

FIRST REGULAR SESSION

HOUSE BILL NO. 273

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

0919H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 217.703, 556.061, 565.002, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, and 565.056, RSMo, and to enact in lieu thereof ten new sections relating to certain crimes against emergency services providers, with penalty provisions.

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

Section A. Sections 217.703, 556.061, 565.002, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, and 565.056, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 217.703, 556.061, 565.002, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, and 565.056, to read as follows:

- 217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:
- (1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;
 - (2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding the offenses of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, abuse of a child, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;
 - (3) Supervised by the board; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (4) In compliance with the conditions of supervision imposed by the sentencing court
16 or board.

17 2. If an offender was placed on probation, parole, or conditional release for an offense
18 of:

19 (1) Involuntary manslaughter in the second degree;

20 (2) Assault in the second degree except under subdivision (2) of subsection 1 of section
21 565.052 or section 565.060 as it existed prior to January 1, 2017;

22 (3) Domestic assault in the second degree;

23 (4) Assault in the third degree when the victim is a special victim, **law enforcement**
24 **officer, or emergency personnel as such terms are defined under section 565.002** or assault
25 of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

26 (5) Statutory rape in the second degree;

27 (6) Statutory sodomy in the second degree;

28 (7) Endangering the welfare of a child in the first degree under subdivision (1) of
29 subsection 1 of section 568.045; or

30 (8) Any case in which the defendant is found guilty of a felony offense under chapter
31 571;

32 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,
33 make a finding that the offender is ineligible to earn compliance credits because the nature and
34 circumstances of the offense or the history and character of the offender indicate that a longer
35 term of probation, parole, or conditional release is necessary for the protection of the public or
36 the guidance of the offender. The motion may be made any time prior to the first month in which
37 the person may earn compliance credits under this section. The offender's ability to earn credits
38 shall be suspended until the court or board makes its finding. If the court or board finds that the
39 offender is eligible for earned compliance credits, the credits shall begin to accrue on the first
40 day of the next calendar month following the issuance of the decision.

41 3. Earned compliance credits shall reduce the term of probation, parole, or conditional
42 release by thirty days for each full calendar month of compliance with the terms of supervision.
43 Credits shall begin to accrue for eligible offenders after the first full calendar month of
44 supervision or on October 1, 2012, if the offender began a term of probation, parole, or
45 conditional release before September 1, 2012.

46 4. For the purposes of this section, the term "compliance" shall mean the absence of an
47 initial violation report submitted by a probation or parole officer during a calendar month, or a
48 motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the
49 offender.

50 5. Credits shall not accrue during any calendar month in which a violation report has
51 been submitted or a motion to revoke or motion to suspend has been filed, and shall be
52 suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the
53 court or board finds that the violation did not occur, then the offender shall be deemed to be in
54 compliance and shall begin earning credits on the first day of the next calendar month following
55 the month in which the report was submitted or the motion was filed. All earned credits shall
56 be rescinded if the court or board revokes the probation or parole or the court places the offender
57 in a department program under subsection 4 of section 559.036. Earned credits shall continue
58 to be suspended for a period of time during which the court or board has suspended the term of
59 probation, parole, or release, and shall begin to accrue on the first day of the next calendar month
60 following the lifting of the suspension.

61 6. Offenders who are deemed by the division to be absconders shall not earn credits. For
62 purposes of this subsection, "absconder" shall mean an offender under supervision who has left
63 such offender's place of residency without the permission of the offender's supervising officer
64 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder
65 when such offender is available for active supervision.

66 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination
67 of time served in custody, if applicable, time served on probation, parole, or conditional release,
68 and earned compliance credits satisfy the total term of probation, parole, or conditional release,
69 the board or sentencing court shall order final discharge of the offender, so long as the offender
70 has completed at least two years of his or her probation or parole, which shall include any time
71 served in custody under section 217.718 and sections 559.036 and 559.115.

72 8. The award or rescission of any credits earned under this section shall not be subject
73 to appeal or any motion for postconviction relief.

