

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 755
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 8, 2012, with recommendation that the Senate Committee Substitute do pass.

5566S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 574.085, RSMo, and to enact in lieu thereof two new sections relating to crimes involving institutions, with penalty provisions.

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

Section A. Section 574.085, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 574.035 and 574.085, to read as
3 follows:

574.035. 1. This section shall be known and may be cited as the
2 "House of Worship Act".

3 2. For purposes of this section, "house of worship" means any
4 church, synagogue, other building or structure, or public or private
5 place used for religious worship, religious instruction, or other
6 religious purpose.

7 3. A person commits the crime of disrupting a house of worship
8 if such person:

9 (1) Intentionally and unreasonably disturbs, interrupts, or
10 disquiets any house of worship by using profane discourse, rude or
11 indecent behavior, or making noise either within the house of worship
12 or so near it as to disturb the order and solemnity of the worship
13 services; or

14 (2) Intentionally injures, intimidates, or interferes with or
15 attempts to injure, intimidate, or interfere with any person lawfully
16 exercising the right of religious freedom in or outside of a house of
17 worship or seeking access to a house of worship, whether by force,
18 threat, or physical destruction.

19 4. Disrupting a house of worship is a class C misdemeanor. Any

20 **second offense is a class B misdemeanor. Any third or subsequent**
21 **offense is a class A misdemeanor.**

22 **5. In addition to any criminal penalty for violating the provisions**
23 **of this section, any person aggrieved by conduct prohibited under this**
24 **section may commence a civil action for appropriate relief, including**
25 **but not limited to temporary, preliminary, or permanent injunctive**
26 **relief, and compensatory and punitive damages, as well as costs and**
27 **reasonable attorney's fees.**

574.085. 1. A person commits the crime of institutional vandalism by
2 knowingly vandalizing, defacing or otherwise damaging:

3 (1) Any church, synagogue or other building, structure or place used for
4 religious worship or other religious purpose;

5 (2) Any cemetery, mortuary, military monument or other facility used for
6 the purpose of burial or memorializing the dead;

7 (3) Any school, educational facility, community center, hospital or medical
8 clinic owned and operated by a religious or sectarian group;

9 (4) The grounds adjacent to, and owned or rented by, any institution,
10 facility, building, structure or place described in subdivision (1), (2), or (3) of this
11 subsection;

12 (5) Any personal property contained in any institution, facility, building,
13 structure or place described in subdivision (1), (2), or (3) of this subsection; or

14 (6) Any motor vehicle which is owned, operated, leased or under contract
15 by a school district or a private school for the transportation of school children.

16 2. Institutional vandalism is punishable as follows:

17 (1) Institutional vandalism is a class A misdemeanor, except as provided
18 in subdivisions (2) and (3) of this subsection;

19 (2) Institutional vandalism is a class D felony if the offender commits any
20 act described in subsection 1 of this section which causes damage to, or loss of,
21 the property of another in an amount in excess of one thousand dollars;

22 (3) Institutional vandalism is a class C felony if the offender commits any
23 act described in subsection 1 of this section which causes damage to, or loss of,
24 the property of another in an amount in excess of five thousand dollars.

25 3. In determining the amount of damage to property or loss of property,
26 for purposes of this section, damage includes the cost of repair or, where
27 necessary, replacement of the property that was damaged or lost.

28 **4. In addition to any criminal penalty for violating the provisions**

29 of this section, any person aggrieved by conduct prohibited under this
30 section may commence a civil action for appropriate relief, including,
31 but not limited to, temporary, preliminary, or permanent injunctive
32 relief, and compensatory and punitive damages, as well as costs and
33 reasonable attorney's fees.

✓

Unofficial

Bill

Copy