

SENATE BILL NO. 74

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

1031S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to crimes committed against law enforcement officers and first responders, with penalty provisions.

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

Section A. Section 557.035, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 557.035,
3 to read as follows:

557.035. 1. For all violations of section 565.054 or
2 565.090, subdivision (1) of subsection 1 of section 569.100,
3 or subdivision (1), (2), (3), (4), (6), (7) or (8) of
4 subsection 1 of section 571.030, which the state believes to
5 be knowingly motivated because of race, color, religion,
6 national origin, sex, sexual orientation or disability of
7 the victim or victims, **or because of the victim's employment**
8 **as a law enforcement officer or first responder**, the state
9 may charge the offense or offenses under this section, and
10 the violation is a class D felony.

11 2. For all violations of section 565.056; [subdivision
12 (1) of subsection 1 of section 569.090;] subdivision (1) of
13 subsection 1 of section 569.120; section 569.140; or section
14 574.050; which the state believes to be knowingly motivated
15 because of race, color, religion, national origin, sex,
16 sexual orientation or disability of the victim or victims,
17 **or because of the victim's employment as a law enforcement**

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

18 **officer or first responder**, the state may charge the offense
19 or offenses under this section, and the violation is a class
20 E felony.

21 3. For all violations of section 565.090 which the
22 state believes to be knowingly motivated because of race,
23 color, religion, national origin, sex, sexual orientation or
24 disability of the victim or victims, or because of the
25 victim's employment as a law enforcement officer or first
26 responder, the state may charge the offense or offenses
27 under this section, and the violation is a class D felony.

28 4. The court shall assess punishment in all of the
29 cases in which the state pleads and proves any of the
30 motivating factors listed in this section.

31 5. For purposes of this section, "first responder"
32 means state and local law enforcement personnel, fire
33 department personnel, and emergency medical personnel who
34 may be deployed to terrorist attacks, catastrophic or
35 natural disasters, and emergencies. "Law enforcement
36 officer" means any public servant having both the power and
37 duty to make arrests for violations of the laws of this
38 state and federal law enforcement officers authorized to
39 carry firearms and to make arrests for violations of the
40 laws of the United States.

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