

SECOND REGULAR SESSION

# SENATE BILL NO. 710

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 14, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5379S.011

## AN ACT

To repeal section 565.225, RSMo, and to enact in lieu thereof one new section relating to stalking, with existing penalty provisions.

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

Section A. Section 565.225, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 565.225, to read as follows:

565.225. 1. As used in this section, the following terms shall mean:

2 (1) "Course of conduct", a pattern of conduct composed of two or more acts,  
3 which may include communication by any means, over a period of time, however  
4 short, evidencing a continuity of purpose. Constitutionally protected activity is  
5 not included within the meaning of course of conduct. Such constitutionally  
6 protected activity includes picketing or other organized protests;

7 (2) "Credible threat", a threat communicated with the intent to cause the  
8 person who is the target of the threat to reasonably fear for his or her safety, or  
9 the safety of his or her family, or household members or domestic animals or  
10 livestock as defined in section 276.606 kept at such person's residence or on such  
11 person's property. The threat must be against the life of, or a threat to cause  
12 physical injury to, or the kidnapping of, the person, the person's family, or the  
13 person's household members or domestic animals or livestock as defined in  
14 section 276.606 kept at such person's residence or on such person's property;

15 (3) "Harasses", to engage in a course of conduct directed at a specific  
16 person that serves no legitimate purpose, that would cause a reasonable person  
17 under the circumstances to be frightened, intimidated, or emotionally distressed.

18 2. A person commits the crime of stalking if he or she purposely, through  
19 his or her course of conduct, harasses or follows with the intent of harassing

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 another person.

21 3. A person commits the crime of aggravated stalking if he or she  
22 purposely, through his or her course of conduct, harasses or follows with the  
23 intent of harassing another person, and:

24 (1) Makes a credible threat; or

25 (2) At least one of the acts constituting the course of conduct is in  
26 violation of an order of protection and the person has received actual notice of  
27 such order; or

28 (3) At least one of the actions constituting the course of conduct is in  
29 violation of a condition of probation, parole, pretrial release, or release on bond  
30 pending appeal; or

31 (4) At any time during the course of conduct, the other person is  
32 seventeen years of age or younger and the person harassing the other person is  
33 twenty-one years of age or older; [or]

34 (5) He or she has previously pleaded guilty to or been found guilty of  
35 domestic assault, violation of an order of protection, or any other crime where the  
36 other person was the victim; or

37 **(6) He or she purposely accesses or attempts to access the**  
38 **address of a participant of the address confidentiality program under**  
39 **sections 589.660 to 589.681.**

40 4. The crime of stalking shall be a class A misdemeanor unless the person  
41 has previously pleaded guilty to or been found guilty of a violation of this section,  
42 or of any offense committed in violation of any county or municipal ordinance in  
43 any state, any state law, any federal law, or any military law which, if committed  
44 in this state, would be chargeable or indictable as a violation of any offense listed  
45 in this section, in which case stalking shall be a class D felony.

46 5. The crime of aggravated stalking shall be a class D felony unless the  
47 person has previously pleaded guilty to or been found guilty of a violation of this  
48 section, or of any offense committed in violation of any county or municipal  
49 ordinance in any state, any state law, any federal law, or any military law which,  
50 if committed in this state, would be chargeable or indictable as a violation of any  
51 offense listed in this section, aggravated stalking shall be a class C felony.

52 6. Any law enforcement officer may arrest, without a warrant, any person  
53 he or she has probable cause to believe has violated the provisions of this section.

54 7. This section shall not apply to activities of federal, state, county, or  
55 municipal law enforcement officers conducting investigations of violation of

56 federal, state, county, or municipal law.



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