

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 579

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Offered January 30, 2018.

Senate Substitute adopted, January 30, 2018.

Taken up for Perfection January 30, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

4239S.03P

AN ACT

To repeal sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, RSMo, and to enact in lieu thereof six 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, 565.054, 565.056, and
2 575.150, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, to
4 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, **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, 565.056 in which the victim is a law**
11 **enforcement officer, firefighter, or emergency medical service provider**
12 **assaulted in the performance of his or her official duties or as a direct**

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

13 **result of such official duties**, section 566.030, 566.032, 566.040, 566.060,
14 566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been
15 found guilty of any felony sexual offense under chapter 566, where the victim was
16 less than seventeen years of age at the time the crime was committed, any sexual
17 offense under chapter 568, where the victim was less than seventeen years of age
18 at the time the crime was committed, or any pornographic offense involving a
19 minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any
20 felony violation of section 573.040, shall be entitled to bail pending appeal after
21 June 29, 1994. Pursuant to the prerogative of the general assembly to declare the
22 public policy of this state in matters regarding criminal liability of persons and
23 to enact laws relating to judicial procedure, the general assembly declares that
24 subsequent to June 29, 1994, no person shall be entitled to bail or continuation
25 of bail pursuant to section 547.170 if that person is under a sentence of death or
26 imprisonment in the penitentiary for life, or any sentence of imprisonment for a
27 violation of section 579.065, 565.021, [or] 565.050, **565.052 in which the victim**
28 **is a law enforcement officer, firefighter, or emergency medical service**
29 **provider assaulted in the performance of his or her official duties or as**
30 **a direct result of such official duties, 565.054 in which the victim is a**
31 **law enforcement officer, firefighter, or emergency medical service**
32 **provider assaulted in the performance of his or her official duties or as**
33 **a direct result of such official duties, 565.056 in which the victim is a**
34 **law enforcement officer, firefighter, or emergency medical service**
35 **provider assaulted in the performance of his or her official duties or as**
36 **a direct result of such official duties**, section 566.030, 566.032, 566.040,
37 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled guilty to
38 or been found guilty of any felony sexual offense under chapter 566, where the
39 victim was less than seventeen years of age at the time the crime was committed,
40 any sexual offense under chapter 568, where the victim was less than seventeen
41 years of age at the time the crime was committed, or any pornographic offense
42 involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037,
43 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.**

565.056. 1. A person commits the offense of assault in the fourth degree
2 if:

3 (1) The person attempts to cause or recklessly causes physical injury,
4 physical pain, or illness to another person;

5 (2) With criminal negligence the person causes physical injury to another
6 person by means of a firearm;

7 (3) The person purposely places another person in apprehension of
8 immediate physical injury;

9 (4) The person recklessly engages in conduct which creates a substantial
10 risk of death or serious physical injury to another person;

11 (5) The person knowingly causes or attempts to cause physical contact
12 with a person with a disability, which a reasonable person, who does not have a
13 disability, would consider offensive or provocative; or

14 (6) The person knowingly causes physical contact with another person
15 knowing the other person will regard the contact as offensive or provocative.

16 2. Except as provided in subsection 3 of this section, assault in the fourth
17 degree is a class A misdemeanor.

18 3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of
19 this section is a class C misdemeanor unless the victim is a special victim, as the
20 term "special victim" is defined under section 565.002, in which case a violation
21 of such provisions is a class A misdemeanor.

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

575.150. 1. A person commits the offense of resisting or interfering with
2 arrest, detention, or stop if he or she knows or reasonably should know that a law
3 enforcement officer is making an arrest or attempting to lawfully detain or stop
4 an individual or vehicle, and for the purpose of preventing the officer from
5 effecting the arrest, stop or detention, he or she:

6 (1) Resists the arrest, stop or detention of such person by using or
7 threatening the use of violence or physical force or by fleeing from such officer;

8 or

9 (2) Interferes with the arrest, stop or detention of another person by using
10 or threatening the use of violence, physical force or physical interference.

11 2. This section applies to:

12 (1) Arrests, stops, or detentions, with or without warrants;

13 (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance
14 violation; and

15 (3) Arrests for warrants issued by a court or a probation and parole
16 officer.

17 3. A person is presumed to be fleeing a vehicle stop if he or she continues
18 to operate a motor vehicle after he or she has seen or should have seen clearly
19 visible emergency lights or has heard or should have heard an audible signal
20 emanating from the law enforcement vehicle pursuing him or her.

21 4. It is no defense to a prosecution pursuant to subsection 1 of this section
22 that the law enforcement officer was acting unlawfully in making the
23 arrest. However, nothing in this section shall be construed to bar civil suits for
24 unlawful arrest.

25 5. The offense of resisting or interfering with an arrest is a class E felony
26 for an arrest for a:

27 (1) Felony;

28 (2) Warrant issued for failure to appear on a felony case; or

29 (3) Warrant issued for a probation violation on a felony case.

30 The offense of resisting an arrest, detention or stop in violation of subdivision (1)
31 or (2) of subsection 1 of this section is a class A misdemeanor, unless the person
32 fleeing creates a substantial risk of serious physical injury or death to any
33 person, in which case it is a class E felony **and such person shall not be**
34 **eligible for probation or parole.**

35 **6. Persons found guilty under this section of a class A**
36 **misdemeanor may, in the discretion of the court, be determined to be**
37 **ineligible for probation and parole.**

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