74 9. At least twice a year, the division shall calculate the number of months the offender
75 has remaining on his or her term of probation, parole, or conditional release, taking into
76 consideration any earned compliance credits, and notify the offender of the length of the
77 remaining term.

78 10. No less than sixty days before the date of final discharge, the division shall notify
79 the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of
80 the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney
81 upon receiving such notice does not take any action under subsection 5 of this section, the
82 offender shall be discharged under subsection 7 of this section.

83 11. Any offender who was sentenced prior to January 1, 2017, to an offense that was
84 eligible for earned compliance credits under subsection 1 or 2 of this section at the time of

85 sentencing shall continue to remain eligible for earned compliance credits so long as the offender
86 meets all the other requirements provided under this section.

556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
4 or otherwise make any use of any resources of, a computer, computer system, or computer
5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
18 or slides, for compensation. The term commercial film and photographic print processor shall
19 include all employees of such persons but shall not include a person who develops film or makes
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
22 internal storage devices, such as internal hard drives, and internal communication devices, such
23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data
25 contained in the main unit. Printers, external modems attached by cable to the main unit,
26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central

35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

62 a. A court orders the person's release; or

63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;

66 (b) A person is not in confinement if:

67 a. The person is on probation or parole, temporary or otherwise; or

68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held

70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;

72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or

76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or

80 (c) It is induced by force, duress or deception;

81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;

83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;

86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;

88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;

90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim, **law enforcement officer, or emergency personnel as such terms are** defined
96 ~~in subdivision (14) of~~ **under** section 565.002, kidnapping in the first degree, kidnapping,
97 murder in the second degree, assault of a law enforcement officer in the first degree, domestic
98 assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory
99 rape in the first degree when the victim is a child less than twelve years of age at the time of the
100 commission of the act giving rise to the offense, statutory sodomy in the first degree when the
101 victim is a child less than twelve years of age at the time of the commission of the act giving rise
102 to the offense, child molestation in the first or second degree, abuse of a child if the child dies
103 as a result of injuries sustained from conduct chargeable under section 568.060, child
104 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the
105 child for not less than one hundred twenty days under section 565.153, and an

106 "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is
107 found to be a "habitual offender" or "habitual boating offender" as such terms are defined in
108 section 577.001;

109 (20) "Dangerous instrument", any instrument, article or substance, which, under the
110 circumstances in which it is used, is readily capable of causing death or other serious physical
111 injury;

112 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
113 prepared in a formalized or other manner and intended for use in a computer or computer
114 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
115 storage media, punched cards and as may be stored in the memory of a computer;

116 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
117 shot, readily capable of producing death or serious physical injury, may be discharged, or a
118 switchblade knife, dagger, billy club, blackjack or metal knuckles;

119 (23) "Digital camera", a camera that records images in a format which enables the
120 images to be downloaded into a computer;

121 (24) "Disability", a mental, physical, or developmental impairment that substantially
122 limits one or more major life activities or the ability to provide adequately for one's care or
123 protection, whether the impairment is congenital or acquired by accident, injury or disease,
124 where such impairment is verified by medical findings;

125 (25) "Elderly person", a person sixty years of age or older;

126 (26) "Felony", an offense so designated or an offense for which persons found guilty
127 thereof may be sentenced to death or imprisonment for a term of more than one year;

128 (27) "Forcible compulsion" either:

129 (a) Physical force that overcomes reasonable resistance; or

130 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
131 physical injury or kidnapping of such person or another person;

132 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
133 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
134 communicate unwillingness to an act;

135 (29) "Infraction", a violation defined by this code or by any other statute of this state if
136 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
137 is authorized upon conviction;

138 (30) "Inhabitable structure", a vehicle, vessel or structure:

139 (a) Where any person lives or carries on business or other calling; or

140 (b) Where people assemble for purposes of business, government, education, religion,
141 entertainment, or public transportation; or

142 (c) Which is used for overnight accommodation of persons.
143 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
144 present.
145 If a building or structure is divided into separately occupied units, any unit not occupied by the
146 actor is an inhabitable structure of another;

