

508.025 Assault in the third degree.

- (1) A person is guilty of assault in the third degree when the actor:
 - (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:
 1. A state, county, city, or federal peace officer;
 2. An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;
 3. An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job-related duties;
 4. Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties;
 5. A paid or volunteer member of an organized fire department, if the event occurs while the member is performing job-related duties;
 6. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management of the Department of Military Affairs or a local disaster and emergency services organization pursuant to KRS Chapter 39F, if the event occurs while personnel are performing job-related duties;
 7. A probation and parole officer;
 8. A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job-related duties;
 9. A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment;
or
 10. A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district;
 - (b) Being a person confined in a detention facility, or a juvenile in a state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, or urine, or other bodily fluid to be thrown upon an employee of the facility; or

- (c) Intentionally causes a person, whom the actor knows or reasonably should know to be a peace officer discharging official duties, to come into contact with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the peace officer.
- (2) (a) For a violation of subsection (1)(a) of this section, assault in the third degree is a Class D felony, unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.
- (b) For a violation of subsection (1)(b) of this section, assault in the third degree is a Class D felony.
- (c) For violations of subsection (1)(c) of this section, assault in the third degree is a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.
- (d) As used in paragraph (c) of this subsection, "serious communicable disease" means a non-airborne disease that is transmitted from person to person and determined to have significant, long-term consequences on the physical health or life activities of the person infected.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 151, sec. 2, effective July 14, 2022. -- Amended 2018 Ky. Acts ch. 189, sec. 1, effective July 14, 2018. -- Amended 2005 Ky. Acts ch. 128, sec. 1, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 208, sec. 1, effective July 15, 2002; and ch. 360, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 14, sec. 56, effective July 14, 2000; ch. 193, sec. 17, effective July 14, 2000; and ch. 345, sec. 7, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 345, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 397, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 380, sec. 1, effective July 13, 1990. -- Created 1982 Ky. Acts ch. 429, sec. 1, effective July 15, 1982.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts ch. 128, sec. 1, which included an amendment to this statute, provides that the Act shall be known as the "Brenda D. Cowan Act."