

FIRST REGULAR SESSION

HOUSE BILL NO. 946

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ANDERSON.

1775H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 565.002 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session and section 565.081, RSMo, and to enact in lieu thereof two new sections relating to assault of a sanitation worker, with penalty provisions.

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

Section A. Section 565.002 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session and section 565.081, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 565.002 and 565.081, to read as follows:

565.002. As used in this chapter, unless a different meaning is otherwise plainly required the following terms mean:

(1) "Adequate cause", cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "Child", a person under seventeen years of age;

(3) "Conduct", [includes] any act or omission;

(4) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(5) "Deliberation" [means] , cool reflection for any length of time no matter how brief;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (6) "Domestic victim", a household or family member as the term "family" or "household
15 member" is defined in section 455.010, including any child who is a member of the household
16 or family;

17 (7) "Emotional distress", something markedly greater than the level of uneasiness,
18 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

19 (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic
20 area, buttock, or any part of the nipple of the breast of any female person, with less than a fully
21 opaque covering;

22 (9) "Legal custody", the right to the care, custody and control of a child;

23 (10) "Parent", either a biological parent or a parent by adoption;

24 (11) "Person having a right of custody", a parent or legal guardian of the child;

25 (12) "Photographs" or "films", the making of any photograph, motion picture film,
26 videotape, or any other recording or transmission of the image of a person;

27 (13) "Place where a person would have a reasonable expectation of privacy", any place
28 where a reasonable person would believe that a person could disrobe in privacy, without being
29 concerned that the person's undressing was being viewed, photographed or filmed by another;

30 (14) "Special victim", any of the following:

31 (a) A law enforcement officer assaulted in the performance of his or her official duties
32 or as a direct result of such official duties;

33 (b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma
34 center personnel, or emergency medical technician, assaulted in the performance of his or her
35 official duties or as a direct result of such official duties;

36 (c) A probation and parole officer assaulted in the performance of his or her official
37 duties or as a direct result of such official duties;

38 (d) An elderly person;

39 (e) A person with a disability;

40 (f) A vulnerable person;

41 (g) Any jailer or corrections officer of the state or one of its political subdivisions
42 assaulted in the performance of his or her official duties or as a direct result of such official
43 duties;

44 (h) A highway worker in a construction or work zone as the terms "highway worker",
45 "construction zone", and "work zone" are defined under section 304.580;

46 (i) Any utility worker, meaning any employee of a utility that provides gas, heat,
47 electricity, water, steam, telecommunications services, or sewer services, whether privately,
48 municipally, or cooperatively owned, while in the performance of his or her job duties, including
49 any person employed under a contract;

50 (j) Any cable worker, meaning any employee of a cable operator, as such term is defined
51 in section 67.2677, including any person employed under contract, while in the performance of
52 his or her job duties; [and]

53 (k) Any employee of a mass transit system, including any employee of public bus or light
54 rail companies, while in the performance of his or her job duties; **and**

55 **(l) Any sanitation worker in the performance of his or her job duties and whose job**
56 **duties include the collection and transportation of solid waste or recycling;**

57 (15) "Sudden passion", passion directly caused by and arising out of provocation by the
58 victim or another acting with the victim which passion arises at the time of the offense and is not
59 solely the result of former provocation;

60 (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the
61 assessment and declaration of punishment are submitted for decision;

62 (17) "Views", the looking upon of another person, with the unaided eye or with any
63 device designed or intended to improve visual acuity, for the purpose of arousing or gratifying
64 the sexual desire of any person.

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

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

10 3. As used in this section, the term "corrections officer" includes any jailer or corrections
11 officer of the state or any political subdivision of the state.

12 4. When used in this section, the terms "highway worker", "construction zone", or "work
13 zone" shall have the same meaning as such terms are defined in section 304.580.

14 5. As used in this section, the term "utility worker" means any employee while in
15 performance of their job duties, including any person employed under contract of a utility that
16 provides gas, heat, electricity, water, steam, telecommunications services, or sewer services,
17 whether privately, municipally, or cooperatively owned.

18 6. As used in this section, the term "cable worker" means any employee including any
19 person employed under contract of a cable operator, as such term is defined in section 67.2677.

20 7. **As used in this section, the term "sanitation worker" means any employee whose**
21 **job duties include the collection and transportation of solid waste or recycling.**

22 **8.** Assault of a law enforcement officer, corrections officer, emergency personnel,
23 highway worker in a construction zone or work zone, utility worker, cable worker, **sanitation**
24 **worker**, or probation and parole officer in the first degree is a class A felony.

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