147 (31) "Knowingly", when used with respect to:
148 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
149 her conduct or that those circumstances exist; or
150 (b) A result of conduct, means a person is aware that his or her conduct is practically
151 certain to cause that result;

152 (32) "Law enforcement officer", any public servant having both the power and duty to
153 make arrests for violations of the laws of this state, and federal law enforcement officers
154 authorized to carry firearms and to make arrests for violations of the laws of the United States;

155 (33) "Misdemeanor", an offense so designated or an offense for which persons found
156 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
157 or less;

158 (34) "Of another", property that any entity, including but not limited to any natural
159 person, corporation, limited liability company, partnership, association, governmental
160 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
161 therein, except that property shall not be deemed property of another who has only a security
162 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
163 other security arrangement;

164 (35) "Offense", any felony or misdemeanor;

165 (36) "Physical injury", slight impairment of any function of the body or temporary loss
166 of use of any part of the body;

167 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
168 court is legally authorized to order that a person charged with or convicted of a crime be held;

169 (38) "Possess" or "possessed", having actual or constructive possession of an object with
170 knowledge of its presence. A person has actual possession if such person has the object on his
171 or her person or within easy reach and convenient control. A person has constructive possession
172 if such person has the power and the intention at a given time to exercise dominion or control
173 over the object either directly or through another person or persons. Possession may also be sole
174 or joint. If one person alone has possession of an object, possession is sole. If two or more
175 persons share possession of an object, possession is joint;

176 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
177 possession or in action;

178 (40) "Public servant", any person employed in any way by a government of this state who
179 is compensated by the government by reason of such person's employment, any person appointed
180 to a position with any government of this state, or any person elected to a position with any
181 government of this state. It includes, but is not limited to, legislators, jurors, members of the
182 judiciary and law enforcement officers. It does not include witnesses;

183 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
184 means when it is his or her conscious object to engage in that conduct or to cause that result;

185 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
186 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
187 from the standard of care which a reasonable person would exercise in the situation;

188 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
189 permanent medical or psychological damage, manifested by impairment of a behavioral,
190 cognitive or physical condition. Serious emotional injury shall be established by testimony of
191 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
192 medical or psychological certainty;

193 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
194 that causes serious disfigurement or protracted loss or impairment of the function of any part of
195 the body;

196 (45) "Services", when used in relation to a computer system or network, means use of
197 a computer, computer system, or computer network and includes, but is not limited to, computer
198 time, data processing, and storage or retrieval functions;

199 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
200 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
201 associated with one's gender;

202 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
203 excluding vessels or aircraft;

204 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
205 such motor or machinery is a principal source of propulsion used or capable of being used as a
206 means of transportation on water, or any boat or craft more than twelve feet in length which is
207 powered by sail alone or by a combination of sail and machinery, and used or capable of being
208 used as a means of transportation on water, but not any boat or craft having, as the only means
209 of propulsion, a paddle or oars;

210 (49) "Voluntary act":

211 (a) A bodily movement performed while conscious as a result of effort or determination.

212 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,

213 or having acquired control of it was aware of his or her control for a sufficient time to have
 214 enabled him or her to dispose of it or terminate his or her control; or

215 (b) An omission to perform an act of which the actor is physically capable. A person is
 216 not guilty of an offense based solely upon an omission to perform an act unless the law defining
 217 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
 218 law;

219 (50) "Vulnerable person", any person in the custody, care, or control of the department
 220 of mental health who is receiving services from an operated, funded, licensed, or certified
 221 program.

