

SECOND REGULAR SESSION

HOUSE BILL NO. 2368

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

6138H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 574.010 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and to enact in lieu thereof one new section relating to certain immunities from peace disturbances, with penalty provisions.

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

Section A. Section 574.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 574.010 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 574.010, to read as follows:

574.010. 1. A person commits the offense of peace disturbance if he or she:

(1) Unreasonably and knowingly disturbs or alarms another person or persons by:

(a) Loud noise; or

(b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or

(c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

(d) Fighting; or

(e) Creating a noxious and offensive odor;

(2) Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

(a) Vehicular or pedestrian traffic; or

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.

14 (b) The free ingress or egress to or from a public or private place.

15 2. **Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
16 **subsection 1 of this section, a person does not commit the offense of peace disturbance by**
17 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
18 **arises from or are attendant to:**

19 (a) **The raising, maintaining, or keeping livestock as defined in section 277.020,**
20 **including but not limited to any noise or odor made directly by or coming directly from**
21 **any livestock; or**

22 (b) **The planting, caring, maintaining, or harvesting of crops or hay.**

23 3. The offense of peace disturbance is a class B misdemeanor upon the first conviction.
24 Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a
25 third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one
26 thousand dollars and no more than five thousand dollars.

574.010. 1. A person commits the crime of peace disturbance if:

2 (1) He unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
5 uttered under circumstances which are likely to produce an immediate violent response from a
6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) He is in a public place or on private property of another without consent and
12 purposely causes inconvenience to another person or persons by unreasonably and physically
13 obstructing:

14 (a) Vehicular or pedestrian traffic; or

15 (b) The free ingress or egress to or from a public or private place.

16 2. **Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
17 **subsection 1 of this section, a person does not commit the crime of peace disturbance by**
18 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
19 **arises from or are attendant to:**

20 (a) **The raising, maintaining, or keeping livestock as defined in section 277.020,**
21 **including but not limited to any noise or odor made directly by or coming directly from**
22 **any livestock; or**

23 (b) **The planting, caring, maintaining, or harvesting of crops or hay.**

24 **3.** Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second
25 or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or
26 subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand
27 dollars and no more than five thousand dollars.

✓