

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 292
101ST GENERAL ASSEMBLY

0634H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 455.010, RSMo, and to enact in lieu thereof one new section relating to stalking.

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

Section A. Section 455.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.010, to read as follows: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 substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

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.

- 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) "Sexual assault", causing or attempting to cause another to engage involuntarily in
23 any sexual act by force, threat of force, duress, or without that person's consent;
- 24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;
- 26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
- 27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;
- 28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- 29 (5) "Domestic violence", abuse or stalking committed by a family or household member,
30 as such terms are defined in this section;
- 31 (6) "Ex parte order of protection", an order of protection issued by the court before the
32 respondent has received notice of the petition or an opportunity to be heard on it;
- 33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;
- 38 (8) "Full order of protection", an order of protection issued after a hearing on the record
39 where the respondent has received notice of the proceedings and has had an opportunity to be
40 heard;
- 41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;
- 43 (10) "Pending", exists or for which a hearing date has been set;
- 44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking or sexual assault, or a person filing
46 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
47 provisions of section 455.020 or section 455.505;
- 48 (12) "Respondent", the family or household member alleged to have committed an act
49 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,
50 against whom a verified petition has been filed or a person served on behalf of a child pursuant
51 to section 455.503;
- 52 (13) "Sexual assault", as defined under subdivision (1) of this section;
- 53 (14) "Stalking" is when any person purposely engages in an unwanted course of conduct
54 that causes alarm to another person, or a person who resides together in the same household with

55 the person seeking the order of protection when it is reasonable in that person's situation to have
56 been alarmed by the conduct. As used in this subdivision:

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

58 (b) "Course of conduct" means ~~[a pattern of conduct composed of]~~ two or more acts
59 ~~[over a period of time, however short,]~~ that ~~[serves]~~ **serve** no legitimate purpose. ~~[Such conduct~~
60 ~~may include, but is not limited to, following the other person or unwanted communication or~~
61 ~~unwanted contact]~~ **including, but not limited to, acts in which the stalker directly, indirectly,**
62 **or through a third party follows, monitors, observes, surveils, threatens, or communicates**
63 **to a person by any action, method, or device.**

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