565.002. As used in this chapter, unless a different meaning is otherwise plainly required
 2 the following terms mean:

3 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a
 4 person of ordinary temperament sufficient to substantially impair an ordinary person's capacity
 5 for self-control;

6 (2) "Child", a person under seventeen years of age;

7 (3) "Conduct", includes any act or omission;

8 (4) "Course of conduct", a pattern of conduct composed of two or more acts, which may
 9 include communication by any means, over a period of time, however short, evidencing a
 10 continuity of purpose. Constitutionally protected activity is not included within the meaning of
 11 course of conduct. Such constitutionally protected activity includes picketing or other organized
 12 protests;

13 (5) "Deliberation" means cool reflection for any length of time no matter how brief;

14 (6) "Domestic victim", a household or family member as the term "family" or "household
 15 member" is defined in section 455.010, including any child who is a member of the household
 16 or family;

17 (7) **"Emergency personnel", any paid or volunteer firefighter, emergency room or
 18 trauma center personnel, or emergency medical technician who is a victim of assault or
 19 voluntary or involuntary manslaughter while performing his or her official duties or as a
 20 direct result of such official duties;**

21 (8) "Emotional distress", something markedly greater than the level of uneasiness,
 22 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

23 ~~[(8)]~~ (9) "Full or partial nudity", the showing of all or any part of the human genitals,
 24 pubic area, buttock, or any part of the nipple of the breast of any female person, with less than
 25 a fully opaque covering;

26 ~~[(9)]~~ (10) **"Law enforcement officer", a public servant having both the power and
 27 duty to make an arrest for a violation of a law of this state or a federal law enforcement**

28 **officer authorized to carry a firearm and to make an arrest for a violation of a law of the**
29 **United States who is a victim of assault or voluntary or involuntary manslaughter while**
30 **performing his or her official duties or as a direct result of such official duties;**

31 (11) "Legal custody", the right to the care, custody and control of a child;

32 [(10)] (12) "Parent", either a biological parent or a parent by adoption;

33 [(11)] (13) "Person having a right of custody", a parent or legal guardian of the child;

34 [(12)] (14) "Photographs" or "films", the making of any photograph, motion picture
35 film, videotape, or any other recording or transmission of the image of a person;

36 [(13)] (15) "Place where a person would have a reasonable expectation of privacy", any
37 place where a reasonable person would believe that a person could disrobe in privacy, without
38 being concerned that the person's undressing was being viewed, photographed or filmed by
39 another;

40 [(14)] (16) "Special victim", any of the following:

41 (a) ~~[A law enforcement officer assaulted in the performance of his or her official duties~~
42 ~~or as a direct result of such official duties;~~

43 ~~——(b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma~~
44 ~~center personnel, or emergency medical technician, assaulted in the performance of his or her~~
45 ~~official duties or as a direct result of such official duties;~~

46 ~~——(e) A probation and parole officer assaulted in the performance of his or her official~~
47 ~~duties or as a direct result of such official duties;~~

48 [(d)] (b) An elderly person;

49 [(e)] (c) A person with a disability;

50 [(f)] (d) A vulnerable person;

51 [(g)] (e) Any jailer or corrections officer of the state or one of its political subdivisions
52 assaulted in the performance of his or her official duties or as a direct result of such official
53 duties;

54 [(h)] (f) A highway worker in a construction or work zone as the terms "highway
55 worker", "construction zone", and "work zone" are defined under section 304.580;

56 [(i)] (g) Any utility worker, meaning any employee of a utility that provides gas, heat,
57 electricity, water, steam, telecommunications services, or sewer services, whether privately,
58 municipally, or cooperatively owned, while in the performance of his or her job duties, including
59 any person employed under a contract;

60 [(j)] (h) Any cable worker, meaning any employee of a cable operator, as such term is
61 defined in section 67.2677, including any person employed under contract, while in the
62 performance of his or her job duties; and

63 ~~[(4)]~~ (i) Any employee of a mass transit system, including any employee of public bus
64 or light rail companies, while in the performance of his or her job duties;

65 ~~[(15)]~~ (17) "Sudden passion", passion directly caused by and arising out of provocation
66 by the victim or another acting with the victim which passion arises at the time of the offense and
67 is not solely the result of former provocation;

68 ~~[(16)]~~ (18) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the
69 assessment and declaration of punishment are submitted for decision;

70 ~~[(17)]~~ (19) "Views", the looking upon of another person, with the unaided eye or with
71 any device designed or intended to improve visual acuity, for the purpose of arousing or
72 gratifying the sexual desire of any person.

