

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 928

AN ACT

To repeal sections 455.050, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, and 565.227, RSMo, and to enact in lieu thereof twenty-one new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 455.050, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, and 565.227, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 27.117, 455.050, 544.667, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 565.260, 565.400, 565.405, 573.570, and 573.575, to read as follows:

27.117. The attorney general shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 565.090, 565.091, 565.225, 565.227, 565.400, 565.405, 573.570, or 573.575, where the offense occurred in more than one jurisdiction of the state.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from cyberstalking, domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from committing or threatening to commit cyberstalking, domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner, including violence against a pet;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending

or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent;

(13) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The

court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

9. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service accountholder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the contact information of the petitioner is not provided to the accountholder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of protection shall be transmitted, either electronically or by certified mail, to the wireless service provider's registered agent listed with the secretary of state, or electronically to the email address provided by the wireless service provider. Such transmittal shall constitute adequate notice for the wireless service provider acting under this section and section 455.523.

(c) If the wireless service provider cannot operationally or technically effectuate the order due to certain circumstances, the wireless service provider shall notify the petitioner within three business days. Such circumstances shall include, but not be limited to, the following:

a. The accountholder has already terminated the account;

b. The differences in network technology prevent the functionality of a device on the network; or

c. There are geographic or other limitations on network or service availability.

(3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

(b) This section shall not preclude a wireless service provider from applying any routine and customary requirements for account establishment to the petitioner as part of this transfer of billing responsibility for a wireless telephone number or numbers and any devices

attached to that number or numbers including, but not limited to, identification, financial information, and customer preferences.

(4) This section shall not affect the ability of the court to apportion the assets and debts of the parties as provided for in law, or the ability to determine the temporary use, possession, and control of personal property.

(5) No cause of action shall lie against any wireless service provider, its officers, employees, or agents, for actions taken in accordance with the terms of a court order issued under this section.

(6) As used in this section and section 455.523, a "wireless service provider" means a provider of commercial mobile service under Section 332(d) of the Federal Telecommunications Act of 1996 Communications Act of 1934 (47 U.S.C. Section 151, et seq. 332).

544.667. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her, knowingly violates any condition of release that imposes no contact with specific individuals shall be guilty of a class A misdemeanor.

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

(1) "Adequate cause", cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "Bodily harm", physical pain or injury, illness, or any impairment of physical condition;

(3) "Child", a person under seventeen years of age;

[(3)] (4) "Conduct", includes any act or omission;

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

[(5)] (6) "Deliberation", cool reflection for any length of time no matter how brief;

[(6)] (7) "Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

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

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

[(9)] (10) "Great bodily harm", bodily injury which creates a high probability of death, or which causes serious permanent or protracted loss or impairment of function of any bodily member or organ, or other serious bodily harm;

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

[(10)] (12) "Parent", either a biological parent or a parent by adoption;

[(11)] (13) "Person having a right of custody", a parent or legal guardian of the child;

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

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

[(14)] (16) "Special victim", any of the following:

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

(b) Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;

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

(d) An elderly person;

(e) A person with a disability;

(f) A vulnerable person;

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

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

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

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

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

[(15)] (17) "Substantial bodily harm", bodily injury which involves a temporary but substantial disfigurement, or which causes temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member;

(18) "Sudden passion", passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

[(16)] (19) "Technological abuse conduct", an act or pattern of behavior that is intended to harm, threaten, intimidate, control, stalk, harass, monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including internet enabled devices, online platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or any other emerging technologies;

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

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

565.050. 1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause [serious physical injury] great bodily harm to another person.

2. The offense of assault in the first degree is a class B felony unless in the course thereof the person inflicts [serious physical injury] great bodily harm on the victim, or if the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class A felony.

565.052. 1. A person commits the offense of assault in the second degree if he or she:

(1) Attempts to kill or knowingly causes or attempts to cause [serious physical injury] great bodily harm to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes [physical injury] bodily harm to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes [serious physical injury] great bodily harm to another person; or

(4) Recklessly causes [physical injury] bodily harm to another person by means of discharge of a firearm.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a

special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony.

565.054. 1. A person commits the offense of assault in the third degree if he or she knowingly causes **[physical injury]** bodily harm to another person.

2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D felony.

565.056. 1. A person commits the offense of assault in the fourth degree if:

(1) The person attempts to cause or recklessly causes **[physical injury, physical pain, or illness]** bodily harm to another person;

(2) With criminal negligence the person causes **[physical injury]** bodily harm to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate **[physical injury]** bodily harm;

(4) The person recklessly engages in conduct which creates a substantial risk of death or **[serious physical injury]** great bodily harm to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor.

