

1 AN ACT relating to workplace violence against healthcare workers.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 508.025 is amended to read as follows:

4 (1) A person is guilty of assault in the third degree when the actor:

5 (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally
6 causes or attempts to cause physical injury to:

7 1. A state, county, city, or federal peace officer;

8 2. An employee of a detention facility, or state residential treatment facility
9 or state staff secure facility for residential treatment which provides for
10 the care, treatment, or detention of a juvenile charged with or
11 adjudicated delinquent because of a public offense or as a youthful
12 offender;

13 3. A healthcare provider as defined in KRS 311.821 *or other person*
14 *employed by or under contract with a hospital*, if the event occurs *in or*
15 *on the premises of a hospital or a hospital-owned or affiliate*
16 *outpatient facility*~~[while the healthcare provider is providing medical~~
17 ~~care in an emergency room of a hospital];~~

18 4. An employee of the Department for Community Based Services
19 employed as a social worker to provide direct client services, if the
20 event occurs while the worker is performing job-related duties;

21 5. Paid or volunteer emergency medical services personnel certified or
22 licensed pursuant to KRS Chapter 311A, if the event occurs while
23 personnel are performing job-related duties;

24 6. A paid or volunteer member of an organized fire department, if the
25 event occurs while the member is performing job-related duties;

26 7. Paid or volunteer rescue squad personnel affiliated with the Division of
27 Emergency Management of the Department of Military Affairs or a

- 1 local disaster and emergency services organization pursuant to KRS
2 Chapter 39F, if the event occurs while personnel are performing job-
3 related duties;
- 4 8. A probation and parole officer;
- 5 9. A transportation officer appointed by a county fiscal court or legislative
6 body of a consolidated local government, urban-county government, or
7 charter government to transport inmates when the county jail or county
8 correctional facility is closed while the transportation officer is
9 performing job-related duties;
- 10 10. A public or private elementary or secondary school or school district
11 classified or certified employee, school bus driver, or other school
12 employee acting in the course and scope of the employee's employment;
13 or
- 14 11. A public or private elementary or secondary school or school district
15 volunteer acting in the course and scope of that person's volunteer
16 service for the school or school district;
- 17 (b) Being a person confined in a detention facility, or a juvenile in a state
18 residential treatment facility or state staff secure facility for residential
19 treatment which provides for the care, treatment, or detention of a juvenile
20 charged with or adjudicated delinquent because of a public offense or as a
21 youthful offender, inflicts physical injury upon or throws or causes feces, or
22 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 23 (c) Intentionally causes a person, whom the actor knows or reasonably should
24 know to be a peace officer discharging official duties, to come into contact
25 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
26 consent of the peace officer.
- 27 (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree

1 is a Class D felony, unless the offense occurs during a declared emergency as
2 defined by KRS 39A.020 arising from a natural or man-made disaster, within
3 the area covered by the emergency declaration, and within the area impacted
4 by the disaster, in which case it is a Class C felony.

5 (b) For a violation of subsection (1)(b) of this section, assault in the third degree
6 is a Class D felony.

7 (c) For violations of subsection (1)(c) of this section, assault in the third degree is
8 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
9 seminal fluid, urine, or feces from an adult who knows that he or she has a
10 serious communicable disease and competent medical or epidemiological
11 evidence demonstrates that the specific type of contact caused by the actor is
12 likely to cause transmission of the disease or condition, in which case it is a
13 Class A misdemeanor.

14 (d) As used in paragraph (c) of this subsection, "serious communicable disease"
15 means a non-airborne disease that is transmitted from person to person and
16 determined to have significant, long-term consequences on the physical health
17 or life activities of the person infected.