

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 742
101ST GENERAL ASSEMBLY

1011H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 565.050, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses, with penalty provisions.

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

Section A. Section 565.050, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 565.050 and 571.031, to read as follows:

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

2. The offense of assault in the first degree is a class B felony unless:

(1) In the course thereof the person inflicts serious physical injury on the victim~~[-or]~~ ;

(2) If the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002; or

(3) **If the victim of such assault is targeted because of actual or perceived status of the victim based on the victim's profession or employment as a public safety officer, as defined under section 650.451,**

in which case it is a class A felony.

3. Any person guilty of an offense under subdivision (3) of subsection 2 of this section shall not be eligible for:

(1) **Suspended imposition of sentence or suspended execution of sentence; or**

(2) **Parole or conditional release until such person has served a minimum of ten years of imprisonment.**

571.031. 1. This section shall be known and may be cited as "Blair's Law".

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.

2 **2. A person commits the offense of unlawful discharge of a firearm if, with criminal**
3 **negligence, he or she discharges a firearm within or into the limits of any municipality.**

4 **3. This section shall not apply if the firearm is discharged:**

5 **(1) As allowed by a defense of justification under chapter 563;**

6 **(2) On a properly supervised shooting range;**

7 **(3) To lawfully take wildlife during an open season established by the department**
8 **of conservation. Nothing in this subdivision shall prevent a municipality from adopting**
9 **an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied**
10 **structure;**

11 **(4) For the control of nuisance wildlife as permitted by the department of**
12 **conservation or the United States Fish and Wildlife Service;**

13 **(5) By special permit of the chief of police of the municipality;**

14 **(6) As required by an animal control officer in the performance of his or her duties;**

15 **(7) Using blanks;**

16 **(8) More than one mile from any occupied structure;**

17 **(9) In self-defense or defense of another person against an animal attack if a**
18 **reasonable person would believe that deadly physical force against the animal is**
19 **immediately necessary and reasonable under the circumstances to protect oneself or the**
20 **other person; or**

21 **(10) By law enforcement personnel, as defined under section 590.1040, or a member**
22 **of the United States Armed Forces if acting in an official capacity.**

23 **4. A person who commits the offense of discharge of a firearm shall be guilty of:**

24 **(1) For a first offense, a class A misdemeanor;**

25 **(2) For a second offense, a class E felony; and**

26 **(3) For a third or subsequent offense, a class D felony.**

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