12 **"construction zone", and "work zone" shall have the same meanings as**
13 **such terms are defined in section 304.580, RSMo.**

14 4. Assault of a law enforcement officer, emergency personnel, **highway**
15 **worker in a construction zone or work zone**, or probation and parole officer
16 in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement
2 officer, emergency personnel, **highway worker in a construction zone or**
3 **work zone**, or probation and parole officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law
5 enforcement officer, emergency personnel, **highway worker in a construction**
6 **zone or work zone**, or probation and parole officer by means of a deadly
7 weapon or dangerous instrument;

8 (2) Knowingly causes or attempts to cause physical injury to a law
9 enforcement officer, emergency personnel, **highway worker in a construction**
10 **zone or work zone**, or probation and parole officer by means other than a
11 deadly weapon or dangerous instrument;

12 (3) Recklessly causes serious physical injury to a law enforcement officer,
13 emergency personnel, **highway worker in a construction zone or work**
14 **zone**, or probation and parole officer; or

15 (4) While in an intoxicated condition or under the influence of controlled
16 substances or drugs, operates a motor vehicle in this state and when so operating,
17 acts with criminal negligence to cause physical injury to a law enforcement
18 officer, emergency personnel, **highway worker in a construction zone or**
19 **work zone**, or probation and parole officer;

20 (5) Acts with criminal negligence to cause physical injury to a law
21 enforcement officer, emergency personnel, **highway worker in a construction**
22 **zone or work zone**, or probation and parole officer by means of a deadly
23 weapon or dangerous instrument;

24 (6) Purposely or recklessly places a law enforcement officer, emergency
25 personnel, **highway worker in a construction zone or work zone**, or
26 probation and parole officer in apprehension of immediate serious physical injury;
27 or

28 (7) Acts with criminal negligence to create a substantial risk of death or
29 serious physical injury to a law enforcement officer, emergency personnel,
30 **highway worker in a construction zone or work zone**, or probation and
31 parole officer.

32 2. As used in this section, "emergency personnel" means any paid or
33 volunteer firefighter, emergency room or trauma center personnel, or emergency
34 medical technician as defined in subdivisions (15), (16), and (17) of section
35 190.100, RSMo.

36 3. As used in this section, the terms "**highway worker**",

37 **"construction zone", and "work zone" shall have the same meanings as**
38 **such terms are defined in section 304.580, RSMo.**

39 4. Assault of a law enforcement officer, emergency personnel, **highway**
40 **worker in a construction zone or workzone**, or probation and parole officer
41 in the second degree is a class B felony unless committed pursuant to subdivision
42 (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C
43 felony. **For any violation of subdivisions (1), (3), or (4) of subsection 1**
44 **of this section, the defendant shall serve mandatory jail time as part of**
45 **his or her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement
2 officer, emergency personnel, **highway worker in a construction zone or**
3 **work zone**, or probation and parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement
5 officer, emergency personnel, **highway worker in a construction zone or**
6 **work zone**, or probation and parole officer;

7 (2) Such person purposely places a law enforcement officer, emergency
8 personnel, **highway worker in a construction zone or work zone**, or
9 probation and parole officer in apprehension of immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact
11 with a law enforcement officer, emergency personnel, **highway worker in a**
12 **construction zone or work zone**, or probation and parole officer without the
13 consent of the law enforcement officer [or], emergency personnel, **highway**
14 **worker in a construction zone or work zone, or probation and parole**
15 **officer.**

16 2. As used in this section, "emergency personnel" means any paid or
17 volunteer firefighter, emergency room or trauma center personnel, or emergency
18 medical technician as defined in subdivisions (15), (16), and (17) of section
19 190.100, RSMo.

20 3. As used in this section, the terms **"highway worker",**
21 **"construction zone", and "work zone" shall have the same meanings as**
22 **such terms are defined in section 304.580, RSMo.**

23 4. Assault of a law enforcement officer, emergency personnel, **highway**
24 **worker in a construction zone or work zone**, or probation and parole officer
25 in the third degree is a class A misdemeanor.