

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 579

AN ACT

To repeal sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, RSMo, and to enact in lieu thereof six new sections relating to certain crimes against emergency service providers, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 544.671, 565.050, 565.052, 565.054,
2 565.056, and 575.150, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 544.671,
4 565.050, 565.052, 565.054, 565.056, and 575.150, to read as
5 follows:

6 544.671. Notwithstanding any supreme court rule or judicial
7 ruling to the contrary, no defendant under a sentence of death or
8 imprisonment in the penitentiary for life, or any sentence of
9 imprisonment for a violation of section 579.065, 565.021, [or]
10 565.050, 565.052 in which the victim is a law enforcement
11 officer, firefighter, or emergency medical service provider
12 assaulted in the performance of his or her official duties or as
13 a direct result of such official duties, 565.054 in which the
14 victim is a law enforcement officer, firefighter, or emergency
15 medical service provider assaulted in the performance of his or
16 her official duties or as a direct result of such official
17 duties, 565.056 in which the victim is a law enforcement officer,

1 firefighter, or emergency medical service provider assaulted in
2 the performance of his or her official duties or as a direct
3 result of such official duties, section 566.030, 566.032,
4 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant
5 who has pled guilty to or been found guilty of any felony sexual
6 offense under chapter 566, where the victim was less than
7 seventeen years of age at the time the crime was committed, any
8 sexual offense under chapter 568, where the victim was less than
9 seventeen years of age at the time the crime was committed, or
10 any pornographic offense involving a minor as set forth in
11 sections 573.023, 573.025, 573.035, and 573.037, and any felony
12 violation of section 573.040, shall be entitled to bail pending
13 appeal after June 29, 1994. Pursuant to the prerogative of the
14 general assembly to declare the public policy of this state in
15 matters regarding criminal liability of persons and to enact laws
16 relating to judicial procedure, the general assembly declares
17 that subsequent to June 29, 1994, no person shall be entitled to
18 bail or continuation of bail pursuant to section 547.170 if that
19 person is under a sentence of death or imprisonment in the
20 penitentiary for life, or any sentence of imprisonment for a
21 violation of section 579.065, 565.021, [or] 565.050, 565.052 in
22 which the victim is a law enforcement officer, firefighter, or
23 emergency medical service provider assaulted in the performance
24 of his or her official duties or as a direct result of such
25 official duties, 565.054 in which the victim is a law enforcement
26 officer, firefighter, or emergency medical service provider
27 assaulted in the performance of his or her official duties or as
28 a direct result of such official duties, 565.056 in which the

1 victim is a law enforcement officer, firefighter, or emergency
2 medical service provider assaulted in the performance of his or
3 her official duties or as a direct result of such official
4 duties, section 566.030, 566.032, 566.040, 566.060, 566.062,
5 566.070, or 566.100, and no defendant who has pled guilty to or
6 been found guilty of any felony sexual offense under chapter 566,
7 where the victim was less than seventeen years of age at the time
8 the crime was committed, any sexual offense under chapter 568,
9 where the victim was less than seventeen years of age at the time
10 the crime was committed, or any pornographic offense involving a
11 minor as set forth in sections 573.023, 573.025, 573.035, and
12 573.037, and any felony violation of section 573.040.

13 565.050. 1. A person commits the offense of assault in the
14 first degree if he or she attempts to kill or knowingly causes or
15 attempts to cause serious physical injury to another person.

16 2. The offense of assault in the first degree is a class B
17 felony unless in the course thereof the person inflicts serious
18 physical injury on the victim, or if the victim of such assault
19 is a special victim, as the term "special victim" is defined
20 under section 565.002, in which case it is a class A felony.

21 3. Persons found guilty under this section shall not be
22 eligible for probation or parole if the victim was a law
23 enforcement officer, firefighter, or emergency medical service
24 provider assaulted in the performance of his or her official
25 duties or as a direct result of such official duties.

26 565.052. 1. A person commits the offense of assault in the
27 second degree if he or she:

28 (1) Attempts to kill or knowingly causes or attempts to

1 cause serious physical injury to another person under the
2 influence of sudden passion arising out of adequate cause; or

3 (2) Attempts to cause or knowingly causes physical injury
4 to another person by means of a deadly weapon or dangerous
5 instrument; or

6 (3) Recklessly causes serious physical injury to another
7 person; or

8 (4) Recklessly causes physical injury to another person by
9 means of discharge of a firearm.

