

FIRST REGULAR SESSION

# HOUSE BILL NO. 370

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREGORY.

0570H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 455.010 and 455.032, RSMo, and to enact in lieu thereof two new sections relating to adult abuse.

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

Section A. Sections 455.010 and 455.032, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 455.010 and 455.032, to read as follows:

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer

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.

17 substantial emotional distress and must actually cause substantial emotional distress to the  
18 petitioner or child. Such conduct might include, but is not limited to:

19 a. Following another about in a public place or places;

20 b. Peering in the window or lingering outside the residence of another; but does not  
21 include constitutionally protected activity;

22 (e) **"Intimidation", injuring, killing, or threatening to injure or kill an animal if**  
23 **such act is done to coerce, control, punish, or as an act of revenge against a household**  
24 **member;**

25 (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in  
26 any sexual act by force, threat of force, duress, or without that person's consent;

27 ~~(f)~~ (g) "Unlawful imprisonment", holding, confining, detaining or abducting another  
28 person against that person's will;

29 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

30 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

31 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

32 (5) "Domestic violence", abuse or stalking committed by a family or household member,  
33 as such terms are defined in this section;

34 (6) "Ex parte order of protection", an order of protection issued by the court before the  
35 respondent has received notice of the petition or an opportunity to be heard on it;

36 (7) "Family" or "household member", spouses, former spouses, any person related by  
37 blood or marriage, persons who are presently residing together or have resided together in the  
38 past, any person who is or has been in a continuing social relationship of a romantic or intimate  
39 nature with the victim, and anyone who has a child in common regardless of whether they have  
40 been married or have resided together at any time;

41 (8) "Full order of protection", an order of protection issued after a hearing on the record  
42 where the respondent has received notice of the proceedings and has had an opportunity to be  
43 heard;

44 (9) "Order of protection", either an ex parte order of protection or a full order of  
45 protection;

46 (10) "Pending", exists or for which a hearing date has been set;

47 (11) "Petitioner", a family or household member who has been a victim of domestic  
48 violence, or any person who has been the victim of stalking or sexual assault, or a person filing  
49 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the  
50 provisions of section 455.020 or section 455.505;

51 (12) "Respondent", the family or household member alleged to have committed an act  
52 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,

53 against whom a verified petition has been filed or a person served on behalf of a child pursuant  
54 to section 455.503;

55 (13) "Sexual assault", as defined under subdivision (1) of this section;

56 (14) "Stalking" is when any person purposely engages in an unwanted course of conduct  
57 that causes alarm to another person, or a person who resides together in the same household with  
58 the person seeking the order of protection when it is reasonable in that person's situation to have  
59 been alarmed by the conduct. As used in this subdivision:

60 (a) "Alarm" means to cause fear of danger of physical harm; and

61 (b) "Course of conduct" means a pattern of conduct composed of two or more acts over  
62 a period of time, however short, that serves no legitimate purpose. Such conduct may include,  
63 but is not limited to, following the other person or unwanted communication or unwanted  
64 contact.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall  
2 have jurisdiction to enter an order of protection restraining or enjoining the respondent from  
3 committing or threatening to commit domestic violence, stalking, sexual assault, molesting,  
4 **intimidation**, or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if  
5 the petitioner is present, whether permanently or on a temporary basis, within the state of  
6 Missouri and if the respondent's actions constituting domestic violence have occurred, have been  
7 attempted or have been or are threatened within the state of Missouri. For purposes of this  
8 section, if the petitioner has been the subject of domestic violence within or outside of the state  
9 of Missouri, such evidence shall be admissible to demonstrate the need for protection in  
10 Missouri.

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