

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) Assault in the third degree is a Class D felony, unless the assault is with saliva,  
23 vomit, mucus, blood, seminal fluid, urine, or feces from an adult known to have  
24 a communicable disease which could be transmitted to another person through  
25 the fluid or material, in which case it is a Class C felony.