565.023. 1. A person commits the offense of voluntary manslaughter if he or she:

2 (1) Causes the death of another person under circumstances that would constitute murder
3 in the second degree under subdivision (1) of subsection 1 of section 565.021, except that he or
4 she caused the death under the influence of sudden passion arising from adequate cause; or

5 (2) Knowingly assists another in the commission of self-murder.

6 2. The defendant shall have the burden of injecting the issue of influence of sudden
7 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

8 3. The offense of voluntary manslaughter is a class B felony **unless the victim of such**
9 **manslaughter is a law enforcement officer or emergency personnel as such terms are**
10 **defined under section 565.002, in which case it is a class A felony.**

565.024. 1. A person commits the offense of involuntary manslaughter in the first
2 degree if he or she recklessly causes the death of another person.

3 2. The offense of involuntary manslaughter in the first degree is a class C felony **unless**
4 **the victim of such manslaughter is a law enforcement officer or emergency personnel as**
5 **such terms are defined under section 565.002, in which case it is a class B felony.**

565.027. 1. A person commits the offense of involuntary manslaughter in the second
2 degree if he or she acts with criminal negligence to cause the death of any person.

3 2. The offense of involuntary manslaughter in the second degree is a class E felony
4 **unless the victim of such manslaughter is a law enforcement officer or emergency**
5 **personnel as such terms are defined under section 565.002, in which case it is a class D**
6 **felony.**

565.050. 1. A person commits the offense of assault in the first degree if he or she
2 attempts to kill or knowingly causes or attempts to cause serious physical injury to another
3 person.

4 2. The offense of assault in the first degree is a class B felony unless in the course thereof
5 the person inflicts serious physical injury on the victim, or if the victim of such assault is a

6 special victim, **law enforcement officer, or emergency personnel** as ~~[the term "special victim"~~
7 ~~is]~~ **such terms are** defined under section 565.002, in which case it is a class A felony.

565.052. 1. A person commits the offense of assault in the second degree if he or she:

2 (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to
3 another person under the influence of sudden passion arising out of adequate cause; or

4 (2) Attempts to cause or knowingly causes physical injury to another person by means
5 of a deadly weapon or dangerous instrument; or

6 (3) Recklessly causes serious physical injury to another person; or

7 (4) Recklessly causes physical injury to another person by means of discharge of a
8 firearm.

9 2. The defendant shall have the burden of injecting the issue of influence of sudden
10 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

11 3. The offense of assault in the second degree is a class D felony, unless the victim of
12 such assault is a special victim, as the term "special victim" is defined under section 565.002,
13 in which case it is a class B felony, **or unless the victim of such assault is a law enforcement**
14 **officer or emergency personnel as such terms are defined under section 565.002, in which**
15 **case it is a class A felony.**

565.054. 1. A person commits the offense of assault in the third degree if he or she
2 knowingly causes physical injury to another person.

3 2. The offense of assault in the third degree is a class E felony, unless the victim of such
4 assault is a special victim, as the term "special victim" is defined under section 565.002, in which
5 case it is a class D felony, **or unless the victim of such assault is a law enforcement officer**
6 **or emergency personnel as such terms are defined under section 565.002, in which case it**
7 **is a class C felony.**

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

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

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

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

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

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

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

15 2. Except as provided in subsection 3 of this section, assault in the fourth degree is a
16 class A misdemeanor, **or unless the victim of such assault is a law enforcement officer or**
17 **emergency personnel as such terms are defined under section 565.002, in which case it is**
18 **a class E felony.**

19 3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is
20 a class C misdemeanor unless the victim is a special victim, as the term "special victim" is
21 defined under section 565.002, in which case a violation of such provisions is a class A
22 misdemeanor, **or unless the victim of such assault is a law enforcement officer or emergency**
23 **personnel as such terms are defined under section 565.002, in which case it is a class E**
24 **felony.**

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