10 2. The defendant shall have the burden of injecting the
11 issue of influence of sudden passion arising from adequate cause
12 under subdivision (1) of subsection 1 of this section.

13 3. The offense of assault in the second degree is a class D
14 felony, unless the victim of such assault is a special victim, as
15 the term "special victim" is defined under section 565.002, in
16 which case it is a class B felony.

17 4. Persons found guilty under this section shall not be
18 eligible for probation or parole if the victim was a law
19 enforcement officer, firefighter, or emergency medical service
20 provider assaulted in the performance of his or her official
21 duties or as a direct result of such official duties.

22 565.054. 1. A person commits the offense of assault in the
23 third degree if he or she knowingly causes physical injury to
24 another person.

25 2. The offense of assault in the third degree is a class E
26 felony, unless the victim of such assault is a special victim, as
27 the term "special victim" is defined under section 565.002, in
28 which case it is a class D felony.

1 3. Persons found guilty under this section shall not be
2 eligible for probation or parole if the victim was a law
3 enforcement officer, firefighter, or emergency medical service
4 provider assaulted in the performance of his or her official
5 duties or as a direct result of such official duties.

6 565.056. 1. A person commits the offense of assault in the
7 fourth degree if:

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

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

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

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

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

21 (6) The person knowingly causes physical contact with
22 another person knowing the other person will regard the contact
23 as offensive or provocative.

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

26 3. Violation of the provisions of subdivision (3) or (6) of
27 subsection 1 of this section is a class C misdemeanor unless the
28 victim is a special victim, as the term "special victim" is

1 defined under section 565.002, in which case a violation of such
2 provisions is a class A misdemeanor.

3 4. Persons found guilty under this section shall not be
4 eligible for probation or parole if the victim was a law
5 enforcement officer, firefighter, or emergency medical service
6 provider assaulted in the performance of his or her official
7 duties or as a direct result of such official duties.

8 575.150. 1. A person commits the offense of resisting or
9 interfering with arrest, detention, or stop if he or she knows or
10 reasonably should know that a law enforcement officer is making
11 an arrest or attempting to lawfully detain or stop an individual
12 or vehicle, and for the purpose of preventing the officer from
13 effecting the arrest, stop or detention, he or she:

14 (1) Resists the arrest, stop or detention of such person by
15 using or threatening the use of violence or physical force or by
16 fleeing from such officer; or

17 (2) Interferes with the arrest, stop or detention of
18 another person by using or threatening the use of violence,
19 physical force or physical interference.

20 2. This section applies to:

21 (1) Arrests, stops, or detentions, with or without
22 warrants;

23 (2) Arrests, stops, or detentions, for any offense,
24 infraction, or ordinance violation; and

25 (3) Arrests for warrants issued by a court or a probation
26 and parole officer.

27 3. A person is presumed to be fleeing a vehicle stop if he
28 or she continues to operate a motor vehicle after he or she has

1 seen or should have seen clearly visible emergency lights or has
2 heard or should have heard an audible signal emanating from the
3 law enforcement vehicle pursuing him or her.

4 4. It is no defense to a prosecution pursuant to subsection
5 1 of this section that the law enforcement officer was acting
6 unlawfully in making the arrest. However, nothing in this
7 section shall be construed to bar civil suits for unlawful
8 arrest.

9 5. The offense of resisting or interfering with an arrest
10 is a class E felony for an arrest for a:

11 (1) Felony;

12 (2) Warrant issued for failure to appear on a felony case;
13 or

14 (3) Warrant issued for a probation violation on a felony
15 case.

16
17 The offense of resisting an arrest, detention or stop in
18 violation of subdivision (1) or (2) of subsection 1 of this
19 section is a class A misdemeanor, unless the person fleeing
20 creates a substantial risk of serious physical injury or death to
21 any person, in which case it is a class E felony and such person
22 shall not be eligible for probation or parole.

23 6. Persons found guilty under this section may not be
24 eligible for probation or parole.