

# SENATE BILL NO. 263

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CURLS.

Read 1st time February 5, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1408S.011

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## AN ACT

To amend chapter 565, RSMo, by adding thereto three new sections relating to the creation of the crime of assaulting an employee of a mass transit system while in the scope of his or her duties, with penalty provisions.

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

Section A. Chapter 565, RSMo, is amended by adding thereto three new sections, to be known as sections 565.087, 565.088, and 565.089, to read as follows:

**565.087. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.**

**2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.**

**3. Assault of an employee of a mass transit system in the first degree is a class B felony.**

**565.088. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:**

**(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;**

**(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;**

**(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties;**

12           **(4) While in an intoxicated condition or under the influence of**  
13 **controlled substances or drugs, operates a motor vehicle in this state**  
14 **and when so operating, acts with criminal negligence to cause physical**  
15 **injury to an employee of a mass transit system while in the scope of his**  
16 **or her duties;**

17           **(5) Acts with criminal negligence to cause physical injury to an**  
18 **employee of a mass transit system while in the scope of his or her**  
19 **duties by means of a deadly weapon or dangerous instrument;**

20           **(6) Purposely or recklessly places an employee of a mass transit**  
21 **system while in the scope of his or her duties in apprehension of**  
22 **immediate serious physical injury; or**

23           **(7) Acts with criminal negligence to create a substantial risk of**  
24 **death or serious physical injury to an employee of a mass transit**  
25 **system while in the scope of his or her duties.**

26           **2. As used in this section, "mass transit system", includes**  
27 **employees of public bus and light rail companies.**

28           **3. Assault of an employee of a mass transit system while in the**  
29 **scope of his or her duties in the second degree is a class C felony unless**  
30 **committed under subdivision (2), (5), (6), or (7) of subsection 1 of this**  
31 **section in which case it is a class B felony.**

**565.089. 1. A person commits the crime of assault of an employee**  
2 **of a mass transit system while in the scope of his or her duties in the**  
3 **third degree if:**

4           **(1) Such person recklessly causes physical injury to an employee**  
5 **of a mass transit system while in the scope of his or her duties;**

6           **(2) Such person purposely places an employee of a mass transit**  
7 **system while in the scope of his or her duties in apprehension of**  
8 **immediate physical injury;**

9           **(3) Such person knowingly causes or attempts to cause physical**  
10 **contact with an employee of a mass transit system while in the scope**  
11 **of his or her duties without the consent of the employee of the mass**  
12 **transit system.**

13           **2. As used in this section, "mass transit system", includes**  
14 **employees of public bus and light rail companies.**

15           **3. Assault of an employee of a mass transit system while in the**  
16 **scope of his or her duties in the third degree is a class B misdemeanor.**