

FIRST REGULAR SESSION

SENATE BILL NO. 212

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time January 8, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0255S.02I

AN ACT

To repeal section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the address confidentiality program, with penalty provisions.

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

Section A. Section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 565.225, to read as follows:

565.225. 1. As used in this section and section 565.227, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and:

(1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household

15 members, or the person's domestic animals or livestock as defined in section
16 276.606 kept at such person's residence or on such person's property; or

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

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

23 (4) At any time during the course of conduct, the other person is
24 seventeen years of age or younger and the person disturbing the other person is
25 twenty-one years of age or older; or

26 (5) He or she has previously been found guilty of domestic assault,
27 violation of an order of protection, or any other crime where the other person was
28 the victim; or

29 **(6) At any time during the course of conduct, the other person is**
30 **a participant of the address confidentiality program under sections**
31 **589.660 to 589.681, and the person disturbing the other person**
32 **knowingly accesses or attempts to access the address of the other**
33 **person.**

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

36 4. This section shall not apply to activities of federal, state, county, or
37 municipal law enforcement officers conducting investigations of any violation of
38 federal, state, county, or municipal law.

39 5. The offense of stalking in the first degree is a class E felony, unless the
40 defendant has previously been found guilty of a violation of this section or section
41 565.227, or any offense committed in another jurisdiction which, if committed in
42 this state, would be chargeable or indictable as a violation of any offense listed
43 in this section or section 565.227, in which case stalking in the first degree is a
44 class D felony.

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
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) At any time during the course of conduct, the other person is**
38 **a participant of the address confidentiality program under sections**
39 **589.660 to 589.681, and the person harassing the other person**
40 **knowingly accesses or attempts to access the address of the other**
41 **person.**

42 4. The crime of stalking shall be a class A misdemeanor unless the person

43 has previously pleaded guilty to or been found guilty of a violation of this section,
44 or of any offense committed in violation of any county or municipal ordinance in
45 any state, any state law, any federal law, or any military law which, if committed
46 in this state, would be chargeable or indictable as a violation of any offense listed
47 in this section, in which case stalking shall be a class D felony.

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

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

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

Bill ✓

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