3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor

unless the victim is a special victim, as the term "special victim" is defined under section 565.002, in which case a violation of such provisions is a class A misdemeanor.

565.072. 1. A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause [serious physical injury] great bodily harm to a domestic victim, as the term "domestic victim" is defined under section 565.002.

2. The offense of domestic assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, in which case it is a class A felony.

565.073. 1. A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:

(1) Knowingly causes [physical injury] bodily harm to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes [serious physical injury] great bodily harm to such domestic victim; or

(3) Recklessly causes [physical injury] bodily harm to such domestic victim by means of any deadly weapon.

2. The offense of domestic assault in the second degree is a class D felony.

565.074. 1. A person commits the offense of domestic assault in the third degree if he or she attempts to cause [physical injury] substantial bodily harm or knowingly causes [physical pain or illness] bodily harm to a domestic victim, as the term "domestic victim" is defined under section 565.002.

2. The offense of domestic assault in the third degree is a class E felony.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

(1) The person attempts to cause or recklessly causes [physical injury, physical pain, or illness] bodily harm to such domestic victim;

(2) With criminal negligence the person causes [physical injury] bodily harm to such domestic victim by means of a deadly weapon or dangerous instrument;

(3) The person purposely places such domestic victim in apprehension of immediate [physical injury] bodily harm by any means;

(4) The person recklessly engages in conduct which creates a substantial risk of death or [serious physical injury] great bodily harm to such domestic victim;

(5) The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed

in this state two or more times would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

565.090. 1. A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

2. The offense of harassment in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.091, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.091, in which case harassment in the first degree is a class D felony.

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

565.091. 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor, unless the [person has previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state would be chargeable or indictable as a violation of any offense listed in this subsection, in which case it

is a class E felony] defendant has previously been found guilty of a violation of this section or section 565.090, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.090, in which case harassment in the second degree is a class E felony.

3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law.

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] knowingly, through [his or her] a course of conduct[, disturbs or follows with the intent of disturbing] that is directed at another person [and] or through technological abuse conduct, engages in conduct that would cause a reasonable person under similar circumstances to:

(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] death or bodily injury to[, or the kidnapping of] the person[.];

(2) Fear that an offense will be committed against a member of the person's family or household members, or [the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property] an individual with whom the person has a dating relationship; [or

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

(3) [At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal] Fear that an offense will be committed against the person's property; or

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

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

(6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person] Feel harassed, terrified, or intimidated.

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

[4.] 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement

officers conducting investigations of any violation of federal, state, county, or municipal law.

[5.] 4. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the first degree is a class D felony.

565.227. 1. A person commits the offense of stalking in the second degree if he or she [purposely, through his or her course of] knowingly engages in a course of conduct[, disturbs, or follows with the intent to disturb another person] directed at a specific person or technological abuse conduct which would cause a reasonable person under the circumstances to feel harassed, terrified, or intimidated.

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

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

4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or

indictable as a violation of any offense listed in this section or section 565.225, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the second degree is a class E felony.

565.260. 1. Except as provided in subsection 2 of this section, a person commits the offense of unlawful tracking of a motor vehicle if the person knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle for the purpose of monitoring or following an occupant or occupants of the vehicle. As used in this section, "person" does not include the manufacturer of the motor vehicle.

2. (1) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a law enforcement officer in furtherance of a criminal investigation and such investigation is carried out in accordance with applicable state and federal law.

(2) If the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases the vehicle, and if the device is used solely for the purpose of monitoring the minor child of the parent or legal guardian when the child is an occupant of the vehicle, the installation, concealment, or placement of the device in or on the vehicle without the consent of any or all occupants of the vehicle shall not be an offense under this section.

(3) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is for the purpose of tracking the location of stolen goods being transported in the vehicle or for the purpose of tracking the location of the vehicle if the motor vehicle is stolen.

(4) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by a legally authorized representative of a vulnerable adult. As used in this subdivision, "vulnerable adult" means any person eighteen years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his or her well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his or her daily needs or safeguard his or her person, property, or legal interests.

(5) If the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a person who obtains consent from all owners of the vehicle, the installation, concealment, or placement of the device in or on the vehicle shall not be an offense under this section.

(6) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by a vehicle rental, sharing, or leasing company that rents motor vehicles for the purpose of tracking or managing the motor vehicles owned by such company or providing services to customers.

(7) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is by a lienholder or agent of a lienholder acting to track the movement or location of a motor vehicle in order to repossess the motor vehicle.

