

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. A healthcare provider as defined in KRS 311.821 or other person
- 14 employed by or under contract with a health clinic, doctor's office,
- 15 dental office, long-term care facility, hospital, or a hospital-owned or
- 16 affiliate outpatient facility, if the event occurs in or on the premises of a
- 17 health clinic, doctor's office, dental office, long-term care facility,
- 18 hospital, or a hospital-owned or affiliate outpatient facility;
- 19 4. An employee of the Department for Community Based Services
- 20 employed as a social worker to provide direct client services, if the
- 21 event occurs while the worker is performing job-related duties;
- 22 5. Paid or volunteer emergency medical services personnel certified or
- 23 licensed pursuant to KRS Chapter 311A, if the event occurs while
- 24 personnel are performing job-related duties;
- 25 6. A paid or volunteer member of an organized fire department, if the
- 26 event occurs while the member is performing job-related duties;
- 27 7. Paid or volunteer rescue squad personnel affiliated with the Division of

- 1 Emergency Management of the Department of Military Affairs or a
2 local disaster and emergency services organization pursuant to KRS
3 Chapter 39F, if the event occurs while personnel are performing job-
4 related duties;
- 5 8. A probation and parole officer;
- 6 9. A transportation officer appointed by a county fiscal court or legislative
7 body of a consolidated local government, urban-county government, or
8 charter government to transport inmates when the county jail or county
9 correctional facility is closed while the transportation officer is
10 performing job-related duties;
- 11 10. A public or private elementary or secondary school or school district
12 classified or certified employee, school bus driver, or other school
13 employee acting in the course and scope of the employee's employment;
14 or
- 15 11. A public or private elementary or secondary school or school district
16 volunteer acting in the course and scope of that person's volunteer
17 service for the school or school district;
- 18 (b) Being a person confined in a detention facility, or a juvenile in a state
19 residential treatment facility or state staff secure facility for residential
20 treatment which provides for the care, treatment, or detention of a juvenile
21 charged with or adjudicated delinquent because of a public offense or as a
22 youthful offender, inflicts physical injury upon or throws or causes feces, or
23 urine, or other bodily fluid to be thrown upon an employee of the facility; or
- 24 (c) Intentionally causes a person, whom the actor knows or reasonably should
25 know to be a peace officer discharging official duties, to come into contact
26 with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the
27 consent of the peace officer.

1 (2) **Assault in the third degree is a Class D felony, unless the offense is:**

2 (a) ~~[For]~~A violation of subsection (1)(a) of this section **and**~~[, assault in the third~~
3 ~~degree is a Class D felony, unless]~~ the offense occurs during a declared
4 emergency as defined by KRS 39A.020 arising from a natural or man-made
5 disaster, within the area covered by the emergency declaration, and within the
6 area impacted by the disaster;~~[, in which case it is a Class C felony.]~~

7 (b) **A violation**~~[For a violation of subsection (1)(b) of this section, assault in the~~
8 ~~third degree is a Class D felony.~~

9 ~~(c) For violations]~~ of subsection (1)(c) of this section~~[, assault in the third degree~~
10 ~~is a Class B misdemeanor, unless the assault is]~~ with saliva, vomit, mucus,
11 blood, seminal fluid, urine, or feces from an adult who knows that he or she
12 has a serious communicable disease and competent medical or
13 epidemiological evidence demonstrates that the specific type of contact
14 caused by the actor is likely to cause transmission of the disease or condition;
15 **or**~~[, in which case it is a Class A misdemeanor.]~~

16 **(c) A second or subsequent violation of this section;**
17 **in which case it is a Class C felony.**

18 **(3)**~~(d)~~ As used in ~~[paragraph (c) of]~~this **section**~~[subsection], "serious communicable~~
19 ~~disease" means a non-airborne disease that is transmitted from person to person and~~
20 ~~determined to have significant, long-term consequences on the physical health or~~
21 ~~life activities of the person infected.~~