

SENATE BILL NO. 1235

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

3610S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 565.002 and 565.240, RSMo, and to enact in lieu thereof two new sections relating to offenses against employees of election authorities, with penalty provisions.

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

Section A. Sections 565.002 and 565.240, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 565.002 and 565.240, to read as follows:

565.002. As used in this chapter, unless a different
2 meaning is otherwise plainly required the following terms
3 mean:

- 4 (1) "Adequate cause", cause that would reasonably
5 produce a degree of passion in a person of ordinary
6 temperament sufficient to substantially impair an ordinary
7 person's capacity for self-control;
- 8 (2) "Child", a person under seventeen years of age;
- 9 (3) "Conduct", includes any act or omission;
- 10 (4) "Course of conduct", a pattern of conduct composed
11 of two or more acts, which may include communication by any
12 means, over a period of time, however short, evidencing a
13 continuity of purpose. Constitutionally protected activity
14 is not included within the meaning of course of conduct.
15 Such constitutionally protected activity includes picketing
16 or other organized protests;
- 17 (5) "Deliberation", cool reflection for any length of
18 time no matter how brief;

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

19 (6) "Domestic victim", a household or family member as
20 the term "family" or "household member" is defined in
21 section 455.010, including any child who is a member of the
22 household or family;

23 (7) "Emotional distress", something markedly greater
24 than the level of uneasiness, nervousness, unhappiness, or
25 the like which are commonly experienced in day-to-day living;

26 (8) "Full or partial nudity", the showing of all or
27 any part of the human genitals, pubic area, buttock, or any
28 part of the nipple of the breast of any female person, with
29 less than a fully opaque covering;

30 (9) "Legal custody", the right to the care, custody
31 and control of a child;

32 (10) "Parent", either a biological parent or a parent
33 by adoption;

34 (11) "Person having a right of custody", a parent or
35 legal guardian of the child;

36 (12) "Photographs" or "films", the making of any
37 photograph, motion picture film, videotape, or any other
38 recording or transmission of the image of a person;

39 (13) "Place where a person would have a reasonable
40 expectation of privacy", any place where a reasonable person
41 would believe that a person could disrobe in privacy,
42 without being concerned that the person's undressing was
43 being viewed, photographed or filmed by another;

44 (14) "Special victim", any of the following:

45 (a) A law enforcement officer assaulted in the
46 performance of his or her official duties or as a direct
47 result of such official duties;

48 (b) Emergency personnel, any paid or volunteer
49 firefighter, emergency room, hospital, or trauma center
50 personnel, or emergency medical technician, assaulted in the

51 performance of his or her official duties or as a direct
52 result of such official duties;

53 (c) A probation and parole officer assaulted in the
54 performance of his or her official duties or as a direct
55 result of such official duties;

56 (d) An elderly person;

57 (e) A person with a disability;

58 (f) A vulnerable person;

59 (g) Any jailer or corrections officer of the state or
60 one of its political subdivisions assaulted in the
61 performance of his or her official duties or as a direct
62 result of such official duties;

63 (h) A highway worker in a construction or work zone as
64 the terms "highway worker", "construction zone", and "work
65 zone" are defined under section 304.580;

66 (i) Any utility worker, meaning any employee of a
67 utility that provides gas, heat, electricity, water, steam,
68 telecommunications services, or sewer services, whether
69 privately, municipally, or cooperatively owned, while in the
70 performance of his or her job duties, including any person
71 employed under a contract;

72 (j) Any cable worker, meaning any employee of a cable
73 operator, as such term is defined in section 67.2677,
74 including any person employed under contract, while in the
75 performance of his or her job duties; **[and]**

76 (k) Any employee of a mass transit system, including
77 any employee of public bus or light rail companies, while in
78 the performance of his or her job duties; **and**

79 **(l) Any employee of an election authority as defined**
80 **in section 115.015;**

81 (15) "Sudden passion", passion directly caused by and
82 arising out of provocation by the victim or another acting

83 with the victim which passion arises at the time of the
84 offense and is not solely the result of former provocation;

85 (16) "Trier", the judge or jurors to whom issues of
86 fact, guilt or innocence, or the assessment and declaration
87 of punishment are submitted for decision;

88 (17) "Views", the looking upon of another person, with
89 the unaided eye or with any device designed or intended to
90 improve visual acuity, for the purpose of arousing or
91 gratifying the sexual desire of any person.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, [or] prosecuting attorney, or **any**
16 **employee of an election authority as defined in section**
17 **115.015, or** of any immediate family member of such law
18 enforcement officer, corrections officer, parole officer,
19 judge, commissioner, [or] prosecuting attorney, **or any**
20 **employee of an election authority as defined in section**
21 **115.015,** intending to cause great bodily harm or death, or
22 threatening to cause great bodily harm or death, in which
23 case it is a class E felony, and if such intention or threat

24 results in bodily harm or death to such person or immediate
25 family member, the offense of unlawful posting of certain
26 information over the internet is a class D felony.

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