(8) It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is for any party to participate in a voluntary usage-based insurance program. "Voluntary usage-based insurance program" shall mean any program implemented by, or on behalf of, an insurance company that collects, records, or transmits information relating to driving behavior of an insured party.

3. The provisions of this section shall not apply to a tracking system installed by the manufacturer of a motor vehicle.

4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor for a first offense and a class E felony for any second or subsequent offense.

565.400. 1. A person commits the offense of cyberharassment if such person purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing, course of conduct by using digital technology, internet service providers, electronic service providers or other electronic communications and devices cause reasonable fear, alarm, anxiety, undo stress, or terror to others by repeated contact with no legitimate purpose.

2. The first offense of cyberharassment shall be a class B misdemeanor. A second and any subsequent offense shall be a class A misdemeanor.

565.405. 1. A person commits the offense of cyberstalking if such person purposely or knowingly engages

in a threatening, aggressive, or otherwise fear-inducing, course of conduct by using digital technology, internet service providers, electronic service providers or other electronic communications and devices to enhance the ability to intimidate, track, follow or cause reasonable fear, alarm, anxiety, undo stress, or terror to another person.

2. The first offense of cyberstalking shall be a class A misdemeanor. A second and any subsequent offense shall be a class E felony.

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

(1) "Depicted individual", an individual who, as a result of digitization or by means of digital manipulation, appears in whole or in part in an intimate digital depiction and who is identifiable by virtue of the individual's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from information displayed in connection with the digital depiction;

(2) "Digital depiction", a realistic visual depiction of an individual that has been created or altered using digital manipulation;

(3) "Information content providers", any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service;

(4) "Intimate digital depiction", a digital depiction of an individual that has been created or altered using digital manipulation and that depicts:

(a) The uncovered genitals, pubic area, anus, or postpubescent female nipple of an identifiable individual;

(b) The display or transfer of bodily sexual fluids:

- a. Onto any part of the body of an identifiable individual; or
- b. From the body of an identifiable individual; or
- (c) An identifiable individual engaging in sexually explicit conduct;
 - (5) "Sexually explicit conduct", actual or simulated:
 - (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (b) Bestiality;
 - (c) Masturbation;
 - (d) Sadistic or masochistic abuse; or
 - (e) Lascivious exhibition of the genitals or pubic area of any person.

2. A person commits the offense of disclosure of an intimate digital depiction if the person:

- (1) Discloses an intimate digital depiction:
 - (a) With the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual; or
 - (b) With the actual knowledge that, or reckless disregard for whether, such disclosure will cause physical, emotional, reputational, or economic harm to the depicted individual; or
- (2) Threatens to disclose an intimate digital depiction:
 - (a) With the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual; or
 - (b) With the actual knowledge that, or reckless disregard for whether, such threatened disclosure will cause physical, emotional, reputational, or economic harm to the depicted individual.

3. (1) A violation of subdivision (1) of subsection 2 of this section shall be a class D felony.

(2) A violation of subdivision (2) of subsection 2 of this section shall be a class E felony.

(3) A violation of subsection 2 of this section shall be a class C felony if:

(a) The violation is a second or other subsequent violation of subsection 2 of this section; or

(b) The violation is such that the digital depiction could be reasonably expected to:

a. Affect the conduct of any administrative, legislative, or judicial proceeding of a federal, state, local, or tribal government agency, including the administration of an election or the conduct of foreign relations; or

b. Facilitate violence.

4. It shall not be a defense to an offense of disclosure of an intimate digital depiction under this section that there is a disclaimer stating that the intimate digital depiction of the depicted individual was unauthorized or that the depicted individual did not participate in the creation or development of the digital depiction.

5. For the purposes of this section, a provider of an interactive computer service shall not be held to have committed the offense of disclosure of an intimate digital depiction due to:

(1) Any action voluntarily taken in good faith to restrict access to or availability of intimate digital depictions; or

(2) Any action taken to enable or make available to information content providers or other persons the technical means to restrict access to intimate digital depictions.

573.575. 1. A person commits the offense of sadistic online exploitation if he or she:

(1) Uses the internet to manipulate, intimidate, hurt, scare, control, or threaten a victim to undergo suffering through forcing their submission, use of violence, self-harm, or destruction for sadistic or sinister purposes;

(2) Coerces a victim into performing self-harm, animal harm, harming another person, sharing person information, or suicidal actions or ideations;

(3) Uses non-physical forms of coercion, manipulation, shame or fear to extort another person into providing sexually explicit content then using such content to further extort, threaten, or control the victim; or

(4) Uses intimate depictions as devices to threaten or coerce a victim by demanding any kind of financial gain.

2. The offense of sadistic online exploitation shall be a class E felony.