

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;~~[-or]~~
- 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 discharging official duties, to come into contact**
 20 **with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the**
 21 **consent of the peace officer.**
- 22 (2) **(a) For violations of paragraphs (a) and (b) in subsection (1) of this section,**
 23 assault in the third degree is a Class D felony.
- 24 **(b) For violations of paragraph (c) in subsection (1) of this section, assault in**
 25 **the third degree is a Class B misdemeanor, unless the assault is with saliva,**
 26 **vomit, mucus, blood, seminal fluid, urine, or feces from an adult who**
 27 **knows that he or she has a serious communicable disease and competent**

1 medical or epidemiological evidence demonstrates that the specific type of
2 contact caused by the actor is likely to cause transmission of the disease or
3 condition, in which case it is a Class D felony.

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