

1 AN ACT relating to assault in the third degree.

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. An employee of the Department for Community Based Services
  - 14 employed as a social worker to provide direct client services, if the
  - 15 event occurs while the worker is performing job-related duties;
  - 16 4. Paid or volunteer emergency medical services personnel certified or
  - 17 licensed pursuant to KRS Chapter 311A, if the event occurs while
  - 18 personnel are performing job-related duties;
  - 19 5. A paid or volunteer member of an organized fire department, if the
  - 20 event occurs while the member is performing job-related duties;
  - 21 6. Paid or volunteer rescue squad personnel affiliated with the Division of
  - 22 Emergency Management of the Department of Military Affairs or a
  - 23 local disaster and emergency services organization pursuant to KRS
  - 24 Chapter 39F, if the event occurs while personnel are performing job-
  - 25 related duties;
  - 26 7. A probation and parole officer;
  - 27 8. A transportation officer appointed by a county fiscal court or legislative

1 body of a consolidated local government, urban-county government, or  
2 charter government to transport inmates when the county jail or county  
3 correctional facility is closed while the transportation officer is  
4 performing job-related duties;

5 9. A public or private elementary or secondary school or school district  
6 classified or certified employee, school bus driver, or other school  
7 employee acting in the course and scope of the employee's  
8 employment;~~{or}~~

9 10. A public or private elementary or secondary school or school district  
10 volunteer acting in the course and scope of that person's volunteer  
11 service for the school or school district; or

12 **11. An employee, independent contractor, volunteer, affiliated physician,**  
13 **or other medical professional of a hospital licensed pursuant to KRS**  
14 **Chapter 216B, if the event occurs while such persons are performing**  
15 **health care services within a hospital.**

16 (b) Being a person confined in a detention facility, or a juvenile in a state  
17 residential treatment facility or state staff secure facility for residential  
18 treatment which provides for the care, treatment, or detention of a juvenile  
19 charged with or adjudicated delinquent because of a public offense or as a  
20 youthful offender, inflicts physical injury upon or throws or causes feces, or  
21 urine, or other bodily fluid to be thrown upon an employee of the facility; or

22 (c) Intentionally causes a person, whom the actor knows or reasonably should  
23 know to be a peace officer discharging official duties, to come into contact  
24 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the  
25 consent of the peace officer.

26 (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree  
27 is a Class D felony, unless the offense occurs during a declared emergency as

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

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

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

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