

SECOND REGULAR SESSION

# SENATE BILL NO. 537

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3317S.01I

## AN ACT

To repeal sections 544.671, 565.050, 565.052, and 565.054, RSMo, and to enact in lieu thereof four 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:*

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2 repealed and four new sections enacted in lieu thereof, to be known as sections  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

544.671. Notwithstanding any supreme court rule or judicial ruling to the  
2 contrary, no defendant under a sentence of death or imprisonment in the  
3 penitentiary for life, or any sentence of imprisonment for a violation of section  
4 579.065, 565.021, [or] 565.050, **or 565.052 in which the victim is a law**  
5 **enforcement officer, firefighter, or emergency medical service provider**  
6 **assaulted in the performance of his or her official duties or as a direct**  
7 **result of such official duties, 565.054 in which the victim is a law**  
8 **enforcement officer, firefighter, or emergency medical service provider**  
9 **assaulted in the performance of his or her official duties or as a direct**  
10 **result of such official duties, section 566.030, 566.032, 566.040, 566.060,**  
11 **566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been**  
12 **found guilty of any felony sexual offense under chapter 566, where the victim was**  
13 **less than seventeen years of age at the time the crime was committed, any sexual**  
14 **offense under chapter 568, where the victim was less than seventeen years of age**  
15 **at the time the crime was committed, or any pornographic offense involving a**  
16 **minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any**  
17 **felony violation of section 573.040, shall be entitled to bail pending appeal after**

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

18 June 29, 1994. Pursuant to the prerogative of the general assembly to declare the  
19 public policy of this state in matters regarding criminal liability of persons and  
20 to enact laws relating to judicial procedure, the general assembly declares that  
21 subsequent to June 29, 1994, no person shall be entitled to bail or continuation  
22 of bail pursuant to section 547.170 if that person is under a sentence of death or  
23 imprisonment in the penitentiary for life, or any sentence of imprisonment for a  
24 violation of section 579.065, 565.021, [or] 565.050, **or 565.052 in which the**  
25 **victim is a law enforcement officer, firefighter, or emergency medical**  
26 **service provider assaulted in the performance of his or her official**  
27 **duties or as a direct result of such official duties, 565.054 in which the**  
28 **victim is a law enforcement officer, firefighter, or emergency medical**  
29 **service provider assaulted in the performance of his or her official**  
30 **duties or as a direct result of such official duties, section 566.030, 566.032,**  
31 **566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled**  
32 **guilty to or been found guilty of any felony sexual offense under chapter 566,**  
33 **where the victim was less than seventeen years of age at the time the crime was**  
34 **committed, any sexual offense under chapter 568, where the victim was less than**  
35 **seventeen years of age at the time the crime was committed, or any pornographic**  
36 **offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and**  
37 **573.037, and any felony violation of section 573.040.**

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

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

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

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

3 (1) Attempts to kill or knowingly causes or attempts to cause serious  
4 physical injury to another person under the influence of sudden passion arising

5 out of adequate cause; or

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

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

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

11 2. The defendant shall have the burden of injecting the issue of influence  
12 of sudden passion arising from adequate cause under subdivision (1) of subsection  
13 1 of this section.

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

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

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

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

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

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