

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 event
- 15 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 event
- 20 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 local
- 23 disaster and emergency services organization pursuant to KRS Chapter
- 24 39F, if the event occurs while personnel are performing job-related
- 25 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 employment;
8 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;
- 12 (b) Being a person confined in a detention facility, or a juvenile in a state
13 residential treatment facility or state staff secure facility for residential
14 treatment which provides for the care, treatment, or detention of a juvenile
15 charged with or adjudicated delinquent because of a public offense or as a
16 youthful offender, inflicts physical injury upon or throws or causes feces, or
17 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 18 (c) Intentionally causes a person, whom the actor knows or reasonably should
19 know to be a peace officer **or a paid or volunteer member of an organized**
20 **fire department** discharging official duties, to come into contact with saliva,
21 vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the
22 peace officer.
- 23 (2) (a) For violations of subsection (1)(a) and (b) of this section, assault in the third
24 degree is a Class D felony.
- 25 (b) For violations of subsection (1)(c) of this section, assault in the third degree is
26 a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood,
27 seminal fluid, urine, or feces from an adult who knows that he or she has a

1 serious communicable disease and competent medical or epidemiological
2 evidence demonstrates that the specific type of contact caused by the actor is
3 likely to cause transmission of the disease or condition, in which case it is a
4 Class A misdemeanor.

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