

SECOND REGULAR SESSION

# SENATE BILL NO. 859

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 28, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4477S.011

## AN ACT

To repeal sections 565.070 and 565.074, RSMo, and to enact in lieu thereof three new sections relating to crimes of assault, with penalty provisions.

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

Section A. Sections 565.070 and 565.074, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 565.070, 565.074,  
3 and 565.076, to read as follows:

565.070. 1. A person commits the crime of assault in the third degree if:

2 (1) The person attempts to cause or recklessly causes physical injury to  
3 another person; or

4 (2) With criminal negligence the person causes physical injury to another  
5 person by means of a deadly weapon; or

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

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

10 (5) The person knowingly causes physical contact with another person  
11 knowing the other person will regard the contact as offensive or provocative; or

12 (6) The person knowingly causes physical contact with an incapacitated  
13 person, as defined in section 475.010, RSMo, which a reasonable person, who is  
14 not incapacitated, would consider offensive or provocative.

15 2. Except as provided in subsections 3 and 4 of this section, assault in the  
16 third degree is a class A misdemeanor.

17 3. A person who violates the provisions of subdivision (3) or (5) of  
18 subsection 1 of this section is guilty of a class C misdemeanor.

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

19 [4. A person who has pled guilty to or been found guilty of the crime of  
20 assault in the third degree more than two times against any family or household  
21 member as defined in section 455.010, RSMo, is guilty of a class D felony for the  
22 third or any subsequent commission of the crime of assault in the third degree  
23 when a class A misdemeanor. The offenses described in this subsection may be  
24 against the same family or household member or against different family or  
25 household members.]

565.074. 1. A person commits the crime of domestic assault in the third  
2 degree if the act involves a family or household member or an adult who is or has  
3 been in a continuing social relationship of a romantic or intimate nature with the  
4 actor, as defined in section 455.010, RSMo, and:

5 (1) The person attempts to cause or recklessly causes physical injury to  
6 such family or household member; or

7 (2) With criminal negligence the person causes physical injury to such  
8 family or household member by means of a deadly weapon or dangerous  
9 instrument; or

10 (3) The person purposely places such family or household member in  
11 apprehension of immediate physical injury by any means; or

12 (4) The person recklessly engages in conduct which creates a grave risk  
13 of death or serious physical injury to such family or household member; or

14 (5) The person knowingly causes physical contact with such family or  
15 household member knowing the other person will regard the contact as offensive;  
16 or

17 (6) The person knowingly attempts to cause or causes the isolation of such  
18 family or household member by unreasonably and substantially restricting or  
19 limiting such family or household member's access to other persons,  
20 telecommunication devices or transportation for the purpose of isolation.

21 2. Except as provided in subsection 3 of this section, domestic assault in  
22 the third degree is a class A misdemeanor.

23 [3. A person who has pleaded guilty to or been found guilty of the crime  
24 of domestic assault in the third degree more than two times against any family  
25 or household member as defined in section 455.010, RSMo, is guilty of a class D  
26 felony for the third or any subsequent commission of the crime of domestic  
27 assault. The offenses described in this subsection may be against the same  
28 family or household member or against different family or household members.]

**565.076. A person who has pleaded guilty to or been found guilty**

2 of the crime of assault or domestic assault more than two times is  
3 guilty of a class D felony for the third or any subsequent commission  
4 of the crime of assault.

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