

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____

2 by inserting immediately after said line the following:

3 "565.225. 1. As used in this section and section 565.227,
4 the term "disturbs" shall mean to engage in a course of conduct
5 directed at a specific person that serves no legitimate purpose
6 and that would cause a reasonable person under the circumstances
7 to be frightened, intimidated, or emotionally distressed.

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

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

22 (2) At least one of the acts constituting the course of

1 conduct is in violation of an order of protection and the person
2 has received actual notice of such order; or

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

6 (4) At any time during the course of conduct, the other
7 person is seventeen years of age or younger and the person
8 disturbing the other person is twenty-one years of age or older;
9 or

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

13 (6) At any time during the course of conduct, the other
14 person is a participant of the address confidentiality program
15 under sections 589.660 to 589.681, and the person disturbing the
16 other person knowingly accesses or attempts to access the address
17 of the other person.

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

21 4. This section shall not apply to activities of federal,
22 state, county, or municipal law enforcement officers conducting
23 investigations of any violation of federal, state, county, or
24 municipal law.

25 5. The offense of stalking in the first degree is a class E
26 felony, unless the defendant has previously been found guilty of
27 a violation of this section or section 565.227, or any offense
28 committed in another jurisdiction which, if committed in this
29 state, would be chargeable or indictable as a violation of any

1 offense listed in this section or section 565.227, in which case
2 stalking in the first degree is a class D felony.

3 565.225. 1. As used in this section, the following terms
4 shall mean:

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

12 (2) "Credible threat", a threat communicated with the
13 intent to cause the person who is the target of the threat to
14 reasonably fear for his or her safety, or the safety of his or
15 her family, or household members or domestic animals or livestock
16 as defined in section 276.606 kept at such person's residence or
17 on such person's property. The threat must be against the life
18 of, or a threat to cause physical injury to, or the kidnapping
19 of, the person, the person's family, or the person's household
20 members or domestic animals or livestock as defined in section
21 276.606 kept at such person's residence or on such person's
22 property;

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

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

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

4 (1) Makes a credible threat; or

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

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

11 (4) At any time during the course of conduct, the other
12 person is seventeen years of age or younger and the person
13 harassing the other person is twenty-one years of age or older;
14 or

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

19 (6) At any time during the course of conduct, the other
20 person is a participant of the address confidentiality program
21 under sections 589.660 to 589.681, and the person harassing the
22 other person knowingly accesses or attempts to access the address
23 of the other person.

24 4. The crime of stalking shall be a class A misdemeanor
25 unless the person has previously pleaded guilty to or been found
26 guilty of a violation of this section, or of any offense
27 committed in violation of any county or municipal ordinance in
28 any state, any state law, any federal law, or any military law
29 which, if committed in this state, would be chargeable or

1 indictable as a violation of any offense listed in this section,
2 in which case stalking shall be a class D felony.

3 5. The crime of aggravated stalking shall be a class D
4 felony unless the person has previously pleaded guilty to or been
5 found guilty of a violation of this section, or of any offense
6 committed in violation of any county or municipal ordinance in
7 any state, any state law, any federal law, or any military law
8 which, if committed in this state, would be chargeable or
9 indictable as a violation of any offense listed in this section,
10 aggravated stalking shall be a class C felony.

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

14 7. This section shall not apply to activities of federal,
15 state, county, or municipal law enforcement officers conducting
16 investigations of violation of federal, state, county, or
17 municipal law."; and

18 Further amend the title and enacting clause accordingly.
19